



Department for  
Communities and  
Local Government

Mr Nick Paterson-Neild  
Barton Willmore LLP  
Beansheaf Farmhouse  
Bourne Close Calcot  
Reading  
RG31 7BW

Our Ref: APP/X0360/A/11/2151409,  
APP/X0360/A/11/2151413 &  
APP/X0360/A/11/2151402

:

22 October 2012

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEALS BY THE UNIVERSITY OF READING  
AT LAND WEST OF SHINFIELD, WEST OF HYDE END ROAD AND HOLLOW LANE  
AND SOUTH OF CHURCH LANE, SHINFIELD  
APPLICATION REFERENCES O/2010/1432, F/2010/1428 AND F/2010/1434**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, S R G Baird BA (Hons) MRTPI, who held a public local inquiry which sat for 19 days between 11 October 2011 and 16 November 2011 into your client's appeals against non-determination by Wokingham Borough Council (the Council) of the applications relating to the following proposals:

**Appeal A** for residential development of up to 1,200 dwellings, 150 units of specialist housing (including sheltered housing) for elderly persons, a local centre to include a foodstore (2,500 sq. m) and other retail and leisure uses, a community building; the proposed extension of existing primary schools, the erection of a new primary school, public open space, sports pavilion and suitable alternative natural greenspace (SANG) and access and landscaping, at Land West of Shinfield, West of Hyde Road and Hollow Lane and South of Church Lane, Shinfield in accordance with application reference O/2010/1432 dated 1 July 2010.

**Appeal B** for the construction of an Eastern Relief Road (ERR) to Shinfield including the construction of road, foot and cycleways, an M4 over-bridge, regrading of embankments, landscaping, utilities, creation of flood compensation areas and associated works including engineering and other operations. Erection of replacement boundary wall and fence adjoining Shinfield Road/ ERR, part demolition of existing farm buildings at Lane End Farm and the demolition/ deconstruction of 2 polytunnels south of Cutbush Lane, at Land between Cutbush Lane, Arborfield Road and Shinfield Road, Shinfield, RG2 9BE, in accordance with application reference F/2010/1428 dated 1 July 2010.

**Appeal C:** for the change of use of land from agricultural to suitable alternative natural greenspace (SANG) (*Sui Generis* Use), and associated development to include pedestrian and vehicular access, car park, footpaths and landscaping at Land to the East of Hyde End Road, Shinfield, RG2 9EP in accordance with application reference F/2010/1434 dated 1 July 2010.

2. On 21 April 2011, Appeal A was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 because it involves proposals for residential development of over 150 units and on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. Appeals B and C were recovered because they are most efficiently and effectively decided with Appeal A.

### **Inspector's recommendation and summary of the decision**

3. The Inspector, whose report (IR) is enclosed with this letter, recommended that the appeals be allowed and planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and is minded to agree with his recommendation subject to confirmation from Natural England (NE) that it withdraws its objection to the proposals as set out at paragraphs 19-20 below. All references to paragraph numbers, unless otherwise stated, are to the IR.

### **Procedural Matters**

4. In reaching his decision the Secretary of State has taken into account the Environmental Statements (ESs) which were submitted with the applications relating to the Appeal A and B proposals under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Inspector's comments at IR1.8. The Secretary of State is content that the ESs comply with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the appeal proposals.
5. The Secretary of State has also had regard to the submission of revised plans for Appeals A and C (IR1.6). He is satisfied that no prejudice has been caused to any party by this course of action and has determined these appeals on that basis.

### **Matters arising after the close of the inquiry**

6. Following the close of the inquiry the Secretary of State received a representation dated 6 January 2012 from RPS Planning on behalf of the Thames Valley Police Authority concerning a contribution sought for policing. Furthermore, the Government published the National Planning Policy Framework (March 2012) (the Framework) after the close of the inquiry. This document replaces the national planning policy documents set out in its Annex 3. The Secretary of State received a letter dated 5 April 2012 from the Council setting out its observations on the Framework in relation to these appeals.

7. The Secretary of State wrote to interested parties on 19 April 2012 inviting comments on the representations received from RPS Planning and from the Council and seeking any further comments on the relevance, if any, of the Framework to the case presented at the inquiry. On 9 May, the Secretary of State circulated the responses, inviting further comments, and stating that he would then proceed to a decision. Responses to the Secretary of State's letters on these matters are listed at Annex A i) and ii) below.
8. The Secretary of State has carefully considered all of these representations in his determination of these appeals. His conclusions regarding the contribution sought for policing are set out at paragraph 28 below. For the rest, he considers that, for the most part, the issues raised in relation to the Framework cover those already rehearsed at the inquiry. In considering these further representations the Secretary of State wishes to make clear that he has not revisited issues which are carried forward in the Framework or development plan documents, and which have therefore already been addressed in the IR, unless the approach in the Framework leads him to give different weight.
9. The Secretary of State is also in receipt of representations following the close of the Inquiry from Russell Gulley (9 December 2011) and Councillor Peter Hughes on behalf of Shinfield Parish Council (24 February 2012). However he does not consider that these constitute new evidence or raise new issues which need to be referred back to parties before he proceeds to a decision.
10. Copies of all representations referred to in paragraphs 6 and 9 above and listed in Annex A i) and ii) are not attached to this letter but may be obtained on written request to the address or the email address at the foot of the first page of this letter.

### **Policy considerations**

11. In deciding these appeals, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
12. In this case, the development plan comprises the South East Plan - Regional Strategy for the South East of England 2009 (RS), the Wokingham Borough Council Core Strategy 2010 (CS) and saved policies of the Wokingham District Local Plan 2004 (LP). The Secretary of State considers that the development plan policies most relevant to the appeal are those identified by the Inspector at IR4.4 - 4.21.
13. Wokingham Borough Council wrote to the Secretary of State on 15 and 27 June 2012 and 31 July 2012. The Council's letter of 27 June stated that it had agreed on 21 June 2012 to publish its proposed submission Managing Development Delivery Development Plan Document (MDD DPD) including its accompanying Policies Map. Copies of the MDD DPD were provided on 27 June and the accompanying maps were provided on 28 June 2012. The Secretary of State has had regard to paragraph 216 of the Framework. He observes that the Council started its consultation on the MDD DPD on 27 June 2012 and that there are a number of further stages before the document will be capable of adoption in final form by the Council. At the current time the MDD DPD is therefore subject to change. Given this, the Secretary of State

attributes very little weight to it. On 27 June the Council also submitted a Strategic Housing Land Availability Assessment (SHLAA) dated June 2012. This document updates the SHLAA produced by the Council in May, taking account of the allocation of sites in its proposed submission MDD DPD. Given that the MDD DPD attracts very little weight, the Secretary of State also gives very little weight to the June SHLAA.

14. Having considered these documents and their weighting, the Secretary of State is satisfied that they do not raise matters which would require him to refer back to parties prior to reaching his decision. Similarly, having noted the contents of the letter of 31 July, the Secretary of State sees no need to refer back to parties on that. Copies of the representations may be obtained on written request to the address at the foot of the first page of this letter.
15. Other material considerations which the Secretary of State has taken account of include: the Framework and its Technical Guidance, Circular 11/1995: *Use of Conditions in Planning Permission*; the Community Infrastructure Levy (CIL) Regulations 2010 as amended; and those planning guidance documents identified by the Inspector at IR4.22 - 4.34.
16. The Localism Act 2011 provides for the abolition of Regional Strategies by Order. However, the Secretary of State has attributed limited weight to the proposed plan to revoke the South East Plan. Any decision to revoke the SE Plan will be subject to the environmental assessment which is in train.

### **Main issues**

Whether, in the absence of comprehensive arrangements for the delivery of infrastructure, facilities and services, to allow the development would prejudice the objectives of development plan policy

17. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR12.2-12.40. Like the Inspector, he is satisfied that, in all the key infrastructure areas, the Appellant's scheme provides the infrastructure necessary to meet the needs generated by the development (IR12.39). Although he agrees that the approach to delivery may not match the ideal profile espoused by the Council, and there may be some risks, he shares the Inspector's view that the absence of a 5-year housing supply and the critical importance of the Strategic Development Location (SDL) to the provision of housing and affordable housing to meet CS allocations outweigh any risk to the delivery of the SM4 SDL (IR12.39). Overall, the Secretary of State agrees with the Inspector that the proposals would not conflict with the objectives of RS Policy CC7 and CS Policies CP4 and CP19 (IR12.40).

Whether the Shinfield West application provides for sufficient separation between the 3 settlements of Shinfield, Spencers Wood and Three Miles Cross

18. For the reasons given by the Inspector at IR12.41-12.49, the Secretary of State agrees with his conclusion that the nature and scale of the scheme advanced by the Appellant would provide for sufficient separation between Shinfield and Spencers Wood such that the objectives of CS Policy CP19 and Appendix A7 would be achieved in terms of maintaining the separation, and identities, of the settlements (IR12.50).

Whether the Shinfield West proposal would be likely to have a significant effect alone, or in combination with other projects, on the Thames Basin Heaths SPA

19. The Secretary of State has carefully considered the Inspector's assessment at IR12.51-12.72, the written submissions of NE relating to the effect of the proposals on the Thames Basin Heaths Special Protection Area (TBH SPA), and the Habitats Regulations. The Inspector concludes that there is sufficient objective evidence to conclude that, with the provision of the Loddon SANG and Ridge SANG, the proposed residential development at Shinfield West would have no net effect on the SPA. The Inspector also concludes that, notwithstanding the absence of a Strategic Access Management and Monitoring (SAMM) contribution, the proposed scheme would not conflict with the Habitats Directive (IR12.70). However, the Secretary of State notes that, in the absence of a SAMM contribution, NE does not agree with the avoidance and mitigation measures proposed by the Appellant (IR12.71). Therefore, having regard to the requirements of the Habitats Regulations, including the role of NE as the Government's statutory adviser, he disagrees with the Inspector that limited weight should be attached to this outstanding objection (IR12.72).
20. Before reaching a conclusion on this matter and proceeding to his final decision regarding these appeals, the Secretary of State now invites NE to confirm whether the measures proposed by the Appellant in this respect are sufficient for it to withdraw its objection to the proposals. It should be noted that these include a planning obligation that would require the Appellant to pay the SAMM contribution, unless the Secretary of State determines that such an obligation is not necessary. NE is invited to specifically confirm whether it considers that such a contribution is necessary. Details of the Appellant's proposals are provided in the Inspector's report and those documents set out in Annex B and C to that report. Copies of the latter can be requested using the contact details at the foot of the front page of this letter.

Impact on Local Roads

21. For the reasons given at IR12.73-12.77, the Secretary of State agrees with the Inspector's conclusion that, taking the demand flow scenario as the worst case, the impacts on the local road network would be modest and would only occur for an interim period until Phase 2 of the ERR was completed (IR12.78). He shares the Inspector's overall conclusion that the proposed development at Shinfield West would not have an unacceptable impact on the local highway network (IR12.78).

Flood Risk

22. On the question of flood risk, for the reasons given at IR12.79-12.80, the Secretary of State agrees with the Inspector that there is nothing in the evidence before him to suggest that Appeals A and C would conflict with the development plan or national planning policy (IR12.81). With regards Appeal B, the Secretary of State agrees with the Inspector's assessment at IR12.82-12.91 and with his conclusion that, notwithstanding the conflict with national planning policy and guidance as now set out in the Framework and its Technical Guidance and the consequent conflict with development plan policy, the ERR with the mitigation measures proposed would, overall, result in material benefits in terms of flood risk (IR12.92). He also shares the Inspector's conclusion that these benefits should carry significant weight (IR12.92).

## Density

23. With regard to density, the Secretary of State has carefully considered the Inspector's assessment at IR12.93-12.97 and the policy set out in the Framework. The Framework indicates that local planning authorities should set out their own approach to housing density, and does not provide a definition for the calculation of net dwelling density as previously provided in *Planning Policy Statement 3: Housing* which was considered at the Inquiry. Notwithstanding this, the Secretary of State, like the Inspector, is satisfied that the Appellant's calculation of density is a more reasonable calculation than the Council's figure (IR12.97). Like the Inspector, he considers that despite being over the top end of the scale set out at CS paragraph A7.25, this would not materially conflict with the objectives of SM4 SPD and is not, on its own, a reason to refuse the grant of planning permission (IR12.97).

## Affordable and Specialist Housing

24. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect of affordable and specialist housing at IR12.98-12.103. Like the Inspector, he considers that the outstanding issues relating to affordable and specialist housing are matters that would not preclude the granting of planning permission and can be dealt with by imposing relevant planning conditions (IR12.103).

## Design

25. The Secretary of State agrees with Inspector's assessment of design issues at IR12.104. Like the Inspector, he is satisfied that it is clear from the Revised Design and Access Statement that there is the potential for the development to provide for a high quality design and layout that would be consistent with the general principles set out in the SM4 SPD (IR12.104).

## Biodiversity

26. The Secretary of State agrees with the Inspector's reasoning and conclusions regarding biodiversity at IR12.105-12.109. He agrees with the Inspector that the Council's requirement for a financial contribution of £75,600 towards biodiversity is not supported by the evidence and is unnecessary (IR12.107). With regard to a financial contribution relating to country parks, the Secretary of State also agrees that the assertions by the Council as to the likely number of visitors do not amount to the evidence required to justify a contribution of £469,000 (IR12.108). He has therefore given no weight to these considerations.

## Access to land to the South of Cutbush Lane

27. The Secretary of State agrees with the Inspector's reasoning and conclusions on the matter of access to land to the South of Cutbush Lane at IR12.110-12.111. Like the Inspector, he considers that the provision of such an access if and when required would not require a fundamental amendment to the design of the ERR, and that the absence of such an access on the application drawing is not a reason to refuse planning permission (IR12.111).

## Thames Valley Police Requirements

28. The Secretary of State agrees with the Inspector that, as a covenant, the proposed construction of the Neighbourhood Police Office building and its transfer to the community is outside the scope of the CIL Regulations tests (IR12.113). Regarding the contribution sought by Thames Valley Police for £43,461 to cover equipment, a vehicle and the training of one police officer and one police community support officer, he has carefully considered the Inspector's comments at IR12.114, the email dated 6 January 2012 from RPS Planning on behalf of the Thames Valley Police Authority, and the letter and enclosures from Barton Willmore dated 3 May 2012 on behalf of the Appellant. Overall on the evidence before him, the Secretary of State agrees with the Inspector that, given the SM4 SDL and other proposals in the Council's area are longstanding proposals of the development plan process, the level of local population growth should have been accounted for in the budget of the Thames Valley Police area (IR12.114). He considers that the Inspector's conclusion that as such, in principle, there must be an existing funding source, is a reasonable one (IR12.114). He further agrees that it is not possible to conclude whether the sum requested is fairly and reasonably related in scale and kind to the proposed development and, overall, that the request fails the tests set out in CIL Regulation 122 (IR12.114). He has therefore given no weight to this matter.

## Principle of Contributions and Apportionment Methodology relating to the ERR

29. The Secretary of State notes that there is disagreement between the Appellant and the Aborfield Garrison Landowners' Consortium relating to contributions to the ERR, and that to assist in future negotiations both parties request that the Secretary of State expresses a view on the principles of apportionment (IR12.115). However, he shares the view of the Inspector that this was beyond the remit of the Inquiry and is a matter for these parties to settle among themselves (IR12.116). The Secretary of State has therefore not considered the Inspector's assessment at IR12.117-12.121 and expresses no view on the matter. Like the Inspector (IR12.116) he attaches no weight to the Joint Statement where it relates to the ERR (IR12.116).

## Local opposition

30. For the reasons given by the Inspector at IR12.122-12.123, the Secretary of State agrees that in the circumstances of the case, local opposition is not, on its own, a reason to dismiss these appeals (IR12.123).

## Conditions

31. The Secretary of State has considered the proposed conditions set out at Annexes F, G and H to the Inspector's report, the Inspector's comments at IR11.2-11.23 and IR12.124-12.141 and national policy as set out in Circular 11/95 and the Framework. He is satisfied that the conditions proposed by the Inspector and reproduced in Annexes B, C and D to this letter are necessary, reasonable and meet the tests set out in Circular 11/95 and the Framework. The Secretary of State has made minor modifications to conditions 15 and 26 of Annex B to reflect the current policy position, but he does not consider that this materially alters the intent of the conditions.

## Obligation

32. The Secretary of State has considered the S106 Agreements and Unilateral Undertaking identified by the Inspector at IR11.24-11.55, the Inspector's comments at IR12.142, national policy as set out in the Framework and the CIL Regulations. Setting aside the obligations relating to the SAMM contribution (considered in paragraph 20 above), like the Inspector he is satisfied that the submitted Agreements and Undertaking accord with CIL Regulation 122 and as such weight can be attached to their provisions (IR12.142).

## Overall Conclusions

33. Setting aside the matter of any effect of the proposals on the TBH SPA, the Secretary of State agrees with the Inspector that the Council cannot demonstrate a 5-year deliverable housing supply, and he has taken into account paragraph 49 of the Framework which sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Like the Inspector, the Secretary of State also concludes that the proposals would make a significant contribution to providing the strategic housing requirement including affordable housing in a manner that would be consistent with the objectives of CS policy and SM4 SDL SPD guidance and provide impetus for the development of the remaining SDL sites in a manner that would not prejudice their delivery. Furthermore, he agrees with the Inspector that the proposed mitigation measures would result in acknowledged material benefits in terms of flood risk, which attract substantial weight; that the proposals would meet key objectives of the SM4 SDL SPD of inclusive, sustainable and high quality development at a density consistent with the surrounding area; and that they would achieve adequate separation between Shinfield, Spencers Wood and Three Mile Cross.
34. However, as identified at paragraphs 19-20 above, before reaching a final decision the Secretary of State considers that it is necessary for NE to state whether or not it withdraws its objection to the proposals in the light of the measures proposed by the Appellant to mitigate any effect on the TBH SPA, so long as these include a payment of a SAMM contribution. The Secretary of State proposes to allow four weeks from the date of this letter (i.e. to 19 November 2012) for the submission of such a representation from NE. He then intends to proceed to a final decision as soon as possible. It should therefore be noted that he does not regard this letter as an invitation to any party to seek to reopen any of the other issues covered in it.
35. A copy of this letter has been sent to Wokingham Borough Council, Arborfield Garrison Landowners' Consortium, the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust and NE. A notification letter/email has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**Jean Nowak**

Authorised by Secretary of State to sign in that behalf



## Annex A

### i) Correspondence received following the Secretary of State's letter of 19 April 2012

<b>Name / Organisation</b>	<b>Date</b>
Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust	2 May
Barton Wilmore (on behalf of the Appellant)	3 May

### ii) Correspondence received following the Secretary of State's letter of 9 May 2012

<b>Name / Organisation</b>	<b>Date</b>
Ecological Planning and Research (on behalf of the Appellant)	17 May
Wokingham Borough Council	17 May



**APPEAL A SHINFIELD WEST - SUGGESTED CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following Drawing Nos.;

Drawing Number	Drawing Title
SW68 Rev B	Shinfield West Application Site Boundary Plan
SW07 Rev S	Parameter Plan - Land Use
SW08 Rev Q	Parameter Plan - Density
SW09 Rev Q	Parameter Plan - Building Heights
SW10 Rev S	Parameter Plan - Access and Circulation
SW11 Rev S	Parameter Plan - Landscaping and Open Space
SW12 Rev Q	Parameter Plan - Max Dev Heights
SW20 Rev M	Parameter Plan - Ground Modelling
JNY5683-19 Rev K	Proposed Roundabout at Hollow Lane
JNY5683-95 Rev G	Highway Improvement Proposed Priority Junction with Hyde End Road
JNY5683-102 Rev F	Proposed Improvements to Church Lane and Access from Deardon Way
JNY5683-115 Rev E	Pedestrian Crossings & Car Park SANG Hyde End Lane

2. Prior to the submission of details to discharge the reserved matters an Interim Stage Phasing Master Plan for the site accompanied by supporting information detailing the implementation of the development shall be submitted to the local planning authority. No development shall commence until written approval of the Interim Stage Master Plan has been issued by the local planning authority.

The Interim Stage Phasing Master Plan shall provide details of the following:

- (i) principal land uses;
- (ii) the principal highway network, cycle ways and footpaths;
- (iii) a Utilities Strategy to include routes of primary infrastructure and utilities infrastructure including foul and surface water drainage and SUDs, mains electricity, gas and water supply, information technology and where necessary linkages within the Strategic Development Location;
- (iv) the provision of physical and social infrastructure including open space and strategic landscaping, school, community building, pavilion, allotments etc;
- (v) public transport routes and associated facilities;
- (vi) a Lighting Strategy for all principal highways, cycle ways and public/other footpaths;
- (vii) the public realm (those areas to be adopted and those areas to be retained by the landowner/management company);
- (viii) the identification of design code areas;
- (ix) an Open Space Strategy including the general distribution of open space uses within the residential area, the Strategic Greenspace Strategy, including SANG link and SANG provision, advance planting, Local Centre and Strategic Greenspace; landscape objectives and principles; Open Space Provision Programme; management objectives and responsibilities;
- (x) the phasing of the development;

- (xi) a Waste Management Plan/Strategy, including the principles of minimisation of waste at source followed by reuse and recycling;
- (xii) the relationship of all of the above details to the wider development within the South of the M4 Strategic Development Location.

Where relevant, details of any necessary over-sizing of infrastructure to accommodate additional development from elsewhere within the vicinity of the site, including other sites within the South of the M4 Strategic Development Location, shall be provided. These details shall include the over-sizing of pipe work, roads, footpaths, cycle ways, plant and equipment.

3. The Interim Stage Phasing Master Plan submitted in accordance with condition 2; Development Area Design Briefs submitted in accordance with condition 4; Design Codes submitted in accordance with condition 5 and reserved matters submitted in accordance with condition 10 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined in the Masterplan (drawing number SW13 Revision M), the approved Environmental Statement Parameter Plans listed in condition 1 and specifically shall be generally in accordance with the design principles of the Revised Design and Access Statement April 2011 and the design components and principles of the adopted South of M4 Strategic Development Location Supplementary Planning Document (October 2011).
4. No development shall commence in relation to: i) the Local Centre as defined on the Land Use Parameter Plan; ii) the western edge of the residential development; and iii) the Primary School until a Development Area Design Brief has been submitted to and approved in writing by the local planning authority for these identified parts of the site.

In bringing forward the Local Centre and Primary School Development Area Design Briefs, details shall be provided to the local planning authority of the means of public engagement in formulating the design of each Brief.

(a) The Local Centre Development Area Design Brief shall contain:

- i) individual tranche boundaries, land use and access, including road hierarchy type and standard, footpath and cycleway networks including links outside the site boundary;
- ii) existing landscape features to be retained;
- iii) proposed landscape framework, including structural planting;
- iv) general layout, arrangement of land uses, urban form and design principles, public realm strategy, housing mix and densities, site coverage and plot ratios;
- v) location, density and phasing of affordable housing provision;
- vi) details of any ground re-contouring or remodelling required within the site;
- vii) a strategy to accommodate bus services indicating, if appropriate, bus only lanes, bus only gates (including location, design, construction, operation method; management; opening times; emergency vehicle protocol etc), bus shelters and bus turning facilities;
- viii) foul and surface water drainage;
- ix) details of haul routes, routing and parking for construction traffic;
- x) details of the proposed housing mix based on size, type and tenure;
- xi) details and location of areas of open space, including the quantum of open space and its intended provision;
- xii) details of a communal recycling facility including parking/dropping off areas;
- xiii) details of the timing of provision of retail development;
- xiv) details of the timing of provision of employment development;

- xv) details and timing of the provision of a community building of not less than 560 sq. m designed on a site capable of extension to accommodate a building of up to 1,000 sq. m when required to serve the wider South of the M4 Strategic Development Location. The community building shall include space of not less than 35 sq. m for a neighbourhood police office, not less than 65 sq m for a children's centre facility, space for a library, space for place of worship (if required), hall, meeting rooms and ancillary facilities.
- xvi) details and timing of the provision of the 150 units of specialist accommodation (including 75 units of Use Class C2 accommodation and 75 units of Use Class C3 accommodation), designed for occupation by those over 55 years of age and/or in receipt of personal or medical care.

(b) The Primary School Development Area Design Brief shall contain:

- i) boundaries, land use, parking and access, including road hierarchy type and standard, footpath and cycleway networks including links outside the site boundary;
- ii) existing landscape features to be retained;
- iii) proposed landscape framework, including structural planting;
- iv) general layout, arrangement of land uses, built form and design principles;
- v) details of any ground re-contouring or remodelling required within the site;
- vi) foul and surface water drainage;
- vii) details of haul routes, routing and parking for construction traffic;
- viii) details and location of areas of open space, including the quantum of open space and a phasing programme;

(c) The Western Development Edge Development Area Design Brief shall contain:

- i) individual tranche boundaries, land use and access, including road hierarchy type and standard, footpath and cycleway networks including links outside the site boundary;
- ii) existing landscape features to be retained;
- iii) proposed landscape framework, including structural planting;
- iv) general layout, arrangement of land uses, urban form and design principles, housing mix and densities, site coverage and plot ratios;
- v) location, density and phasing of affordable housing provision;
- vi) details of any ground re-contouring or remodelling required within the site;
- vii) foul and surface water drainage;
- viii) details of haul routes, routing and parking for construction traffic;
- ix) details of the proposed housing mix based on size, type and tenure;
- x) details and location of areas of open space, including the quantum of open space and its intended provision;
- xi) details of the edge treatment.

Development shall thereafter be carried out in accordance with the approved Development Area Design Brief.

5. Save for the areas covered by Development Area Design Briefs in condition 4, prior to commencement of development or the submission of reserved matters applications on any part of the site, a Design Code shall be submitted to and approved in writing by the local planning authority for that part of the site. Each Design Code to be submitted for the site or subdivisions thereof will clearly identify and define the boundary and extent of the development to be implemented and which consent is to be implemented. The development hereby permitted shall be carried out in accordance with the approved Design Code. The Design Code shall include the following:

- i) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
  - ii) built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
  - iii) principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
  - iv) structures (including street lighting, floodlighting and boundary treatments for commercial premises, street furniture and play equipment);
  - v) design of the public realm, including layout and design of squares, areas of public open space, areas for play and allotments;
  - vi) open space needs including sustainable urban drainage;
  - vii) conservation of flora and fauna interests;
  - viii) provision to be made for art including involvement of artist(s), contribution of art to the quality of the environment and community, budget allocation and maintenance requirements;
  - ix) a strategy for a hierarchy of streets and spaces;
  - x) alignment, width, and surface materials (quality, colour and texture) proposed for all footways, (including proposed Public Rights of Way), cycleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
  - xi) on-street and off-street residential and commercial vehicular parking and/or loading areas;
  - xii) cycle parking and storage;
  - xiii) means to discourage casual parking and to encourage parking only in designated spaces;
  - xiv) integration of strategic utility requirements, landscaping and highway design;
  - xv) measures to ensure sustainable design and construction in accordance with the Sustainable Design and Construction SPD (2010) or successor document; and
  - xvi) provision to be made for refuse and recycling facilities.
6. If detailed approval is required by the developer for other infrastructure, i.e. drainage, ground treatment, highways, in advance of the submission of a Development Area Design Brief, comprehensive details of these infrastructure aspects shall be submitted to and approved in writing by the local planning authority and in accordance with the Interim Stage Phasing Master Plan.

#### Reserved Matters and Implementation

- 7. Applications for the approval of all the reserved matters for the first phase of the development referred to herein shall be made within a period of 3 years from the date of this permission. Applications for the approval of all remaining reserved matters shall be made within a period of 10 years from the date of this permission.
- 8. The development to which the permission relates shall be begun not later than which ever is the later of the following dates: i) 3 years from the date of this permission: or ii) 2 years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 9. The submission of all reserved matters and the implementation of the development shall be carried out in accordance with the approved Interim Stage Phasing Master Plan and in accordance with the approved Development Area Design Briefs and Design Codes where relevant.

10. Approval of the details of the layout, scale, and external appearance of the buildings, and the landscaping (herein called "the reserved matters") for each phase of the development, shall be obtained from the local planning authority in writing before any development is commenced within that phase of the development.

#### Construction Management

11. Before each phase of the development hereby permitted is commenced a Construction Environmental Management Plan (CEMP) in respect of that phase shall be submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved CEMP. Each phase CEMP shall include the following matters:
- i) a construction travel protocol or Green Travel plan for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) piling techniques;
  - iv) storage of plant and materials;
  - v) programme of works (including measures for traffic management and operating hours);
  - vi) provision of boundary hoarding and lighting, including hoarding to adjacent housing/gardens along the eastern boundary of the site. During construction the 2 areas of retained woodland will be screened using impermeable material of at least 2.4m in height in a neutral or dark colour;
  - vii) protection of important trees, hedgerows and other natural features;
  - viii) details of proposed means of dust suppression and noise mitigation;
  - ix) details of measures to prevent mud from vehicles leaving the site during construction;
  - x) details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
  - xi) lighting on site during construction;
  - xii) measures to ensure no on-site fires during construction;
  - xiii) monitoring and review of the CEMP;
  - xiv) implementation of the CEMP through an environmental management system;
  - xv) details of the temporary surface water management measures to be provided during the construction phase;
  - xvi) details of the excavation of materials and the subsurface construction methodology;
  - xvii) details of the haul routes to be used to access the development; and
  - xviii) appointment of a Construction Liaison Officer.
12. No construction work shall be undertaken at the following times: outside the hours of 0730–1800 hours on Mondays to Fridays (inclusive); outside the hours of 0730-1300 hours on Saturdays; on Sundays and on public holidays; or within 20m of bat habitat, to be defined on a plan to be first submitted to and approved in writing by the local planning authority, works will not be undertaken until one hour after dawn and stopped one hour before dusk to prevent effects on foraging bats.
13. Prior to the commencement of development a Materials Management and Soil Resources Plan (MM&SRP) shall be submitted to and approved in writing by the local planning authority. The MM&SRP shall include details of top soil stockpiling, local sourcing of materials/resources and the re-use and recycling of materials from demolition on site. Development shall be carried out in accordance with the approved MM&SRP.

14. No deliveries of materials or removal of spoil during the construction of the development shall take place before 0915 hours or after 1500 hours on Mondays to Fridays, or before 0800 hours or after 1300 hours on Saturdays. There shall be no deliveries of materials or removal of spoil during the construction of the development on Sundays and public holidays.

Affordable Housing Provision

15. No development shall commence until an Affordable Housing Strategy for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The strategy shall provide at least 35% affordable housing in each phase, including the specialist housing falling within the Use Class C3. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of Affordable Housing, as defined in The National Planning Policy Framework. The Strategy shall provide:
- (a) affordable dwellings in each phase including details of the tenure split. The tenure split shall comprise 70% social and/or affordable rented dwellings and 30% shared ownership dwellings overall unless otherwise agreed by the local planning authority. The respective proportions of social and affordable rented dwellings in each phase are to be approved by the local planning authority as part of the strategy set out above;
  - (b) an affordable housing dwelling mix of 20% one bedroom apartments, 15% 2-bedroom apartments, 30% 2-bedroom houses, 20% 3-bedroom houses and 15% 4-bedroom houses unless otherwise agreed in writing by the local planning authority;
  - (c) details of the shared ownership model, including the equity share and capped rent of unsold equity;
  - (d) details of the distribution of affordable dwellings in each phase;
  - (e) the arrangements for the transfer of the affordable housing to an affordable housing provider approved by the local planning authority;
  - (f) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (g) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
16. Not more than 10% of the dwellings within any phase of the development shall be built and occupied until there has been submitted to and approved in writing by the local planning authority, an Affordable Housing Scheme for that phase in accordance with the Affordable Housing Strategy approved under condition 15. The strategy shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made within that phase;
  - ii) the standard of construction of the affordable dwellings; and
  - iii) the timing of the construction of the affordable housing in relation to the occupancy of the market housing within that phase.

Thereafter, the phase shall be implemented in accordance with the approved scheme.



## Landscape and Trees

17. The development of each phase hereby permitted shall not commence until full details of both hard and soft landscape proposals for that phase have been submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian and cycle access and circulation areas, hard surfacing materials, water features and minor artefacts and structure (e.g. furniture, boardwalks, signs, street lighting, external services, etc).
18. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.
19. All hard and soft landscape works shall be carried out in accordance with the approved details. The details will include the phasing of planting, soft and hard works within each part of that development, so as to ensure that works related to each development area are completed in conjunction with that area. The works shall be carried out in accordance with a programme submitted to and agreed in writing with the local planning authority.
20. A landscape management plan for each phase of the development, including a programme for implementation, long term design objectives, long term management responsibilities, proposals for structural planting, green space linkages, timescales and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the development of each phase. The landscape management plan shall be carried out as approved.
21. The plans and particulars submitted in accordance with condition 17 above shall include:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
  - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

22. The plans and particulars submitted in accordance with condition 17 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
23. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of commencement of the site for its permitted development.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
24. All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of 2 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

#### Noise

25. The development within the Local Centre, as identified by the relevant Development Area Brief, shall be designed and/or insulated in accordance with a Mitigation Scheme so as to provide attenuation against externally generated noise the details of which shall be submitted to and approved in writing by the local planning authority. The Mitigation Scheme shall ensure that the internal ambient noise levels for habitable rooms (i.e. bedrooms and living rooms) within dwellings shall not exceed 35 dB LAeq (16 hour) 0700-2300 hours during the daytime and 30 dB LAeq (8 hour) 2300-0700 hours during the night. Development shall be carried out in accordance with the approved Mitigation Scheme and retained thereafter.
26. No new dwellings, including private garden/amenity space, shall be constructed within any part of the site identified as falling within Noise Exposure Category C as defined in the table Appended to this Annex.

## Ground Contamination

27. Prior to the commencement of development within each phase (or such other date or stage in development as may be agreed in writing by the local planning authority), the following components of a scheme to deal with the risks associated with contamination of that phase shall be submitted to and approved in writing by the local planning authority:
1. a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site;
  2. a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite;
  3. the site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  4. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The development of each phase shall be carried out in accordance with the approved details.
28. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for each phase of the development shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
29. If, during development, contamination not previously identified is found to be present at the site then no further development within that phase, unless otherwise agreed in writing by the local planning authority, shall be carried out until the developer has submitted to and received written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination is to be dealt with.

## Ecology

30. No development shall commence within each phase of the development until an Environmental Management Plan (EMP) for that phase has been submitted to and approved in writing by the local planning authority. The EMP shall be implemented as agreed. The EMP shall include:
- (a) a plan showing areas of existing and proposed habitats and proposed phasing of development; and
  - (b) guidance for habitat creation, enhancement or restoration including a description and evaluation of proposals including:

- (i) details of the method of translocation of seed beds from School Green Gravel Pits to the Ridge SANG (required in phase 1);
- (ii) the provision of house sparrow boxes and starling bricks shall be provided along the western edge of the built development (required in phase 3);
- (iii) details of the 3 Schwegler bat boxes per roost lost (3 per roost) to be provided on mature trees at High Copse (required in phase 2);
- (iv) details of the 10 proposed houses on the western edge of the built development, including the location of those houses and phasing, and the mitigation for protected species (to include mitigation such as bat tiles, wooden soffits and access points and suitable non-tyvac clad, pitched loft spaces), (required in phase 3);
- (v) details of measures to ensure no adverse impact on ancient woodland; and
- (c) Details of maintenance and management (including who is responsible) for each habitat from the point of first occupation of each phase of development. The date of first occupation for each phase shall be notified to the local planning authority in writing.

#### Archaeology

- 31. Prior to the submission of each of the first reserved matters application for each phase of the development, the applicant, or their agents or successors in title, will secure and implement a programme of archaeological evaluation work in accordance with a written scheme of investigation for that phase of development which has been submitted to and approved in writing by the local planning authority. The results of that evaluation will be used to inform the reserved matters application for that phase, which should provide for the in-situ preservation of any archaeological remains of national or regional importance should they occur on the site and the archaeological investigation, recording and analysis of remains of lesser importance.

#### Drainage and flood risk

- 32. Development shall not begin within each phase until a surface water drainage scheme for that phase (including measures for petrochemical interceptors), based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 33. Development shall not commence within each phase until details of the proposed means of foul sewerage disposal serving that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 34. Prior to commencement of development details of the measurements of the flows of watercourses in and around the site and monitoring of groundwater levels shall be submitted to and approved in writing by the local planning authority. The measurements and monitoring shall be continued thereafter and carried out in accordance with the approved details and reports to be submitted annually to the local planning authority until all the surface water drainage on the site has been implemented.

35. No development within each phase approved by this permission shall be commenced until detailed designs for any wetland features within each phase (e.g. ponds, swales and balancing features) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
36. No soakaways shall be constructed more than 2m below existing ground level and shall not penetrate the water table or be constructed through contaminated material.
37. Development of each phase shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
38. Development shall not commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority. The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point. Development shall be carried out in accordance the approved details.

#### Access and Movement

39. Within each development phase no development shall be commenced within that development phase until the local planning authority have approved in writing details of:
  - a. the width, alignment, gradient and surface materials for any proposed roads/footways/footpaths/cycleways within and serving that development phase including all relevant horizontal and longitudinal cross sections showing existing and proposed levels, designed to a standard capable of adoption under Section 278 or 38 of the Highways Act 1980;
  - b. the type of street lighting including calculations, contour illumination plans and means to reduce light pollution within and serving that development phase; and
  - c. bus access, egress and turning.

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

40. No dwelling shall be occupied within a phase of development until all proposed vehicular accesses, driveways, parking and turning areas serving that dwelling have been constructed in accordance with details that have been submitted to and approved in writing by the local planning authority. The number of car parking spaces for each dwelling shall be in compliance with the Council's parking standards in force at the time of any reserved matters application.
41. Prior to the commencement of development within each phase details of the cycle parking for that phase of the development shall be submitted to and approved in writing by the local planning authority. No dwelling within that phase of development shall be occupied until the approved cycle parking serving that dwelling has been provided on site and shall be retained thereafter for their intended purpose.
42. Not more than 600 dwellings from the development hereby permitted or 1,000 dwellings within the South of the M4 Strategic Development Location (including the development hereby permitted but excluding consented development at Land North of Grazeley Road, Three Mile Cross) shall be occupied until Phase 1a of the Shinfield Eastern Relief Road

forming the M4 over-bridge and Lane End Farm gyratory, as shown on RPS Drawing No. JNY5683-245 dated September 2011, has been constructed and is made available for public use.

43. Not more than 1,000 dwellings from the development hereby permitted or 1,250 dwellings within the South of the M4 Strategic Development Location (including the development hereby permitted but excluding consented development at Land North of Grazeley Road, Three Mile Cross) shall be occupied until phases 1b and 2 of the Shinfield Eastern Relief Road, as shown on RPS Drawing No. JNY5683-245 dated September 2011, and made available for public use forming the section between Phase 1a and Arborfield Road are constructed.
44. Details of the traffic calming proposed on the main route through the development site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
45. Prior to the first occupation of residential development, a Parking Management Strategy for the management of on-street parking shall be submitted to and approved in writing by the local planning authority. The agreed strategy shall provide details of parking management of public car parks within the Local Centre and provide for the provision of a minimum 6.1m wide clear carriageway for a bus route through the development in accordance with the approved Public Transport Strategy required by condition 47. The development shall be implemented in accordance with the agreed strategy.
46. Prior to the first occupation of residential development, a Walking and Cycling Strategy for the development shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed strategy.
47. Before the first occupation of the development hereby permitted, a Public Transport Strategy (in accordance with the Public Transport Strategy prepared by RPS dated 31 October 2011 submitted with Third Transport Statement of Common Ground dated 2 November 2011), which shall include provision for an assessment on an annual basis of the public transport subsidy, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Public Transport Strategy.
48. The development shall be implemented in accordance with the approved Residential Travel Plan prepared by RPS dated 21 October 2011 (submitted with the Holding Statement: Transport and Highways dated 21 October 2011).
49. Within 6 months of the occupation of the Primary School, a School Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed School Travel Plan.
50. Within 6 months of the occupation of the retail food store, a Food Store Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed Food Store Travel Plan thereafter.
51. Prior to the commencement of any development, a scheme showing a car park with vehicular access from Hyde End Lane and associated pedestrian crossing points over Hyde End Lane to serve the Ridge SANG shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first use of the Ridge SANG. The car park, vehicular access and pedestrian crossings shall be retained and maintained thereafter for the provision of access and parking to serve the Ridge SANG.

52. Prior to the commencement of development within each phase, details of the existing and proposed pedestrian and cycle access points and routes within the development site, including surface specification and treatment, which will serve that phase of the development will be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The pedestrian and cycle routes/accesses shall be maintained thereafter for the purposes of access to serve the development.
53. The potential access to Shinfield Junior School from Arborfield Road is not approved.

#### Sustainable Design and Construction

54. All dwellings on the site shall be designed to achieve the Code for Sustainable Homes Standard (or the equivalent standard of any successor standard or scheme) which shall apply at the time when the dwelling is constructed. All non-residential buildings shall be designed to achieve BREEAM 'very good' certification or such equivalent scheme and standard that shall operate at the time of construction of that building.
55. Before first occupation all dwellings with a garden shall be supplied with a water butt of approximately 200 litres installed to maximise rainwater collection, unless it is demonstrated that it is not practicable to accommodate it within the curtilage of the building.
56. All dwellings shall incorporate internal and external spaces for the storage of recyclable materials in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
57. All dwellings shall be provided with ducting that shall enable the connection of broadband or similar technologies.

#### Non-Residential Development

58. Prior to the occupation of any non-residential development the details of the hours of operation of those premises shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved details.
59. Prior to occupation of any non-residential development details of external lighting for that development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Commercial uses

60. The retail food store hereby permitted shall not exceed 2,500 sq. m (gross internal floorspace).
61. The non-food retail 'A Class' uses (A1, A2, A3, A4 and A5) hereby permitted shall not in total exceed 750 sq m (gross internal floorspace). The individual units shall not exceed a maximum of 200 sq. m (gross internal floorspace).
62. The office use (Class B1) hereby permitted shall not exceed 450 sq. m (gross internal floorspace).

63. Before the development of the Local Centre hereby permitted commences, a scheme for noise mitigation from delivery vehicles to the Local Centre commercial premises shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. There shall be no deliveries to the retail premises between the hours of 2200 and 0600 hours Monday to Sunday.

#### Specialist Housing

64. The development hereby approved shall contain 150 units of specialist accommodation (including 75 units of Use Class C2 accommodation and 75 units of Use Class C3 accommodation), designed for occupation by those over 55 years of age and/or in receipt of personal or medical care as defined in Article 2 of the 1987 Town and Country Planning (Use Classes) Order (as amended).

#### Primary School

65. A 2 form entry primary school on a site not less than 2.5ha shall be constructed in accordance with an approved Development Area Brief required by condition 4 and a specification approved in writing by the local planning authority. The school shall be available for use prior to the occupation of 150 dwellings or within 2 years of the date of commencement of the development, whichever occurs first.
66. No development shall occur on the primary school extension land (1ha) (other than for educational purposes) in the period to 31 March 2026.
67. No development shall occur on the Infant School Extension Land or Junior School Extension Land, other than for educational purposes, for a period of 5 years from practical completion of the new primary school at Shinfield West.

#### Outdoor Sport, Play Areas and Allotments

68. Prior to the commencement of development within each relevant phase, details of the layout, phasing and specification for children's play areas serving that phase (in accordance with the approved Interim Stage Phasing Master Plan required by condition 2) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
69. Prior to the commencement of development within each relevant phase, details of the layout phasing and specification for outdoor sports, including playing fields and associated pavilion layout and parking area serving that phase (in accordance with the approved Interim Stage Phasing Master Plan and Open Space Provision Programme required by condition 2) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
70. Prior to the commencement of development within each relevant phase, details of the layout, phasing and specification of allotments serving that phase (in accordance with the approved Interim Stage Phasing Master Plan required by condition 2) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Suitable Alternative Natural Greenspace

71. The Loddon Suitable Alternative Natural Greenspace (SANG), which shall serve the development hereby permitted but which is subject to a separate planning permission, will be made available for public use prior to the first occupation of the residential development hereby permitted. The Loddon SANG shall be implemented in accordance with the



approved Loddon SANG Management Plan dated January 2011 following review of the approved Management Plan. The Loddon SANG shall be maintained thereafter in accordance with the approved Management Plan.

72. That part of the Ridge SANG required to serve Shinfield West shall be made available for public use to serve the development hereby permitted no later than the occupation of the 837<sup>th</sup> dwelling.
73. Prior to the occupation of the 837<sup>th</sup> dwelling hereby permitted (or earlier if required), a Ridge SANG Management Plan drawn up in accordance with the principles in Appendix 9.5 of the Shinfield West Environmental Statement dated June 2010 shall be submitted to and approved in writing by the local planning authority. The Ridge SANG shall be implemented thereafter in accordance with the approved Management Plan following a review of the approved Management Plan.
74. A scheme for implementation of skylark habitat mitigation measures for the development hereby permitted (which may include measures off-site but within the ownership of the University of Reading) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter implemented or replaced in accordance with the approved details.

#### Strategic Greenspace

75. No development shall commence until a Strategic Greenspace Strategy has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Strategic Greenspace Strategy. All reserved matters applications shall accord with the approved Strategic Greenspace Strategy. The strategy shall contain:
  - (a) Environmental Management Plan (EMP) for the Strategic Greenspace. The EMP shall be implemented as agreed. The EMP shall include details of:
    - (i) a plan showing areas of existing and proposed habitats and proposed phasing of development; and
    - (ii) guidance for habitat creation, enhancement or restoration including a description and evaluation of proposals;
    - (iii) details of maintenance and management (including who is responsible) for each habitat from the point of first occupation of each phase of development,
  - (b) details of advance woodland planting (in accordance with the principles on UR3/3, Appendix G, Plan HDA G2);
  - (c) details of ground modelling;
  - (d) details of existing and proposed foot and cycle paths, their surface treatment and proposed Public Rights of Way;
  - (e) details of formal outdoor sport provision;
  - (f) Sustainable Drainage (SUDs) measures, including water features;
  - (g) Children's Play provision including play equipment and associated fencing/means of enclosure;

- (h) details of the SANG link, including its location, landscape treatment, planting, and habitat creation and connections to the Ridge and Loddon SANGs;
  - (i) timing of the delivery of the Sustainable Transport Link from the western boundary of the Shinfield West residential development to the eastern carriageway edge of Hyde End Lane which shall be constructed in accordance with details submitted to and approved in writing by the local planning authority (in accordance with the principles contained on drawing no JNY5683-105 Rev H) and made available for public use (cycles, pedestrians and future public transport services);
  - (j) a phasing plan;
  - (k) management (including wardening), maintenance and monitoring strategy.
76. Advance woodland planting agreed in accordance with condition 75 shall be carried out along the western and eastern boundaries of the Strategic Greenspace. A reserved matters application for advance planting shall be submitted to the local planning authority within 6 months of the grant of outline planning permission. Planting shall be carried out in accordance with a timetable to be agreed with the local planning authority.

#### Other Conditions

77. Prior to first occupation of the relevant phase of the development, a scheme for the provision of fire hydrants, or any other suitable alternative water supply, which shall include details of their location, specification and a programme for their provision shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
78. Notwithstanding the provisions of Classes A, B, C, D, E, F and G of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out on dwellings adjoining the Western Development Edge of the development with a common boundary to the Strategic Greenspace.

## Appendix to Annex B

Noise Levels <sup>0</sup> Corresponding To The Noise Exposure				
Categories For New Dwellings $L_{Aeq,T}$ dB				
	Noise Exposure Category			
Noise Source	A	B	C	D
road traffic				
07.00 - 23.00	<55	55 - 63	63 - 72	>72
23.00 - 07.00 <sup>1</sup>	<45	45 - 57	57 - 66	>66
rail traffic				
07.00 - 23.00	<55	55 - 66	66 - 74	>74
23.00 - 07.00 <sup>1</sup>	<45	45 - 59	59 - 66	>66
air traffic <sup>2</sup>				
07.00 - 23.00	<57	57 - 66	66 - 72	>72
23.00 - 07.00 <sup>1</sup>	<48	48 - 57	57 - 66	>66
mixed sources <sup>3</sup>				
07.00 - 23.00	<55	55 - 63	63 - 72	>72
23.00 - 07.00 <sup>1</sup>	<45	45 - 57	57 - 66	>66

### Notes

<sup>0</sup> **Noise levels:** the noise level(s) ( $L_{Aeq,T}$ ) used when deciding the NEC of a site should be representative of typical conditions.

<sup>1</sup> **Night-time noise levels (23.00 - 07.00):** sites where individual noise events regularly exceed 82 dB  $L_{Amax}$  (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the  $L_{Aeq,8h}$  (except where the  $L_{Aeq,8h}$  already puts the site in NEC D).

<sup>2</sup> **Aircraft noise:** daytime values accord with the contour values adopted by the Department for Transport which relate to levels measured 1.2m above open ground. For the same amount of noise energy, contour values can be up to 2 dB(A) higher than those of other sources because of ground reflection effects.

<sup>3</sup> **Mixed sources:** this refers to any combination of road, rail, air and industrial noise sources. The "mixed source" values are based on the lowest numerical values of the single source limits in the table. The "mixed source" NECs should only be used where no individual noise source is dominant.

To check if any individual noise source is dominant (for the purposes of this assessment) the noise level from the individual sources should be determined and then combined by decibel addition (remembering first to subtract 2 dB (A) from any aircraft noise contour values). If the level of any one source then lies within 2 dB(A) of the calculated combined value, that source should be taken as the dominant one and the site

assessed against the appropriate NEC for that source, rather than using the "mixed source" NECs. If the dominant source is industrial noise see paragraph 19 of Annex 3.

If the contribution of the individual noise sources to the overall noise level cannot be determined by measurement and/or calculation, then the overall measured level should be used and the site assessed against the NECs for "mixed sources".

**APPEAL B EASTERN RELIEF ROAD – SUGGESTED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Drawing Nos. listed below.

Drawing Number	Drawing Title
JNY5683-166 Rev C	Application Site Plan
JNY5683-88 Rev O	Proposed Eastern Relief Road Scheme and Long Section
JNY5683-106	Proposed Eastern Relief Road Cross Sections
JNY5683-172	Proposed ERR Retaining Walls
300.55 / 12 Rev G	HDA1: Landscape Scheme
300.55 / 18 Rev G	HDA2: Landscape Planting - Northern Section
300.55 / 21 Rev E	HDA3: Landscape Planting - Southern Section
TP-601	Demolition Plan
TP-602	Former stable building existing floor plans
TP-603	Former stable building proposed floor plans
TP-604	Former stable building existing elevations
TP-605	Former stable building proposed elevations
TP-606	Boundary Wall Plan and Details
TP-607	Access Road Boundary Condition

3. No development shall begin until a surface water drainage scheme including a programme of implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed programme.
4. Phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) of the development hereby permitted shall not be commenced until a mitigation scheme for the conveyance of floodwaters, including details of the proposed culverting beneath Arborfield Road, from the River Loddon has been submitted to and approved in writing by the local planning authority. The development shall be fully implemented and subsequently maintained, in accordance with the approved mitigation scheme, or as may subsequently be agreed, in writing, by the local planning authority.
5. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) JER7522 Rev 3, dated March 2011, produced by RPS, and supplementary notes A to F with covering letter dated 15 July 2011 produced by RPS including the following mitigation measures detailed within the FRA; provision of culverts/openings through the ERR and retention of overland flow routes to the south of Arborfield Road.
6. No development within phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) of the Eastern Relief Road shall commence until the off-site works comprising an embankment and associated works to provide flood mitigation proposed on land east of and adjoining No. 20 Arborfield Road (as illustrated by drawings 300.58/20A dated July 2011 and 300.58/21 dated March 2011), including provision for surface water conveyance and storage from No. 20 Arborfield Road and adjoining properties to the west of the embankment, have been implemented in

accordance with details submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter for the purposes of flood mitigation.

7. No development in phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) shall take place until a scheme for the management of the site during construction, including measures to prevent spoil or building materials being deposited or stored within areas liable to flood, are submitted to and approved in writing by the local planning authority and the works shall be implemented in accordance with the approved scheme.
8. No development in phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) shall take place until detailed drawings of any walls, fences or other means of enclosure within or around the site are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
9. Prior to the start of each phase of works on site, including any works of demolition or ground preparation, the applicant, or their agents or successors in title, will secure and implement a programme of archaeological work, which may comprise more than one phase of work, in accordance with the written scheme of investigation for that phase of the development which has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
10. The development of each phase hereby permitted shall not commence until full details of both hard and soft landscape proposals for that phase have been submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian and cycle access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, boardwalks, signs, street lighting, external services, etc).
11. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and retained thereafter.
12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed with the local planning authority.
13. A landscape management plan for each phase of the development, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the development of each phase. The landscape management plan shall be carried out as approved.
14. The development of each phase hereby permitted shall not commence until:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

15. The plans and particulars submitted in accordance with condition 11 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 year from the date of commencement of the site for its permitted development.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

17. All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including a timetable for implementation shall be submitted to the local

planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of 2 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

18. Before the development of each phase hereby permitted is commenced, samples and details of the materials to be used in the construction and surfacing of that phase of the Eastern Relief Road, associated junction and visibility splay work, pedestrian and cycle access routes and associated highways furniture and plant shall have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
19. No highway lighting shall be installed in association with the scheme except in accordance with details that have first been submitted to and approved in writing by the local planning authority.
20. No work relating to the development hereby approved, including works of demolition or preparation prior to commencement of construction of the Eastern Relief Road, shall take place other than between the hours of 0730 and 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
21. Construction work in each phase of the development hereby permitted shall not begin until a scheme for that phase to protect existing noise-sensitive development from impacts arising from the construction and operation of the Eastern Relief Road has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme for that phase shall be completed prior to commencement of construction in that phase of the development.
22. No development shall commence in each phase of the development hereby permitted until provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period of that phase, in accordance with details to be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the provision shall be maintained and used at all times.
23. The development of each phase shall be carried out in accordance with plan ref (JNY5683-88 Rev O) depicting badger tunnel locations. A scheme for implementation of the badger mitigation measures for each phase setting out the method of construction of tunnels and their detailed design, location, number and timing of provision shall also be submitted to and approved in writing by the local planning authority prior to the commencement of development in each phase. Development shall be carried out in accordance with the approved details.
24. Construction work in each phase of the development hereby permitted shall not begin until a Construction Environmental Management Plan (CEMP) which will detail the measures to be implemented to protect site workers, site users and the environment arising from the construction of the Eastern Relief Road has been submitted for that phase to and approved in writing by the local planning authority. The development shall be implemented thereafter in accordance with the approved CEMP. Each phase CEMP shall include the following matters:
  - i) a construction travel protocol or Green Travel plan for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;



- iii) piling techniques;
- iv) storage of plant and materials;
- v) programme of works (including measures for traffic management and operating hours);
- vi) provision of boundary hoarding and lighting;
- vii) protection of important trees, hedgerows and other natural features;
- viii) details of proposed means of dust suppression and noise mitigation;
- ix) details of measures to prevent mud from vehicles leaving the site during construction;
- x) details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
- xi) lighting on site during construction;
- xii) measures to ensure no on site fires during construction;
- xiii) monitoring and review of the CEMP;
- xiv) implementation of the CEMP through an environmental management system;
- xv) details of the temporary surface water management measures to be provided during the construction phase;
- xvi) details of the excavation of materials and the subsurface construction methodology;
- xvii) details of the haul routes to be used to access the development; and
- xviii) appointment of a Construction Liaison Officer.

25. No development shall take place on the site until the existing structure(s) shown to be demolished on the approved plans have been demolished and all resultant materials permanently removed from the site.

**APPEAL C Loddon SANG – SUGGESTED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Drawing Nos. listed below and Drawing No. JNY5683-103 Rev J dated 9 September 2011.

Drawing Number	Drawing Title
SW46 Rev E	Loddon SANGS Application Site
Map 6	Loddon SANG Masterplan
1223/8 Rev I	HDA LS7 Loddon SANG Landscape Masterplan
1223/9 Rev H	HDA LS 8 Loddon SANG Landscape Masterplan: Main SANG Area
1223/10 Rev A	HDA LS9 Loddon SANG Landscape Masterplan: Planting Plan
JNY5683-103 Rev J	Proposed Pedestrian Crossing and Parking Area for Hyde End Road SANG
300.62/11A	HDA10: All Ability Route
300.62/12	HDA11: Barbed Post and Wire
300.62/13A	HDA12: Post and Wire Fence
300.62/14	HDA13: Bridge (Plan)
300.62/15	HDA14: Bridge (Section)
300.62/16	HDA15: Single Beam Bridge
300.62/17	HDA16: Boardwalk
300.62/18	HDA17: Machinery/Livestock Gate
300.62/19	HDA18: Double Kissing Gate
300.62/20	HDA19: Single Kissing Gate
300.62/21	HDA20: Bench
300.62/22	HDA21: Directional Sign
JNY5683-156 Rev – A	Tractor Bridge Loddon SANG

3. All watercourse crossings are to be constructed in accordance with the addendum to the Flood Risk Assessment Ref: JER7522 – Loddon SANG produced by RPS dated 20 July 2011, in particular the crossings will be; clear span in design with the supports set as far back within the bank top as possible; open in design to allow the free flow of floodwaters; with soffit levels being set sufficiently high to allow for the free flow of floodwater.
4. No development shall take place until a scheme for the management of the site during construction, including measures to prevent spoil or building materials being deposited or stored within areas liable to flood, are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
5. No development shall take place until detailed drawings of any walls, fences or other means of enclosure within or around the site have been submitted to and approved in writing by the local planning authority. The design of any wall, fence or other means of enclosure must be permeable to flood water. Development shall be carried out in accordance with the approved details and retained thereafter.
6. Prior to the commencement of development, including any ground preparation and any works causing below ground disturbance, on site the applicant, or their agents or

successors in title, will secure and implement a programme of archaeological work, which may comprise more than one phase of work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Changes to and additional works to the management of the site shall only take place in accordance with the detailed scheme approved pursuant to this condition.

7. The use hereby permitted shall not commence until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, boardwalks, signs, refuse or other storage units, external services, etc).
8. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and retained thereafter.
9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme the details of which shall be first submitted to and approved in writing by the local planning authority.
10. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
11. The use hereby permitted shall not commence until:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
  - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

12. The plans and particulars submitted in accordance with condition 7 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
13. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of commencement of the site for its permitted use:
  - (a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
  - (b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority;
  - (c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
14. All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including a timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of 2 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
15. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction and surfacing of the access road and visibility splays shall have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
16. Prior to the first use of the Loddon SANG, the Loddon SANG car park and vehicular access from Hyde End Road, with associated pedestrian crossing point over Hyde End Road will be constructed and open for public use in accordance with drawing JNY5683-103 Revision J. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 m in height and maintained clear of any obstruction exceeding 0.6 m in height at all times. The car park, vehicular access and pedestrian crossings shall be maintained thereafter for the provision of access and parking to serve the Loddon SANG.

17. The site shall not be brought into use until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 m measured from the carriageway edge.
18. No external lighting shall be installed except in accordance with details that have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
19. No development shall commence until details of secure cycle parking have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
20. Notwithstanding the details contained within condition 16, details of the proposed topographical levels in relation to the proposed car park and vehicular access shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The agreed levels shall be implemented in accordance with the approved details.
21. Prior to the commencement of development details of the proposed surface water drainage strategy for the Loddon SANG access road and car park shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
22. No work relating to the construction and laying out of the development hereby approved shall take place other than between the hours of 0730 and 1800 hours Monday to Friday and 0730 to 1300 hours Saturdays and at no time on Sundays or Bank or National Holidays.
23. No development shall commence until provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction and laying out period of the development, in accordance with details to be submitted to and agreed in writing by the local planning authority. The provision shall be maintained and used at all times.
24. The development hereby permitted shall be implemented in accordance with the approved Loddon SANG Management Plan dated January 2011 following a review of the approved Management Plan. The Loddon SANG shall be maintained thereafter in accordance with the approved Management Plan.
25. No development shall commence within each phase of the development until an Environmental Management Plan (EMP) for that phase has been submitted to and approved in writing by the local planning authority. The EMP shall include details of:
  - (a) a plan showing areas of existing and proposed habitats and proposed phasing of development (including a new otter holt and barn owl boxes); and
  - (b) guidance for habitat creation, enhancement or restoration including a description and evaluation of proposals; and
  - (c) details of maintenance and management (including who is responsible) for each habitat from the point of first occupation of each phase of development.



The Planning  
Inspectorate

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# Report to the Secretary of State for Communities and Local Government

by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 15 March 2012

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TOWN AND COUNTRY PLANNING ACT 1990

APPEALS BY

THE UNIVERSITY OF READING

WOKINGHAM BOROUGH COUNCIL

Inquiry held on 10 October 2011

Land West of Shinfield, West of Hyde End Road and Hollow Lane and South of Church Lane, Shinfield

File Ref(s): APP/X0360/A/11/2151409 APP/X0360/A/11/2151413 & APP/X0360/A/11/2151402

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## GLOSSARY

AA	Appropriate Assessment
ACRR	Arborfield Cross Relief Road
AG	Arborfield Garrison
AGLC	Arborfield Garrison Landowners' Consortium
AH	Affordable Housing
CC	Climate Change
CD	Core Document
CS	Core Strategy
DF	Delivery Framework
DLA	David Lock Associates
DWH	David Wilson Homes
EA	Environment Agency
EIP	Examination in Public
EPR	Ecological Planning & Research Limited
ERR	Eastern Relief Road
ES	Environmental Statement
FZ	Flood Zone
FRA	Flood Risk Assessment
HCA	Homes & Community Agency
LPA	Local Planning Authority
LDF	Local Development Framework
IAS	Impact Avoidance Strategy
ID&C SPD	Infrastructure Delivery and Contributions Supplementary Planning Document
IDP	Infrastructure Delivery Plan
ISPM	Interim Stage Phasing Masterplan
JSPB	Joint Strategic Partnership Board
MFT	Marino Family Trust
NE	Natural England
NPPF	National Planning Policy Framework
PAN	Planning Advice Note
PCSO	Police Community Support Officer
PIM	Pre-Inquiry Meeting
PPS	Planning Policy Statement
PPG	Planning Policy Guidance
PSFP	Preferred Spatial Framework Plan
RBC	Reading Borough Council
RDAS	Revised Design & Access Statement
RfR	Reason for Refusal
RSPB	Royal Society for the Protection of Birds
RSS	Regional Spatial Strategy
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Alternative Natural Greenspace
SC	Suggested Condition
SDL	Strategic Development Location
SEA	Strategic Environmental Assessment
SEN	Special Educational Needs
SIP	Science and Innovation Park
SM4 SDL SPD	South of the M4 Strategic Development Location Supplementary Planning Document
SOCG	Statement of Common Ground
SoS	Secretary of State
SPC	Shinfield Parish Council
SPD	Supplementary Planning Document
SSE	Scottish & Southern Energy
SSSI	Site of Special Scientific Interest
STP	Strategic Transport Provision
SUDS	Sustainable Drainage Systems
TBH SPA	Thames Basin Heaths Special Protection Area
TVP	Thames Valley Police
TWi	Taylor Wimpey
TW	Thames Water



UoR	University of Reading
UU	Unilateral Undertaking
WIA	Water Industry Act
WBC	Wokingham Borough Council
WT	Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust
ZVI	Zone of Visual Influence

**APPEAL A File Ref: APP/X0360/A/11/2151409**

**Land West of Shinfield, West of Hyde End Road and Hollow Lane and South of Church Lane, Shinfield**

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.

The appeal is made by the University of Reading against Wokingham Borough Council.

The application Ref O/2010/1432 is dated 1 July 2010.

The development proposed is residential development of up to 1,200 dwellings, 150 units of specialist housing (including sheltered housing) for elderly persons, a local centre to include a foodstore (2,500 sq. m) and other retail and leisure uses, a community building; the proposed extension of existing primary schools, the erection of a new primary school, public open space, sports pavilion and suitable alternative natural greenspace (SANG) and access and landscaping.

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

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**APPEAL B File Ref: APP/X0360/A/11/2151413**

**Land between Cutbush Lane, Arborfield Road and Shinfield Road, Shinfield RG2 9BE**

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.

The appeal is made by the University of Reading against Wokingham Borough Council.

The application Ref F/2010/1428 is dated 1 July 2010.

The development proposed is the construction of an Eastern Relief Road (ERR) to Shinfield including the construction of road, foot and cycleways, an M4 over-bridge, regrading of embankments, landscaping, utilities, creation of flood compensation areas and associated works including engineering and other operations. Erection of replacement boundary wall and fence adjoining Shinfield Road/ERR, part demolition of existing farm buildings at Lane End farm and the demolition/deconstruction of 2 polytunnels south of Cutbush Lane.

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

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**Appeal C File Ref: APP/X0360/A/11/2151402**

**Land to the East of Hyde End Road, Shinfield RG2 9EP**

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.

The appeal is made by the University of Reading against Wokingham Borough Council.

The application Ref F/2010/1434 is dated 1 July 2010.

The development proposed is the change of use of land from agricultural to suitable alternative natural greenspace (SANG) (Sui Generis Use), and associated development to include pedestrian and vehicular access, car park, footpaths and landscaping.

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

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## **1. Preliminary Matters**

- 1.1. The Shinfield West application (Appeal A) is submitted in outline with all matters other than means of access reserved. The applications for the Eastern Relief Road (ERR) (Appeal B) and the Loddon SANG (Appeal C) are for full planning permission. All 3 applications are submitted by the University of Reading (UoR)
- 1.2. Appeal A was recovered because it involves residential development of over 150 units and on a site over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. Appeals B and C were recovered because it is considered more efficient and effective for them to be decided with Appeal A. The matters on which the Secretary of State (SoS) wished to be informed are listed at Annex E. A Pre-Inquiry Meeting (PIM) was held in August 2011 (CD20.5).
- 1.3. The UoR has appealed against the non-determination of these applications by Wokingham Borough Council (WBC). On 6 July 2011, WBC considered the applications and resolved that they would have been refused for the reasons listed at Annex D.
- 1.4. Before and during the Inquiry WBC reviewed the putative reasons for refusal (RfR) (WBC A3, A5 & A15). For Appeal A, RfR Nos. 11, 15<sup>1</sup>, 19, 20, 23, 25 are matters that could be dealt with by imposing conditions. RfR Nos. 26 and 28 were formally withdrawn on the 21 September 2011 (WBC A3). RfR No. 27 refers to the adequacy of the Environmental Statement (ES) on flood risks. Following the PIM, a ruling was issued indicating that the ES was not considered to be deficient (CD20.5). RfR 17 is amended to remove the middle sentence relating to Block Typologies. Following adoption of the South of the M4 Strategic Development Location Supplementary Planning Document (SM4 SDL SPD, CD8.10A), the wording of RfR No. 22 was clarified (WBC A15).
- 1.5. For Appeal B, RfR No. 4 on the adequacy of the ES on flood risks is a matter dealt with at the PIM. RfR No. 8, on cumulative flood risk, is a matter that could be dealt with by imposing conditions. For Appeal C (Loddon Sang), RfR No. 1 is addressed by the suggested conditions (SCs) and the completion of S106 Agreement (UR B31). RfR Nos. 3 and 4 are matters that could be dealt with by conditions.
- 1.6. Following the submission of revised plans for Appeals A and C, the UoR and WBC agreed the list of plans and documents that comprise the 2 applications (UR B29). The plans for Appeal B remain as submitted.
- 1.7. For Shinfield West, the Application Site Boundary Plan (SW68 Rev B) and the Application Master Plan (SW13 Rev M) include a strip of land running along the south-eastern edge of Shinfield from Arborfield Road to provide an alternative vehicular access to St Mary's C of E Junior School. WBC does not wish to pursue an alternative access and, rather than amend the

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<sup>1</sup> An agreed Public Transport Strategy is included as Appendix 16 to the Third Transport Statement of Common Ground (CD19.8).

application, the UoR and WBC have agreed a planning condition to prevent this part of the development (UR B26, SC 52).

- 1.8. I have had regard to the ESs submitted with the applications for Shinfield West and the ERR under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (CDS 2.3 to 2.5 & 3.3-3.5). The submitted statements and addendums comply with the requirements of the Regulations.
- 1.9. Certified copies of 3 S106 Agreements, 2 between WBC and the UoR relating to the ERR and the Loddon SANG (UR B30 & 31) and one with Reading Borough Council (RBC) relating to public transport infrastructure improvements (UR B8) were submitted. A certified copy of a S106 Unilateral Undertaking (UU) relating to land at Shinfield West was submitted by the UoR (UR B32).
- 1.10. The list of documents includes opening and closing submissions and proofs of evidence from the 4 main parties. The proofs are as originally submitted and do not take account of how that evidence may have been affected by cross-examination or subsequent discussions and agreement between the various parties. In reporting the cases for the main parties, I have used as the basis for their cases the opening and closing submissions made at the Inquiry (WBC A1 & A2; UoR B1 & B2, AGLC C1 & C2; WT1/1 & WT1/7).
- 1.11. The Inquiry sat for 19 days (11-14, 18-21, 25-28 October, 1-4, 8, 9 & 16 November 2011). Accompanied and unaccompanied site visits were carried out on the 10 and 11 November 2011.

## 2. The Sites and Surroundings

- 2.1. The sites are located to the east (ERR), south-east (Loddon SANG) and west (Shinfield West) of Shinfield (UR3/11 Plans HDA1 & 2 & Appendix M). Located south of the M4 on land that slopes gently to the south, Shinfield is a suburban village consisting mainly of modern housing estates (UR3.11 Appendix L Viewpoints 8 & 17). The main focus of the village is around School Green to the west of Hyde End Road. Clustered here are, Shinfield Infant and Nursery School, several houses, 2 community halls, a modern medical centre and an office block (UR3/11 Appendix L Viewpoints 9, SW35, 36 & 52). To the east, on the opposite side of Hyde End Road, are 2 public houses, a petrol station, shops and places of worship.
- 2.2. To the north and north-west, Shinfield is contained by a ridge running north-east to south-west (Plan HDA1 UR3/11). The ridge starts from a high point north of the M4 and, decreasing in height, continues to the south-west across the M4 at the Black Boy roundabout to Shinfield, Ryeish Green and Spencers Wood. To the north and north-west, the ridge, comprising largely farmland and some scattered residential and commercial developments, rolls down to the M4 and Greater Reading.
- 2.3. To the west of Shinfield, the land comprises large scale, open, arable fields characterised by a series of sparse hedgerows marking field boundaries and a cluster of buildings associated with former UoR agricultural research facilities (UR3/11 Appendix L Viewpoint 20). This open landscape is contained to the north by the ridge, to the west by trees and hedgerows around Ryeish Green and Hyde End Lane and the south and east by copses north and south of Hyde End Road and the built-up area of Shinfield. Ryeish Green is a linear development of some 50 houses beyond which is the former Ryeish Green Secondary School/Leisure Centre.
- 2.4. To the west and south-west beyond Ryeish Green are Three Mile Cross and Spencers Wood. Spencers Wood comprises mostly 20<sup>th</sup> century housing along the Old Basingstoke Road and Hyde End Road. To the north-east towards Ryeish Green and east towards the southern part of Shinfield West are pasture fields, Clare's Green Local Wildlife Site, playing fields and the playing fields of the former school. Here, the fields are smaller and enclosed by tall mature hedges and trees giving a more enclosed character than the Shinfield West site. Three Mile Cross is a smaller settlement with mostly 20<sup>th</sup> century housing and separated from Spencers Wood by the ridge. Three Mile Cross sits at the northern foot of the ridge enclosed by well treed hedgerows around mostly linear fields. To the west of Spencers Wood and Three Mile Cross is the parkland setting of Stanbury Park.
- 2.5. East of Shinfield, the agricultural land falls gently to the east and south-east to the floodplain of the River Loddon (UR3.11 Appendices M4 & 5). Fields are medium scale and enclosed by mature hedgerows, trees and woodland. Cutbush Lane runs east joining the M4 at a pedestrian bridge. To the south of Cutbush Lane there are several UoR glasshouses, polytunnels and Shinfield Grange. At the western end of Cutbush Lane is Lane End Farmhouse, a Grade II Listed Building and a series of dilapidated buildings.

### 3. The Proposals

#### Appeal A – Shinfield West

- 3.1. The Shinfield West site extends to some 85.3ha (CD 2.6). The scheme would comprise up to 1,350 dwellings of which some 1,200 would be mostly family housing of 2 to 5 bedrooms with 150 units of specialist accommodation for the elderly. The indicative mix would be 6-12% one and 2-bedroom flats; 20-30% 2-bedroom houses; 25-30% 3-bedroom houses and 35-42% 4/5-bedroom houses. The specialist accommodation would comprise 75 units of Use Class C3 specialist housing (sheltered housing and extra care) and up to 75 units of Use Class C2 specialist housing, which may include a residential care home or other specialist accommodation providing either personal and/or medical care. Of the 1,200 dwellings, 35% would be Affordable Housing (AH).
- 3.2. A Local Centre would be located to the west of the junction of Hollow Lane/Arborfield Road/Hyde End Road. The Local Centre would include the specialist housing, some 3,150-3,250 sq. m of mixed retail space (Uses Classes A1 to A5) including a 2,500 sq.m foodstore, some 420-450 sq. m of B1 office floorspace, a community building of some 560 sq. m with the potential for an extension up to 1,000 sq. m and 150 parking spaces. The community building would serve future occupants of Shinfield West, the SDL and existing residents. The Local Centre may include some 50 dwellings within which 1,000 sq. m of flexible floorspace would be at ground floor level. Initially this would be built out for residential use but with an adaptable layout, so that it could be converted for mixed retail, employment or community uses.
- 3.3. In the northern part of the site, 2.5ha would be reserved for a 2-form entry primary school together with 1ha for expansion. The scheme allows for the expansion of the Shinfield Infants School and additional play space at St Mary's C of E Junior School. If not required for educational purposes, the expansion area at the Infant School would be developed for residential use within the overall dwelling numbers. If the land at the Junior School is not required for play space, it would be retained in agricultural use.
- 3.4. The development would be undertaken at a variety of densities, with an average density of some 35.7 dwellings per hectare (dph) and would comprise a range of building heights. The Local Centre would have mixed use buildings of a maximum of 3-storeys (15m); the main spine road through the site would have buildings of up to 3-storeys (maximum 13m); where 2 and a 2½-storey dwellings are proposed they would have a height limit of 11.5m; the primary school would have a maximum height of 13m. The western development edge overlooking the strategic open space would be up to 2-storeys with a height limit of 10m. To respond to changes in ground levels, the Development Parameters establish the maximum height of the development across the site above AOD. At its highest point in the north-west, the development would be completed to a height of some 66m AOD reducing across the site to 56.5m AOD in the south-east.
- 3.5. The site is some 4.5 to 6km from the Thames Basin Heaths Special Protection Area (TBH SPA) and the development would include areas of

Suitable Alternative Natural Greenspace (SANG) to encourage existing and future residents to use this space for recreation as opposed to the SPA. The proportion, layout and design of SANG within Shinfield West and the Loddon SANG (Appeal C) takes account of Natural England's (NE) Guidelines for the Creation of SANG. The SANGs would include space for circular walking and introduce several natural habitat types.

- 3.6. The Ridge SANG, to be served by a car park off Hyde End Lane (Drawing JNY5683-115 Rev B), would be located to the north of the major ridgeline, in the north-west corner of the site. The area is intended to have an open and informal character. Existing vegetation along the periphery would be enhanced with native trees, scrub and long grassy margins. The Local Centre would be built on the former School Green Gravel Pit. Seeds and where possible established plants from here would be transferred to the Ridge SANG to create areas of acid grassland. Additional land would be reserved and laid out as SANG if needed to meet needs arising from elsewhere in the SDL. The Ridge SANG and the Loddon SANG would meet needs arising from the development and with capacity also to meet needs arising from development at Three Mile Cross and Spencers Wood, where those needs are not met by the SANGs within those parts of the SDL.
- 3.7. The scheme would provide public open space to the west of the new housing. This strategic open space area would include the Ridge SANG, High Copse Common and the SANG link, which would connect the Ridge SANG to the Loddon SANG (Plan SW11 Rev K). In accordance with NE guidelines both the Ridge and Loddon SANGs and Sang Link would provide sufficient space to allow for a 2.5 km circular walk and longer walks.
- 3.8. The open space would extend from the ridgeline to the southern boundary of the site between the settlements of Shinfield, Spencers Wood and Three Mile Cross (Drawing SW07 Rev S). Formal open space, including allotments, play areas and public squares, would be provided. Play areas would be provided so that there is at least 0.8ha per 1,000 head of population. This would comprise Neighbourhood Equipped Areas of Play for children of 8 years plus; Locally Equipped Areas of Play for children between 4 and 8 years and Local Landscaped Areas of Play for children of less than 4 years of age.
- 3.9. The UoR buildings at High Copse Farm and Moor Copse Piggeries would be demolished. High Copse Common, the open space area, would accommodate much of the playing pitch requirement for the SDL as a whole and the entire requirement of Shinfield West at a ratio of at least 1.67ha/1,000 population), including a cricket pitch, sports pavilion (360 sq. m) and play areas consistent with PPG17-Planning for and Open Space, Sport and Recreation and Fields In Trust-Planning and Design for Outdoor Sport and Play standards. Although the land would be publicly accessible, the UoR would retain ownership.
- 3.10. Ground modelling works would be limited to the west of the site within the strategic open space. Limited earthworks would be undertaken within the area of built development to create level surfaces; accommodate soils generated during the construction process on-site and allow for the integration of Sustainable Drainage Systems (SUDS). The major ridgeline

would be strengthened to provide a subtle increase in height within the strategic open space and increase enclosure from the north.

- 3.11. Vehicular accesses would be from Deardon Way on the northern boundary, the junction of Hollow Lane/Hyde End Road/Arborfield Road and from Hyde End Road in the south. The junction of Hollow Lane/Hyde End Road/Arborfield Road, which includes the demolition of Nos. 1 and 2 School Green, is intended to provide access for private vehicles to the foodstore and public transport to the rest of the development. Provision can be made for a public transport link from the main road through the site and strategic open space to Hyde End Road.
- 3.12. Developer funding would be provided for public bus services connecting Shinfield West to Reading town centre. The transport strategy would promote the use of cycling and walking. The community facilities would be located so as to be accessible by cycle and foot from within the development and Shinfield (SW07 Rev S and SW10 Rev S).
- 3.13. A network of new footpaths would connect with retained public footpaths, the areas of public open space and the SANGs. Footpaths 12 and 14 are proposed to undergo minor diversions to facilitate the development (Figure 6.1 CD2.6). The Loddon SANG application includes a new uncontrolled pedestrian crossing facility across Hyde End Road. No public rights of way are proposed within the SANG areas or elsewhere in the site. Here informal paths would become established by desire lines by public usage. The scheme seek to retain most trees and areas of woodland, including woodland to the north, north-east and east of High Copse Farm and a hedgerow that runs from School Green to the east to provide an element of maturity within the development.
- 3.14. A Flood Risk Assessment (FRA) has been undertaken. SUDS would be incorporated into the scheme including: 2 detention basins with bio-retention areas to the west of the built development; 3 balancing ponds: one within the east of the built development and 2 to the south-west; and a wetland to the south-west of the built development. The detention basins would have bio-retention areas at inlet and outlet points connected to a network of swales leading to wetland and balancing ponds to the south-west. Further swales would be provided along the internal road network that would connect to the third balancing pond within the east of the scheme.

#### Appeal B – Eastern Relief Road

- 3.15. A new 6-lane bridge over the M4, linking the Black Boy junction to the north of the M4 with a new 3-arm signal-controlled junction in the south would be created (Phase 1a). The existing A327 Black Boy Bridge would be closed to southbound vehicles and buses to allow its use by pedestrians, cyclists and northbound buses. The majority of outbuildings at Lane End Farmhouse would be demolished to construct the Lane End junction. Southbound traffic would pass to the east of Lane End Farmhouse, and northbound traffic would pass to the west (UR2/2 Figure 15)<sup>2</sup>.

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<sup>2</sup> Figure 15 replaces Figure 6 in UR2/2 Figures and Tables)



- 3.16. The ERR would be a single, 7.3m wide, carriageway road running eastwards in an arc from the southern point of the M4 bridge and passing to the north of a small reservoir to a roundabout to allow access into the permitted UoR Science and Innovation Park (SIP) (Phase 1b). From the SIP roundabout, the ERR would continue southwards, crossing Cutbush Lane, to the east of Barn Close Cottage and west of Cutbush House and Badger Cottage. There would be a priority junction with the section of Cutbush Lane north east of Barn Close Cottage; adjacent to that property. The section to the west would be closed. Pedestrian and cycle access would be provided from the ERR to Cutbush Lane west of Barn Close Cottage. The closure of a section of Cutbush Lane to the east of Barn Close Cottage and Oak Tree Barn is designed to prevent private vehicles using this route to Shinfield. To the south of Cutbush Lane, polytunnels associated with the UoR Horticultural Station would be demolished/dismantled to allow the ERR to extend to a roundabout junction with the A327 Arborfield Road, to the east of Parrot Farm (Phase 2).
- 3.17. The new M4 bridge would be at grade, the northern length of the ERR would be on a slight embankment, lifting the road by approximately 1m above the existing ground level to link to the M4 bridge. As the ERR arcs to the east, it would be on a slight terrace above the reservoir, with the land to the north-east at a greater height. South of the SIP roundabout, the road would be at grade with the existing ground level and then slightly below this as it approaches Cutbush Lane. Some 600m of the southern section of the road, which falls within the River Loddon floodplain, would be raised by a maximum of 2.2m above existing ground levels. The roundabout with the A327 Arborfield Road would be raised by approximately 0.5m to 1m above the existing levels. The area to the east and west of the roundabout would be re-profiled to match the existing surface of Arborfield Road.
- 3.18. Most trees within the site would be retained and substantial planting is proposed within the Lane End Farm junction, to the north of the reservoir and adjoining the M4. Badger proof fencing is proposed along both sides of the ERR with a series of badger tunnels located at strategic points beneath the road. Within the southern section of the ERR a bat 'fly-over' is proposed to encourage bats to cross the road at a high level thus avoiding collisions with vehicles.
- 3.19. SUDs would be incorporated in the form of swales positioned to either side of the road carriageway. This would enable surface water to infiltrate into the ground and the transporting of water to surrounding drainage infrastructure in the case of heavy rainfall. The southern section of the ERR includes land within Flood Zones 2 and 3a and b and has a medium and high fluvial flood risk. An embankment is proposed in order to raise the road so that it would not be inundated with floodwater. The elevated section of the ERR would reduce the flood plain capacity, while the associated raising of the level of a section of Arborfield Road at its junction with the ERR, reduces the ability for flood water to pass over Arborfield Road. The proposed mitigation measure is to increase the flow path for floodwater conveyance by creating some 12 sq. m of flow capacity to supplement the existing culverts under Arborfield Road.

### Appeal C - Loddon SANG

- 3.20. This application involves the change of use of some 18.3ha of agricultural land to provide a SANG to be completed and made available for public use in advance of the first occupation of housing at Shinfield West.
- 3.21. Minimal works are proposed, including fencing, bridges, footpaths, car parking, signs and landscaping. The scheme includes a vehicular access off Hyde End Road and an associated car park, providing 10 car parking spaces. Access to the car park would be achieved by improving an existing agricultural access off Hyde End Road. Access points to and from the car park would be provided to allow disabled and wheelchair passage. The proposed development would link with an uncontrolled pedestrian crossing on Hyde End Road to ensure that the Loddon SANG would be accessible from Shinfield West and the SANG Link. Ancillary to the principal recreational use and, relating to the ongoing management of the site, seasonal grazing and hay cropping may continue.

## 4. Planning Policy and Other Guidance

### National Policy

- 4.1. National planning policy is contained in Planning Policy Guidance (PPG) Notes and Planning Policy Statements (PPS). The relevant PPGs and PPSs are PPS1 Delivering Sustainable Development; PPS3 Housing; PPS4 Planning for Sustainable Growth; PPS5 Planning for the Historic Environment; PPS7 Sustainable Development in Rural Areas; PPS9 Biodiversity and Geological Conservation; PPG13 Transport, Planning and Pollution Control; PPG24 Planning and Noise and PPS25 Development and Flood Risk.
- 4.2. The Draft National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. Central to the draft NPPF is a presumption in favour of sustainable development, that development should be planned for positively and individual proposals should be approved wherever possible. The draft NPPF is yet to be adopted as Government policy. Thus, whilst it is a material consideration, only limited weight can be attached to it.

### Development Plan Policy

- 4.3. The development plan includes; The South East Plan – Regional Spatial Strategy for the South East of England May 2009 (RSS), the WBC Core Strategy (CS) adopted in January 2010 and saved policies of the Wokingham District Local Plan adopted March 2004. The Statements of Common Ground (SOCG) for Shinfield West contains a full list of planning policies (CD19.1). Set out here are the key development plan policies.

#### ***The South East Plan – Regional Spatial Strategy for the South East of England (CD7.1).***

- 4.4. The Spatial Strategy has an urban focus, concentrating development in and around existing service centres (*Policy SP3*). Reading is one of 22 Regional Hubs to be the focus of new market and affordable housing and transport infrastructure. *Policy SP2* seeks to support and develop Regional Hubs, through focussing housing development and economic activity in Strategic Development Locations (SDL).
- 4.5. *Policy CC1* seeks to achieve sustainable development and safe, secure and socially inclusive communities. *Policy CC7* requires development to include the provision of adequate infrastructure. Where development creates a need for additional infrastructure a programme of delivery should be agreed before development begins. *Policy CC8* seeks to ensure that connected networks of green spaces around new development are planned and managed to deliver a wide range of environmental and social benefits.
- 4.6. *Policies H1* and *WCBV3* establish a requirement for an additional 12,460 houses within the WBC area between 2006 and 2026, of which 2,500 are to meet the needs of Greater Reading. The average build rate per annum is set at 623 dwellings. The RSS identifies that the rate of new affordable housing provision is well below that required to meet existing need and

sets an overall target that 35% of all new housing should be affordable (*Policy H3*).

- 4.7. *Policy NRM4* requires a sequential approach to development in flood risk areas with a presumption against inappropriate development in Flood Zones 2 and 3. *Policy NRM5* seeks to ensure no net loss of biodiversity and to exploit opportunities for a net gain across the region. Development should include measures that protect designated sites and species.
- 4.8. *Policy NRM6* provides the policy basis for the protection of the TBH SPA. NE has identified that net additional housing development up to 5km from the TBH SPA is likely to have a significant effect alone or in combination with other developments on the integrity of the SPA. The focus of policy is on avoidance and mitigation of the effects on the SPA. Effective mitigation measures should comprise a combination of providing SANGs for recreational use to buffer the SPA and actions on the SPA to manage access and encourage use of alternative sites. Where developers propose a bespoke solution, this will be assessed on its own merits under the Habitats Regulations with the SANG requirement varying according to the size and proximity of the development to the SPA.
- 4.9. New residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures, which must be agreed with NE, are put in place to avoid or mitigate any potential adverse effects. The RSS seeks to ensure that local planning authorities (lpa) should work together to set out and deliver a consistent approach to mitigation based on a series of principles. The principles include, a zone of influence set at a 5km linear distance from the SPA boundary where measures must be taken to ensure that the integrity of the SPA is protected. Mitigation measures are to be delivered prior to occupation and in perpetuity and the measures are to be based on a combination of access management and the provision of SANG.
- 4.10. Where mitigation is provided by way of a SANG, the RSS sets out a series of standards and arrangements. These include: after discounting for current access and capacity a minimum provision of 8ha per 1000 new occupants; access management measures provided strategically to ensure that adverse impacts on the SPA are avoided and that SANGs function effectively; lpa will collect developer contributions towards mitigation measures including the provision of SANG and joint contributions to the funding of access management and monitoring of the effects of mitigation measures across the SPA; large developments may be expected to provide bespoke mitigation that provides a combination of benefits including SANG, biodiversity enhancement, green infrastructure and recreation facilities.
- 4.11. Where evidence shows that the integrity of the SPA can be protected using different linear thresholds or with alternative mitigation measures, including SANG provision different to that above, these measures must be agreed with NE. The mechanism for this policy is set out in the TBH Delivery Framework prepared by the TBH Joint Strategic Partnership. The principles of the Delivery Framework should be incorporated into Local Development Frameworks (LDF).

- 4.12. The Localism Act 2011, as a first stage, removes the primary legislation which forms the basis for RSSs. The second stage is to abolish each existing RSS by Order. It is the Government's intention to lay orders in Parliament revoking the existing RSS as soon as possible. However, this is subject to the outcome of individual Strategic Environmental Assessments (SEA). Decisions on the revocations will not be made until the SoS and Parliament have had the opportunity to consider the outcome of the SEA process. On this basis, the RSS remains part of the development plan.

***WBC Core Strategy (CD8.1).***

- 4.13. The CS plan period is 2006 to 2026. The CS Spatial Vision is that it will deliver the development necessary to sustain economic growth and ensure the needs of all groups. The basis of the Vision and *Policy CP 17* is that most of the 13,230 dwellings and infrastructure required in the plan period will be located within SDLs. The CS envisages an average completion rate of 600 dwellings per annum in 2006 to 2011, 700 in the period 2011 to 2016, 723 in the period 2016 to 2021 and 623 up to 2026. Following the proposed revocation of RSSs, WBC undertook a review of the CS housing figures and concluded they were the most robust available (CD8.40).
- 4.14. *Policy CP19* provides the policy basis for the development of the SM4 SDL with paragraphs A7.14 to A7.28 of Appendix 7 containing additional guidance. The objective is that a sustainable, well designed, mixed use development focused around Shinfield, Spencers Wood and Three Mile Cross will be delivered by 2026. Development will include: the phased delivery of around 2,500 dwellings including affordable homes most of which, 2,300, will be provided between 2011 and 2021 at average residential densities of between 30-35 dwellings per hectare; employment and retail facilities concentrated around existing local centres in Shinfield and Spencers Wood or at a district centre to serve the parish; social and physical infrastructure including up to 2 new primary schools and the expansion of existing primary schools, children's centre and youth facilities; measures to maintain settlement separation<sup>3</sup>; measures to avoid and mitigate the impact of development on the TBH SPA; improvements to highway capacity along the A327 and the A33; measures to improve accessibility by non-car transport modes along the A327, A33 and to railway stations and a Park and Ride facility at Mere Oak. Implementation will be guided by a Development Brief SPD. A co-ordinated approach to development will be required to deliver the necessary infrastructure, facilities and services to meet the needs of the expanded community.
- 4.15. CS Paragraph 3.19 states that before granting planning permission for the development of the SDL, WBC should ensure that appropriate pre-application discussions; public consultation; a Development Brief SPD, incorporating a Masterplan for each SDL and an Infrastructure Delivery SPD incorporating a roof levy for the 4 SDLs have been adopted.
- 4.16. *Policies CP1* and *CP2* identify that new development should contribute towards the provision of sustainable and inclusive communities. *Policy CP1* (9) indicates that development should avoid increasing, and where possible

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<sup>3</sup> Inspector's Note. The policy does not name the relevant settlements and refers only to "these settlements".

reduce, risks of or from all forms of flooding. *Policy CP3* sets out a range of design principles and standards that new development should achieve. *Policy CP4* states that permission will not be granted unless appropriate arrangements are agreed for the improvement or provision of infrastructure, services, community and other facilities required for the development taking account of the cumulative impact of schemes. CS Paragraph 4.25 indicates that where improvements are required their provision will be secured by either planning obligations or conditions.

- 4.17. *Policy CP5* states that where residential development is proposed, it should provide a mix and balance of densities, dwelling types, tenures and sizes. Affordable housing should reflect the sizes and types that meet the needs of people who require it. Subject to viability, the minimum percentage of affordable housing within an SDL will be 35%.
- 4.18. *Policy CP7* seeks to conserve and enhance sites of international and national importance for nature conservation. Proposals for development which alone or in combination are likely to have significant effects on the TBH SPA must demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered (*Policy CP8*). The CS Appropriate Assessment (AA) indicates that all of the SDLs are within 7km of the SPA and they are likely to have a significant effect on its integrity. However, where residential schemes include avoidance and mitigation measures, the likely significant effects on the SPA will be addressed.
- 4.19. To ensure that development avoids a likely significant impact upon the SPA, the following principles are to be applied. Where development is within 5km (linear) of the SPA, contributions to on-site SPA access management measures and monitoring in line with the DF will be required together with provision of SANG at a minimum of 8ha/1,000 population (calculated at a rate of 2.4 persons per household). This monitoring includes the effectiveness of the SANG. Proposals for 50 or more residential units within 7km of the SPA will be individually assessed as to whether a significant effect upon the SPA is likely either on its own or in combination with other plans or projects. Where avoidance and mitigation measures are required to address likely significant effects, this is likely to involve SANG together with funding towards monitoring the effectiveness of the solution agreed. SANG is to be provided and maintained in perpetuity in line with the quality and quantity standards advocated by NE. WBC's preference is for it to own any SANG. Where SANG also meets the definition of open space (see CS Appendix 4), it can also count towards this provision i.e. at least 1ha per 1,000 of population the SANG could also contribute towards the Natural Greenspace requirement and vice versa.
- 4.20. Proposals must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility (*Policy CP9*). This policy currently identifies Shinfield, Spencers Wood and Three Mile Cross as modest development locations. Ryeish Green is not defined as a settlement. Once improvements envisaged by Policy CP19 have been achieved or are programmed, as part of a planning permission, Shinfield, Spencers Wood and Three Mile Cross will become major development locations for the purposes of Policy CP9. *Policy CP10* advises that

improvements to the Strategic Road Network will be provided to mitigate major environmental or safety problems and to support new development.

***Wokingham District Local Plan 1996-2006 (CD 8.6).***

- 4.21. Policy WLL4 requires new development to respect the landscape character of the area and provide measures for the protection and enhancement of that landscape character. Policy WNC3 indicates that WBC will seek opportunities to create or restore wildlife habitats in association with new development. Policy WSH4 says that as part of major new housing developments, the concurrent development of convenience stores will be encouraged. Within new residential areas, Policy WIC5 seeks either the provision of a new community hall or the extension of an existing facility.

**Other Planning Guidance**

***Infrastructure Delivery and Contributions Supplementary Planning Document for the Strategic Development Locations (ID&C SPD).***

- 4.22. The latest version of the ID&C SPD was adopted in October 2011 and sets out the necessary infrastructure, phasing, funding and planning obligations/contributions to provide for the sustainable development of the SDLs (CD8.13A). Infrastructure includes highways, transport, community buildings, schools, open space and SANG. To ensure the delivery of the entire infrastructure required by CS Policy CP19 and Appendix 7, WBC seeks either an overarching infrastructure outline planning application or another relevant mechanism e.g. an overarching Infrastructure Delivery Plan (IDP). WBC believes the best way to achieve delivery is through a legally constituted consortium that is able to show delivery of the required infrastructure. If there is not an overarching outline application, WBC will expect planning applications to be accompanied by an IDP for the whole SDL and for S106 Agreements to reflect this approach. Piecemeal planning applications will need to show how they will provide the infrastructure requirements for the delivery of the SDL as a whole. Requirements for contributions will take into account and off-set the actual provision of infrastructure works or facilities to avoid double counting.
- 4.23. The ID&C SPD reiterates that SDL development will have a significant effect on the SPA. To address impact, a combination of SANG together with appropriate contributions to SPA access management and monitoring is required. The extent of mitigation measures required will vary according to the proportion of the SDL within either 5km or 7km (linear) of the SPA.
- 4.24. Within 5km, SANG is required at a minimum of 8ha per 1,000 new residents and a contribution (£630 per dwelling), towards pan-SPA access management and monitoring. Although in the 5 to 7km zone, proposals are assessed individually, it is likely that on-site SANG will be required with its extent to be agreed having regard to evidence supplied. Any dwellings delivered in this zone will also need to fund monitoring of the effectiveness of the solution, and this is likely to be an appropriate contribution towards strategic monitoring rather than for the specific proposal.

### ***South of the M4 Strategic Development Location Supplementary Planning Document (SM4 SDL SPD)***

- 4.25. The SM4 SPD was adopted in October 2011 as a guide for the development of the SDL and to establish WBC's expectations about the master-planning and design quality (CD8.10A). Although the SPD does not contain detailed proposals for the SDL, it is to be a material consideration in determining planning applications and in moving through to implementation. The SPD has been prepared on the assumption that applications will be accompanied by a single co-ordinating Masterplan and SDL-wide IDP.
- 4.26. The key elements of the SPD are: a Preferred Spatial Framework Plan (PSFP) forming the starting point for master planning the SDL; design principles aimed at delivering a high quality scheme; requirements for addressing sustainable design, delivery and requirements which should be met at the outline planning application stage and beyond to ensure adequate and consistent approaches to quality and delivery.
- 4.27. Central to the SDL vision is ensuring that the wider rural character of the area and the identities of Shinfield, Spencers Wood and Three Mile Cross are retained and that the location of new development does not lead to coalescence. The preferred locations for development are, to the west and east of Shinfield including a strategic link road to the east, to the north-east and east of Spencers Wood and to the west and east of Three Mile Cross (CD8.10A page 37 Figure 3.1). An open area of land should be retained running north-south through the centre of the SDL, linking with extensive SANGs to the north and south and providing recreational links to that wider rural character. The north slopes of the ridge, that separates Shinfield and Spencers Wood from the main built-up area north of the M4, are to be kept open.
- 4.28. The SPD recognises that the most appropriate location for sports pitch provision for the SDL is within the central belt of open land, to be balanced with other open uses including, farmland and woodland in the interests of retaining a physical functional and perceived separation between settlements. Activities should be designed to reflect a multifunctional open space that balances a variety of uses such as agricultural land, public rights of way, wildlife habitats and leisure uses.

### ***Affordable Housing Supplementary Planning Document***

- 4.29. Adopted in June 2011 this SPD provides guidance on WBC's approach to securing affordable housing (CD8.22). A 2007 study estimated that WBC needed some 400 to 550 new affordable units per annum (CD13.5). As a guide, the aim is to achieve 20% one-bed flats and houses; 15% 2-bed flats; 30% 2-bed houses; 20% 3-bed houses and 15% 4-bed plus houses. Tenure is to be agreed on a site by site basis based on a split of 70% social rent and 30% intermediate housing as the starting point. Typically shared ownership units would be delivered with 35% equity shares and a maximum rent on unsold shares of 1.5% per annum. Provision will normally be achieved through the involvement of a Registered Provider (RP), WBC or through WBC's Local Housing Company. The SPD assumes that affordable housing will be provided without public subsidy.



***Thames Basin Heaths Special Protection Area Delivery Framework***

- 4.30. The Delivery Framework (DF) is a non-statutory document endorsed in February 2009 by the TBH Joint Strategic Partnership Board (JSPB) (CD15.5). The DF sets out recommendations on measures to enable housing delivery in the vicinity of the SPA without having a significant effect on the SPA as a whole. The DF focuses on avoiding the impact of recreation and urbanisation on the SPA habitat and interest features.
- 4.31. The DF is founded on a series of key principles and forms the basis for its recommendations. All net new residential development, when considered either alone or in combination with other plans and projects is likely to have a significant effect on the SPA and should provide or contribute to the provision of avoidance measures. Developments can provide or contribute to the provision of measures to ensure that they have no likely significant effect on the SPA. On this basis, development will not have to undergo an AA. A 3-prong approach i.e. the provision of SANG, access management and habitat management to avoid likely significant effect on the SPA is appropriate. The DF focuses on 2-prongs, SANG and access management.
- 4.32. The DF's recommended avoidance measures should be applied within a Zone of Influence, defined as the area from 400m from the perimeter of the SPA to 5km from the perimeter of the SPA. These are linear distances measured from the primary point of access to the curtilage of the dwelling. Large scale development proposals beyond the zone of influence should be assessed on an individual basis. Where appropriate a full AA may be required to ascertain whether a proposal could have an adverse effect on the SPA. Large residential developments may offer their own alternative avoidance measures to be considered on a case-by-case basis.
- 4.33. A suite of avoidance measures should be provided in order that it can function in perpetuity. The provision of SANG is a key part of the approach to mitigation and avoidance. SANG provision should be funded by developer contributions or may be provided by developers for individual developments. Sufficient SANG based on at least 8ha per 1000 population should be provided in advance of dwelling completion to ensure that there is no likely significant effect on the SPA. All net new dwellings will be required to contribute to the provision of avoidance measures. The JSPB has established the Strategic Access Management and Monitoring (SAMM) Project. SAMM is the coordinated provision of management and monitoring across the whole of the SPA. Hampshire County Council administers the SAMM project and NE is the delivery body. Delivery is based on a legal agreement with the 11 local authorities covering the SPA.
- 4.34. If a development requires avoidance and mitigation measures, it must either make a contribution to the provision of SANG and SAMM or it must provide a bespoke solution that is agreed with NE. Bespoke solutions are judged on a case by case basis. Although it is possible that a scheme may be agreed on the basis of SANG only, normally a combination of SANG and a contribution to access management and monitoring is sought.

## 5. The Case for The University of Reading

The material points are: -<sup>4</sup>

*a. The extent to which the proposed development would be in accordance with the development plan for the area.*

- 5.1. The CS is up-to-date and accepted as the most important element of the Development Plan for determining these appeals. The proposals accord with the CS and would assist in delivering its vision and spatial strategy. The SM4 SDL is a CS allocation and part of an infrastructure and plan-led development strategy that seeks to address almost the entire new housing required by WBC in 4 SDLs whilst protecting the character of the Borough. The objective is to secure large scale development that can support the necessary infrastructure.
- 5.2. The Shinfield West scheme is to be considered with the applications for the ERR and the Loddon SANG. The ERR is required to meet one of the major constraints to delivery of the CS Vision. These are traffic problems on the A327 connecting to Greater Reading and the M4 motorway crossing. These problems arise from development pressures generally but particularly from the development proposed as part of the CS including the SM4 SDL, the SIP and the Aborfield Garrison (AG) SDL. The Loddon SANG would provide the mitigation measures required to avoid any contribution to a likely significant effect on the SPA. This scheme should be seen as part of the overall SANG provision enabling appropriate provision for the other parts of the SDL as well as bringing wider benefits.
- 5.3. The UoR is committed to providing and is able to deliver the necessary infrastructure required by the CS to support large scale housing development in this area. This is possible because the UoR controls large areas of land around Shinfield, in particular, the unremarkable agricultural land to the west of Shinfield. The UoR controls all of the land required for the ERR and the Loddon and Ridge SANGs as well as High Copse Common. The ERR would be forward funded by the UoR at a total cost, including fees and including the costs of the flood water conveyance measures, of some £24.6m. Thus, through its land ownership, the UoR can deliver the mixed used development and the necessary infrastructure central to delivery of the CS and its Vision.
- 5.4. The UoR's evidence, particularly the planning and ecological evidence, shows that these proposals accord with the RSS (UR10/1 paragraphs 4.3 and 7.2–7.3; UR/4.1 paragraphs 10.3–10.9). RSS Policy CC7 requires new developments to include the provision of adequate infrastructure, including a programme for delivery to be agreed before development commences, together with necessary contributions to enable the delivery of the necessary infrastructure. The UoR's evidence that the necessary infrastructure is provided in the proposed development is not seriously challenged (UR10/1 & UR10/2 Appendix G). RSS Policy CC7 is addressed

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<sup>4</sup> *Inspector's Note: The UoR's case as presented in the closing submissions is structured to answer the matters raised by the SoS. Several of the SoS matters are lengthy and I have shortened them. The full text of the SoS matters is contained in Annex E*

by the 3 schemes with WBC unable<sup>5</sup> to point to any omission from the infrastructure proposed for the development.

- 5.5. Only in respect of RSS Policy NRM6 and the ability of the proposals to avoid a likely significant effect upon the SPA has any allegation been maintained in WBC's case regarding failure to meet RSS policy. RSS Policy NRM6 allows for bespoke avoidance and mitigation measures to be considered. Therefore, given the nature of Bramshill Plantation the nearest part of the SPA, and household surveys regarding likely use of the proposed SANGs, there is no breach of RSS Policy NRM6. If for the purposes of Circular 5/2005 and CIL Regulation 122, the SoS does not agree with the UoR's submission that there is no justification for the SAMM contribution, the contribution would be paid (UR B32 page 49 Schedule 5 paragraph 2.1). If a SAMM contribution is paid, it is common ground that there would be no breach of RSS Policy NRM6.
- 5.6. The proposals comply with saved Local Plan policies and comply with and would deliver CS policies and strategy. In accord with CS Policies CP1 and CP2, the proposals would provide sustainable development in close proximity to the Greater Reading conurbation; integrate with the existing settlement and enhance the necessary community and other infrastructure as part of an accessible and inclusive extension to the settlement.
- 5.7. CS Policy CP4 requires arrangements to be made for the improvement or provision of infrastructure, services, community and other facilities required for the development, taking account of its cumulative effect with other schemes. Shinfield West fully meets its own requirements and does so in ways that contribute to meeting the infrastructure needs for the development of the balance of the SDL and in ways that would not prejudice bringing forward the rest of the SDL (UR10/1 paragraph 7.4).
- 5.8. CS Policy CP5 is met through the provision of a range of house types. CS Policy CP6 is met through the locational characteristics of the development where it would offer a choice of modes of travel, especially in combination with the proposed bus service and foot/cycle links that form part of the scheme. CS Policy CP10 is met through the provisions of the UU for the provision of, and/or contributions to, the ERR, SDL-wide bus services, the provision of the Mere oak Park and Ride facility and other transport infrastructure provisions including the Arborfield Cross Improvements and the contribution to improvements along the A327 in the RBC area (UR B8, B30 & B32).
- 5.9. The proposals accord with and would deliver each of the relevant requirements in CS Policy CP19. This policy covers a wide range of issues and is commented on in addressing the other issues raised by the SoS below. A summary of the UoR's case on CS Policy CP19 is set out in the final bullet point at pages 90 and 91 of UR10/1.
- 5.10. CS Policy provides for development to be guided by the recently adopted SM4 SPD (CD8.10A). The proposals would secure, and have come forward on the basis of, a coordinated approach to the development of the SDL as

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<sup>5</sup> X-Examination of Mr Gillespie.

a whole so as to deliver the necessary infrastructure facilities and services to meet the needs of the expanded community. The UoR has, with other SDL stakeholders, promoted a Masterplan together with WBC and public consultation since 2008. The proposals are wholly in accord with the principles established as part of that overall Masterplan and would act as the catalyst for development of other parts of the SDL as well as the SIP and the Arborfield Garrison (AG) SDL.

- 5.11. CS paragraph 3.19 explains that WBC should have a Development Brief SPD incorporating a Masterplan for the SDL in place before granting planning permission. WBC acknowledges that the SM4 SPD is not a development brief and does not incorporate a Masterplan<sup>6</sup>. However, CS Policy CP19 is not contingent on its provision. WBC accepts<sup>7</sup> that in those circumstances the suggestion in CS paragraph 3.19 that planning applications for the SDL must follow the principles and location of development and spaces in the development brief incorporating the Masterplan is not engaged. WBC accepts<sup>8</sup> that the same applies to the statement in Policy CP19 that development will be guided by a Development Brief SPD. This is the same document listed by CS paragraph 4.86 that refers to the principles in Appendix 7 being *"amplified in a Development Brief SPD, incorporating a Masterplan"*. Whilst the appeal proposals fully comply with the development components and principles in the SM4 SPD compliance is not a requirement of development plan policy.
- 5.12. The original version of the SM4 SPD, February 2010, (CD8.8) was the product of a master-planning process in which all relevant factors, including the responses from *"... the public, stakeholders, representatives from the public sector agencies, and officers of the council..."* were taken into account *"... to balance the aspirations and objectives of all these groups with acknowledged best practice principles for the design and development of sustainable, high quality places."* (CD8.8 paragraph 1.2.5 page 2) WBC accepted the SM4 SPD prepared by David Lock Associates (DLA) as a proper basis for delivery of the strategy requirements for public consultation. In the February 2010 SPD and shown on a Spatial Framework Plan, land to the west of Shinfield, Area C, was identified for a large mixed use development (CD8.8 page 17 Figure 3). In this document, the extent of Area C is similar to the appeal proposals. WBC agreed<sup>9</sup> that nothing has changed in the underlying planning considerations.
- 5.13. Subsequent changes in a renamed PSFP contained in the October 2010 and May 2011 SPDs have been driven by a response to local public representation (CDs8.9 & 8.10 Figure 3.1). WBC accepts that, at the outset, public responses were made in the context of a misleading pamphlet issued by Shinfield Parish Council (SPC) (UR10.2 Appendix H). However, in terms of guidance, there is no material alteration in the SM4 SPD development components and principles, all of which the 3 proposals continue to comply with.

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<sup>6</sup> X-Examination of Mr Gillespie.

<sup>7</sup> X-Examination of Mr Gillespie

<sup>8</sup> X-Examination of Mr Gillespie

<sup>9</sup> X-Examination of Ms Cave.

- 5.14. One of the changes reflected on the PSFP relates to the division of the development proposed between west and east Shinfield, with the inclusion of Area D (CD8.10A Figure 3.1). However, there is no explanation or analysis as to how the required community infrastructure, i.e. community facilities and playing fields, for the expanded east of Shinfield community is to be supported. The PSFP does not address the implications for the remainder of the land to the south of Area D and enclosed by the ERR. Nor does it consider the implications for the new expanded local centre for Shinfield.
- 5.15. The SM4 SPD makes it clear is that it is illustrative and *"highlights the anticipated configuration of the strategic development components outlined above."* (CD8.10A page 36 paragraph 3.1.15). The SM4 SPD is to be *"subject to ongoing refinement as the master-planning of the SDL progresses through the Outline and Reserved Matters stages in order to ensure the best possible design solution for large scale development are achieved throughout the plan period."* The development components are set out in paragraph 3.1.15 (CD8.10A page 36). Subject possibly to the suggested requirement for 2 new neighbourhood centres, which is unsupported other than as a product of an indicated provision of additional housing at Shinfield East for which there is no proven need, each of the stated development components would be delivered as part of Shinfield West. The UoR is in no doubt as to the preferred approach, which would be concentrating development at Shinfield West. However the real issue is whether, in the light of the policy and the guidance, there is any substantiated objection to the 3 proposals, which are acknowledged by WBC to *"balance the aspirations and objectives of all these groups with acknowledged best practice principles for the design and development of sustainable, high quality places"* as set out above (CD8.8 page 2 paragraph 1.2.5).
- 5.16. The consequence of focussing comprehensive residential development on Shinfield West is that more land is required in that area. The UoR sees that comprehensive development as best suited to deliver the aspirations in the CS and the SDL development components. This preferred approach would leave the land at Shinfield East to be considered on a comprehensive and properly planned basis if and when that is required.
- 5.17. The UoR supports that comprehensive outcome both in committing all of the land to the west of Shinfield to its intended end uses and has covenanted that the land at Shinfield East would not be brought forward for development within the current plan period, at least without the consent and invitation of WBC (UR B32). This is an approach that is to be preferred to the piecemeal and inherently interim solution in the SM4 SDL as illustrated on the PSFP.
- 5.18. So far as the extent of the residential development is concerned, the policy principle is clear, that is to protect the separate identity of settlements and *"...maintain the separation of these<sup>10</sup> settlements from each other..."* (CD8.1 Policy CP19). This is accurately described in the first development

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<sup>10</sup> It is accepted that "these settlements" refers to Shinfield, Spencers Wood and Three Mile Cross.

component and reflected in the PSFP as *"the maintenance of the separation between villages"* (CD8.13A page 35). In accord with WBC's decision to take forward their consultant's<sup>11</sup> advice in CD8.8, Shinfield West fully ensures the maintenance of that separate identity and separation between the villages.

- 5.19. The SM4 SPD sets out, as one of the detailed requirements within its landscape design principles, that the width of the open area should be a minimum 500m between Spencers Wood and Shinfield and 350m between Ryeish Green and Shinfield. However, as a matter of guidance, issues of separation and separate identity are better judged on the basis of particular proposals and their effect rather than by the application of specific distances. Ryeish Green is not a settlement in this context; it is part of the countryside and agreed to be semi-rural<sup>12</sup>. Moreover, the "requirement" is not in itself one of the development components, pages 35 and 36, or design principles at pages 38 to 76 of the SM4 SPD.
- 5.20. So far as scale is concerned, the main text of the SM4 SPD appears to be silent on numbers save that in the Introduction it states that the location is identified in the CS as being capable of accommodating around 2,500 dwellings. The notes that form part of the illustrative PSFP, suggest that the *"SDL to be planned according to guideline figure of 2,500 dwellings"* and they give indicative dwelling capacities for areas illustrated on the framework. This illustrates *"the anticipated configuration of the strategic development components outlined ... subject to ongoing refinement as master-planning of the SDL progresses through Outline and Reserved Matters stages in order to ensure the best possible design solution for large scale development are achieved throughout the plan period."* Albeit not in the same form, the UoR's proposals deliver precisely that and accord with the illustrated principles. However, that is no part of the adopted requirements.
- 5.21. So far as the overall dwelling figure is concerned, the evidence shows that a realistic expectation of the overall provision of dwellings in the SDL is between 2,553 and 2,688 dwellings (UR10/1 paragraph 5.25). In addition, the specialist housing units in the Local Centre are expected to include 75 units falling within Use Class C3. Taking account of these, the dwelling provision could be around 2,700 dwellings. WBC acknowledges that this level of housing is in line with the *"around 2,500 dwellings"* provided for in CS Policy CP19 (UR10/1 paragraph 5.27; WBC1/1 paragraph 3.58).
- 5.22. So far as the adopted ID&C SPD is concerned, the proposals would secure the *"delivery of a comprehensive range of infrastructure so as to be safely secured and delivered in a timely manner to meet demand and the needs of the SDL and related communities"* (CD8.13A). The development provides an effective mechanism including an overarching IDP in accordance with paragraph 6.4 of the SM4 SPD. There is no breach of the principles set out in the SPD. The points raised by WBC are about some of the specific requirements that have changed throughout the various iterations of the SPD.

<sup>11</sup> David Lock Associates were retained by WBC to prepare the SM4 SPD.

<sup>12</sup> X-Examination of Mr Overall.

- 5.23. There is significant compliance between the proposals and the Development Plan. Firstly, there can be no doubt that Shinfield West and the delivery of the ERR and Loddon SANG comply with CS Policy CP19 and related policies. The housing numbers comply with the CS and the SPD in the light of WBC's agreement that circa 2,700 dwellings is within the meaning of around 2,500. The only way in which WBC gets to figures which are significantly higher than this is to include the land at Cutbush Lane South together with the Manor and other sites within the 3 settlements, but which do not form part of the SDL (WBC1/4).
- 5.24. WBC accepts that Shinfield West is a sustainable, inclusive and mixed community in line with PPS3 policy. The only real criticism is to suggest that the proposal does not conform to paragraph 69 of PPS3. WBC's approach conflates the contents of the illustrative PSFP in the SPD with the spatial vision, contained in the Development Plan. So far as the Development Plan is concerned, there can be no doubt that the proposed development complies with the spatial vision in the RSS and CS.
- 5.25. Other than what appears to be a perfunctory policy objection on flooding grounds by the Environment Agency (EA), there does not appear to be any policy objection to the ERR. WBC takes the view that "*The proposed ERR is acceptable in principle*" (CD8.37 page 83 first sentence of Conclusion).
- 5.26. There are no outstanding objections of merit to the Loddon SANG and it is considered to be acceptable in principle, subject to conditions. The issue of the SAMM, which is a matter of contributions not the principle of the development, is addressed below in respect of the issue of PPS9.
  - b) *the extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1: Delivering Sustainable Development, and accompanying guidance The Planning System: General Principles*
- 5.27. Shinfield West brings forward a mixed use development focussed on delivering the housing required to meet the needs of Greater Reading in a sustainable location, as recognised in the RSS. It would relate well to and act as a catalyst for the development of the SIP. The development would perform an essential role in supporting economic development in the area. The CS establishes the principle of the location and scale of development.
- 5.28. The development seeks to enhance the character of the area by expanding an existing community in a highly sustainable location in a manner which would be properly supported by the necessary infrastructure for the benefit of both existing and proposed residents. Facilities and services would be significantly enhanced for existing residents including the provision of a well defined Local Centre, complete with a modern supermarket and extensive access to areas of countryside which are currently inaccessible.
- 5.29. The quality of the design and the principles which lie behind it are contained in the Revised Design and Access Statement (RDAS) (CD2.6). Key aims include: a form of development that complements and enhances Shinfield's character and maintains a clear distinction between the neighbouring villages; integration of a mix of complementary retail and community uses within a local centre with existing community facilities and

residential areas; the creation of a clear network and hierarchy of movement routes and spaces through the site enabling integration and achieving permeable and legible environments.

- 5.30. WBC suggested that there is insufficient information in respect of such movement routes and requested a walking and cycling strategy. The connection points around the edge of the development are clearly shown in the Pedestrian and Public Transport Figure (CD2.6 page 141 Figure 19.1). Movement routes through the development are shown on the Access and Circulation Parameters Plan and on the Street Hierarchy Figure (CD 2.6 page 145 Figure 19.6). The UoR provided further information and the issue has been resolved by way of a condition (SC 45). However, the important point that those 2 diagrams and information elsewhere in the RDAS show is that the movement routes have been very carefully considered to integrate not just with the existing settlement at Shinfield, but also the wider SDL area including the SANG areas connected by the SANG link.
- 5.31. WBC accepts<sup>13</sup> that open space through the site would be extensive. As well as the SANGs, High Copse Common is a large multifunctional area to serve the residents of Shinfield West and the village. In addition it would serve other parts of the SDL including both the existing and proposed communities of Spencers Wood and Three Mile Cross in an integrated way and in accord with the agreed Consortium Vision.
- 5.32. The Vision is to provide a development that would revitalise and integrate with Shinfield and enhance the village's sustainability through supporting prosperity of the local community. This would include the adoption of a development identity that complements and enhances the character and maintains a clear distinction between neighbouring SDL settlements; integrating a mix of complementary retail and community uses within a local centre located alongside existing Shinfield facilities and creating a series of connected formal and informal green spaces through which the network of routes will pass.
- 5.33. In agreement with NE, the Ridge SANG, is located in the north-west of the site. A second SANG, the Loddon SANG is proposed to the south-east. The 2 SANGs and the link between them have the potential for a very significant countryside walk. The SANG link, as part of the Strategic Green Space, provides a significant part of the physical separation between the SDL settlements, in combination with further SANG and other open land uses that are proposed as part of developments at Spencers Wood and Three Mile Cross (UR1/2 Appendix 1).
- 5.34. The main vehicular accesses to Shinfield West would be from Deardon Way/Church Lane and Hyde End Road. Local Centre access and bus access would be from a new junction at Hollow Lane, Hyde End Road and Arborfield Road. There is potential to achieve a sustainable transport link between Shinfield and Spencers Wood across the strategic gap.

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<sup>13</sup> X-Examination of Ms Cave.



- 5.35. The urban form of the development includes a curved spine road marked by frontages with an urban character, but with retained vegetation and avenues of trees. There would be a positive frontage addressing the strategic open space to the west of the site and a series of greens defined by frontage development. The proposals include the creation of views and vistas within the development area and to the strategic open space creating legibility and a strong sense of place. The layout of the built development would take the well established and successful form of block structures with the edge treatment providing an attractive and traditional transition between the urban area and the rural landscape.
- 5.36. Of the 1,200 units, the indicative dwelling mix shows 6-12% would be flats, 20-30% would be 2-bedroom houses, 25-30% would be 3-bedroom houses and 35 to 42% would be 4/5-bedroom houses (UR1/1 page 31). Sample layouts are shown in the RDAS, as well as an illustrative full site layout which shows an indication of the distribution of dwelling mix. The overall average density based on the definition of net development area in Annex B of PPS3 is 35.7 dwellings per hectare. This excludes the mixed use Local Centre and the 50 dwellings proposed within it.
- 5.37. Shinfield has a largely suburban form and has been left without a full and properly functioning local centre. The local population needs to travel outside Shinfield to other centres for everyday items, undermining the vitality and self-sufficiency of the settlement. The proposed new critical mass of population to the south-west of the settlement would support the provision of a series of new Local Centre facilities including a 2,500 sq. m foodstore, small retail units averaging 100 sq. m each and in total around 650-700 sq.m, and small office units of up to 420-450 sq. m. The mixed use centre is located around the main entrance to the site from the Hollow Lane roundabout. The Masterplan shows the relationship of the area to School Green. The area would have a strongly urban character located around a new civic space or square. The exact details would be set out in a design brief for the Local Centre, provided for by SC4.
- 5.38. The community building and meeting rooms would provide multi-functional space which would allow for a place of worship, café, library, children's centre and a neighbourhood police office. Whilst content to provide these facilities, the UoR should not be required to provide for a revenue stream for this facility, particularly the police office, given that it will be funded from other sources. First it will be funded by Council Tax payments as is common experience. Secondly, it would be the subject of Central Government funding, which was shown and accepted<sup>14</sup> to be directly related to any increase in population.
- 5.39. The development would be designed and laid out to address the needs of the whole community, including those with a disability. The way in which this can be best achieved is a matter for the detailed design stage.
- 5.40. WBC's criticisms about design are limited. DLA was involved in the process which led to the original draft SPD being accepted (CD8.8). Whilst DLA gives evidence on behalf of WBC, its role and involvement in the

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<sup>14</sup> X-Examination of Chief Inspector Bunt.

determination of the application has not been fully explained. It is important to note that during discussions leading to amendments to the Masterplan in February and March 2011, DLA was not present. Moreover, it is clear from the evidence that views shared by WBC at these design meetings and DLA's subsequent comments are at odds (WBC2/1). Indeed, the issues now raised by DLA were not previously raised by WBC.

- 5.41. On density, WBC submits that the methodology adopted by the UoR is inconsistent with PPS3. Annex B of PPS3 identifies the land uses to be included when measuring net developable area. Of the 6 accepted land uses (access roads, private garden space, car parking areas, incidental open space and landscaping and children's play), WBC only identifies 2 and fails to interpret and apply correctly the PPS3 methodology.
- 5.42. The PPS3 definition does provide clarity on the elements that should be included in the net developable area: *"Net dwelling density is calculated by including only those site areas which will be developed for housing and directly associated uses..."* As such the test has to be, not whether the space is of a particular size, but whether the land use elements of access roads, private garden space, car parking areas, incidental open space and landscaping and children's play are directly associated with the residential land use. The greenways and squares located between the residential blocks are spaces that are directly associated with the residential use as they would only be brought forward in conjunction with adjoining housing and residential roads.
- 5.43. Despite WBC's suggestion, the Land Use Parameter Plan (SW07 Rev S) does not confirm that the greenways and squares cannot be directly associated with the residential land use and cannot therefore be included as incidental open space. This approach fails to understand that such a plan shows the range of land uses, their location and extent as required by guidance in the Town and Country Planning (Development Management Procedure) (England) Order 2010 and also provides a commitment towards a particular landscape and open space approach within the residential area rather than a more distributed approach as could have been promoted. It does not follow that these areas are not directly associated to the residential land use.
- 5.44. WBC suggests that the children's play provision is too large to be treated as part of the incidental open spaces. PPS3 Annex B specifically includes children's play as a separate element within the definition of net residential area and it makes no distinction about the size of the play area. As with the rest of Annex B, the test has to be whether the children's play area is a directly associated use.
- 5.45. The confusion over these points appears to lie in the use of PPS3 net development area, which is the correct application of planning policy, as opposed to the developer's net developable area. This is highlighted in WBC's approach to block types. However, WBC's point has no substance in that no specific criticism is made of the Masterplan layout. Indeed, DLA commended it for the incorporation of a good quality of open green areas, which then are excluded in considering its approach to net residential area.

- 5.46. There has also been a debate about an alleged shortfall of dwellings on the development. Applying the maximum number of units to be accommodated within the net developable area (1,150 units) the density would be a maximum of 35.7 dph. The 150 specialist units and the 50 dwellings within the Local Centre would not fall outside this area. There would be no pressure to increase the density above 35.7 dph.
- 5.47. WBC express concern about the 3-storey buildings along The Avenue and that these should not be the dominant form as shown on the Building Heights Parameter Plan (SW09 Rev Q). But this is based on a misunderstanding of the role of the parameters plan, which deals with maximum heights. It is clearly shown in the RDAS that a mixed height frontage is intended for the buildings along The Avenue. Moreover, the matter is appropriately dealt with at the detailed design stage.
- 5.48. Contrary to the earlier officers' support for this element of the revised design, DLA has been critical of the western rural edge of the development. It is suggested that it is too intense and too formal to be capable of forming the gradual transition between urban and rural areas sought by the SM4 SPD. This area is to be subject of a design brief which means that matters of form and detail can be addressed specifically through that process (SC 4). The net developer's density on this edge would be around 22 dph, and the density for the whole sample block of the RDAS is 35 dph. This accords with the density set out in the SM4 SPD (UR1/4 Appendix 2).
- 5.49. There is dispute about the location of the western edge of the development given the position broadly illustrated in the SM4 SPD (CD8.10A Figure 3.1). Both parties agree that this comes down to a matter of judgment, to be considered in light of the landscape evidence together and weighing against all the other material considerations that are relevant to this case.
- 5.50. The separation of settlements is a CS policy requirement (CP19) but it appeared to be conceded by WBC<sup>15</sup> that physical separation serves the purpose of securing the separate identity of settlements. There are only a limited number of viewpoints from which this can be appreciated in the landscape. The key question is whether the settlements can still maintain their separation as well as their separate identities in the proposed configuration in the UoR's/Consortium's proposals.
- 5.51. Even if there remain residual concerns about the extent to which separate identities can be retained, the matter still needs to be weighed against the unchallenged evidence of the need for the development including the already significant delay which has occurred in terms of delivery. The merits of securing the degree of green-space, the platform for delivery of the balance of the SDL and of the greatest importance the ERR, for which there is no other apparent means of delivery.
- 5.52. WBC objects to the position of the supermarket car park. However, for obvious reasons it needs to be located next to the supermarket and it would serve the entire Local Centre, including linked trips such as might be made to both the supermarket and the medical centre. Given the proximity

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<sup>15</sup> WBC X-Examination of Mr Tant.

of the existing houses on Hollow Lane and the Jacobs office building, the car parking would not dominate the public realm. The car park is located behind these buildings with visibility into the car park restricted to views down the access road from the Hollow Lane roundabout.

#### Landscape

- 5.53. The UoR's comprehensive land ownership around Shinfield can ensure the delivery of green-space, including both the Loddon and Ridge SANGs and High Copse Common. WBC accepts that the majority of the area proposed for development at Shinfield West is suited for the proposed development. The UoR has ensured that built development, open land and the supporting infrastructure are located with regard to the structure of the landscape.
- 5.54. The context for consideration of the landscape issues is the policy requirement as part of the SDL for provision of some 2,500 houses against the background of the Local Plan inspector's identification of this area in the following terms: *"...if up to 2,500 dwellings are to be accommodated ... I consider that development here would be in a location where the least harm to landscape would result. Certainly much of the gap would be sacrificed, but the landscape type is common and its quality unremarkable. The built up area of Shinfield to the north and east already influence it. Importantly with careful siting and landscape design, development could be contained within the wider landscape framework."* (CD8.7 page 212 paragraph 6.6.29).
- 5.55. WBC acknowledges<sup>16</sup> that the overarching requirement to accommodate development would require the change of use of some 110 to 120ha of open land to residential purposes. WBC accepts that the landscape is common, unremarkable and influenced by the existing residential area of Shinfield and that development of the scale proposed could properly be contained within the wider landscape framework.
- 5.56. WBC confirmed that the concern was not the physical distance that the appeal scheme would retain between the proposed development at Shinfield West and the settlements to the west or indeed Ryeish Green. WBC accepted that views would be maintained and the landscape framework respected. The only issue WBC raises is the character of treatment of land within the area of separation zone. Thus the issue as to landscape in the present case is effectively limited to that point.
- 5.57. This narrow issue needs to be seen against the unchallenged fact that, the whole of the Shinfield West land is land that is already affected by direct views of the urban area of Shinfield. Thus, although it involves change it relates to one of degree and not that of a new intrusion into a landscape that is free from urban influence. That is to be contrasted with the proposals in the illustrative spatial framework in the SM4 SPD, where new areas for residential development are opened up south of Cutbush Lane and south of Shinfield alongside Hyde End Road.

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<sup>16</sup> X-Examination of Mr Overall.

- 5.58. No issue arises so far as any separation is concerned with Greater Reading or Three Mile Cross. The development would be visible from the north of the ridge from Junction 11 and the periphery of Three Mile Cross. However, WBC acknowledges<sup>17</sup> that any change would be limited and not significant in this respect. The only issue so far as the separate identity and separation of the 3 identified settlements is concerned, relates to Spencers Wood as proposed to be extended to the west of Hyde End Lane and Shinfield West. There is also concern as to the relationship between the proposed new development and Ryeish Green, forming part of the retained countryside which WBC describes as “semi-rural”. It is common ground that the references in the CS to “minimal intervention” and “preservation of meaningful countryside” must be seen contextually as part of the delivery of the CS vision in accordance with Policy CP19.

#### Background

- 5.59. Following the conclusions of the Local Plan Inspector, the Consortium was formed to carry out the Masterplan exercise concluding after public consultation in a first Masterplan (UR10/1 page 12). Independently, together with DLA, WBC also carried out studies as to the spatial vision to accommodate the CS objectives for sustainable growth. That became the Issues and Options Report following the community workshops consideration, which identified on Fig 5.2 a similar framework to that underpinning the Consortium’s master planning work. It notes on page 46 *“There is general agreement between the Consortium and WBC about the extent of the proposed gap between Shinfield, Spencers Wood and Three Mile Cross. DLA concur with the latest approach of the Consortium regarding the proposed gap.”* The report discusses the nature of the proposed uses in that gap. The area to the west of Shinfield was identified for development in each of the proposed development options. Option 2 had a similar spatial extent to the UoR’s proposal (CD8.66 page 51).
- 5.60. In February 2010, following public consultation on the options, WBC approved a draft SM4 SPD for the SDL (CD8.8). This contained an illustrative spatial framework broadly coincident with the appeal proposals (Figure 3.1 page 17). That spatial framework had the support of the DLA team, WBC officers and Members and reflected the responses from the community workshops. WBC accepted<sup>18</sup> that since then there had been no change in terms of planning policy or other material factual or other circumstances that would require any alteration in the judgement then reached. WBC acknowledged that the changes to the spatial framework as shown in the adopted SM4 SPD were purely a reaction to local consultation. The key change took the form of redrawing the western boundary of the development area to the west of Shinfield and, as a compromise, opening up new areas to the south of Shinfield and to the east, south of Cutbush Lane.
- 5.61. Government policy in dealing with local representations is in paragraph 27 of The Planning System: General Principles. Given the extent to which the

<sup>17</sup> X-Examination of Mr Overall.

<sup>18</sup> X-Examination of Ms Cave.

consultation responses influenced WBC's proposals for Shinfield it is important to note that, to a significant extent, the response was influenced by misleading information. This said that the proposed separation with Spencers Wood would be only 100 yards (UR10/2 Appendix H). Whatever the genesis of the views expressed which led to the reactive change, it did not alter the original judgement. That judgement coincides with the views that emerged from the master planning work and the Consortium's consultation as to the appropriate spatial framework to accommodate development in accordance with the CS vision and as approved for consultation in CD8.8 and the present appeal.

- 5.62. While issues relating to impact in terms of landscape and settlement separation are judgemental, here there is a compelling background derived from WBC's spatial framework consideration and the Consortium's master planning that reached the common conclusion in support of the spatial vision and framework that now underpins the appeal proposals. It cannot be said that the consensus of professional view that supported the proposed treatment of the western edge as part of the current appeal was in some way maverick or isolated in the range of professional judgement as to the relevant considerations.
- 5.63. So far as the Development Plan and related policies are concerned, on the above basis, as WBC concluded in February 2010 in approving the SM4 SPD for consultation, *"there would be no conflict with the relevant policies in the Core Strategy including policies CP11, CP19 and Appendix 7"*. As to the adopted SM4 SPD, the proposals would comply with all of the required development components and with the development principles set out in the document. Specifically in respect of landscape, the proposals would comply with each of the detailed development requirements, although not forming part of the central guidance within the SM4 SPD (CD8.10A paragraphs 3.1.14/15).
- 5.64. The only requirement where there would be non-compliance relates to the nominal distances of a minimum of 500m between the proposed development to the west of Shinfield and the nearest point of Spencers Wood and a minimum 350m to Ryeish Green. However, it is common ground and there was no challenge to the contrary, that those distances simply reflect the outcome of the judgement as to the appropriate spatial framework and separation. They have absolutely no value in themselves. Thus, the issue is not concerned with the separation distance as such but much more with what is the effect of the proposals in the context of the overall Masterplan in the light of the spatial planning as a whole. Moreover, looking at the illustrative spatial framework at Figure 3.1, the proposals in the SM4 SPD would not provide the distance of 500m between the proposed development and Spencers Wood.

#### Landscape Approach of the Consortium

- 5.65. UR3/1, UR3/2 Appendix L and UR3/11 Plans HDA1 to 6 set out the landscape approach behind the overall and specific Masterplan proposals for the development. WBC does not challenge the treatment of the landscape framework, including the approach to the ridge and the 3 settlements identified in the policy. The UoR's approach respects the

strategic landscape assessments that identified this area as a settled landscape, i.e. one that is affected by settlements. This is a characteristic that WBC agrees with<sup>19</sup>. The development area is contained within the wider landscape by the ridge, by Shinfield to the north-east, east and south-east, by the copse to the south and by the other landscape features to the west.

- 5.66. That overall Masterplan has been maintained and is reflected in the evolving proposals, in particular showing the treatment around Hyde End Lane with open space and open uses to the west and to the east of Hyde End Lane (UR1/1 Appendix 1). That careful master planning is to be contrasted, to the approach adopted by DLA when required to provide an alternative spatial framework as a reaction to the 2010 consultation responses to the initial, agreed, proposals. DLA went back to the October 2009 options and adopted part of the proposals to the east of Shinfield, south of Cutbush Lane, and then added part of the area to the south of Shinfield. Previously both areas were not affected by proposed development. It was acknowledged that a detailed assessment of those areas was not carried out either by DLA or WBC's landscape advisor<sup>20</sup>.
- 5.67. Notwithstanding the lack of a landscape assessment, WBC asserted<sup>21</sup>, that in terms of landscape and visual effect, there was no distinction between the area north of Cutbush Lane and that to the south. The UoR's evidence, which was not challenged is that judgement is unsound, as there is a clear distinction in landscape and other terms between the two and considerable implications in landscape and visual terms in opening up a new area for development to the south of Cutbush Lane. This is an aspect about which the Local Plan Inspector expressed concern.
- 5.68. The landscape treatment of the area to the west of the development would be the subject of a Strategic Greenspace Strategy and requires approval as part of the details to be submitted (SC 75). This would include advanced planting, along Hyde End Lane, to the east of Ryeish Green and along the western edge of the built development (SC 76). These works would be carried out at an early stage of development and well in advance of development in the final phase on the west side of the residential area. There was no cross-examination or other criticism of those proposals.
- 5.69. The policies for the maintenance of meaningful open countryside and minimal intervention need to be assessed in the context of the whole of the area between the 3 settlements (UR3/3 Appendix L Plans HDA7A and 7B). Supplementary Note Table HDA5 (UR3/13), in respect of which WBC had made no criticism albeit subject to the double counting in respect of the one figure and which was corrected in the supplementary note (UR3/13). This exercise demonstrates that 60% of the area would comprise countryside uses in the form of the SANG, Local Wildlife Sites, agricultural land and woodland. Some 11% would be managed grassland for grazing and other purposes. Farmsteads and Ryeish Green would make up 15%

<sup>19</sup> X-Examination of Mr Overall.

<sup>20</sup> X-Examination of Mr Overall.

<sup>21</sup> Re-Examination of Mr Overall.

and some 13% at most would comprise playing fields. The extent of playing fields could be reduced to 10% through the dual use of playing fields in accordance with WBC's policy. Given the prevailing settled landscape character, the area between the 3 settlements can be accepted as meaningful countryside.

- 5.70. When reported to the Planning Committee, the proposals were commended as a "*thoughtful response to the wider landscape setting and character*" (CD8.37 page 34 paragraph 3.4). It is SPD guidance that playing fields should be placed within the area between Ryeish Green and Shinfield and in line with other WBC's advice (UR3/6 Appendix AA Plan HDA D4A). The difference in the requirement for the playing fields between the SPD proposals and the Masterplan is insignificant; 10ha as against 11.5ha.
- 5.71. WBC's misconception as to the effect of the western area in landscape and visual terms relates to the description of the cricket circle on the Masterplan which measures some 4.5ha, when only 1.25ha of that area would be required for a cricket pitch of County standard. Overall the playing field requirement for Shinfield West would be some 5.75ha. However, as part of the overall SDL master planning, an additional 2ha has been allowed for if required for other developments within the SDL. In terms of CS Policy CP11, the proposals would be supportive of the objectives to "*promote recreation in and enjoyment of the countryside*". Moreover they would open up areas of countryside not presently available for public use, including the new right of way network, with benefits for existing and proposed residents in accordance with paragraph 26 of PPS7.
- 5.72. In terms of ground modelling, so far as the ridge is concerned, there is essentially no issue that needs to be resolved as part of the present appeal. The proposed contours, combining the translocation of the acid grassland soils together with natural ground modelling to accommodate construction arisings, would result in a general increase of height of some 2m and a maximum of 3m (UR3/3 Appendix E plan HDA E3). It is common ground that this could be limited to 1m or less consistent with translocation of soils. However, WBC's landscape evidence indicates that raising the ridge level by up to 1.5m would be acceptable (WBC7/1 paragraph 5.6-8).
- 5.73. So far as other ground modelling is concerned, the parameter plans allow for ground modelling in the area to the west of the residential area for landscape reasons. WBC accepts that the re-profiling shown for the playing fields would be required for any proposals of this kind, including those under the SM4 SPD.
- 5.74. As to the sustainable transport link, this is common to both the SPD and the Shinfield West scheme. It can, if it is required to, accommodate a public transport link. No alternative suggestion for a link has emerged from WBC or other parties.
- 5.75. These proposals would provide a substantial increase in terms of the new planting and other habitat creation including woodland, hedges and trees (UR3/6 Appendix CC & UR4/1). Notwithstanding WBC's unfounded assertion to the contrary, the UoR's landscape evidence has fully taken account of the policy in CS paragraph A7.19 (b) of the Core Strategy (UR31-3.6). This landscape evidence takes full account of the totality of



the policy references, including both separation and identity of settlements, which justifies the conclusion that, "*The separate identity of settlements will be protected and the separation maintained between the SDL settlements and with Greater Reading*" (UR3/1 page 115, paragraph 12.10.1, 2<sup>nd</sup> Bullet Point).

- 5.76. WBC accepts<sup>22</sup> that its approach to landscape analysis was limited and, as part of the Landscape and Visual Impact Assessment, incomplete. The approach is limited to considering the western edge of the proposed residential development and does not make a comparison between the SM4 SPD proposals and those of the UoR. Indeed, WBC<sup>23</sup> made no assessment of the SPD proposals in terms of the opening up of South Shinfield or south of Cutbush Lane. The landscape assessment does not consider the impact visually or in terms of landscape on those countryside areas, or the effect on separation for those travelling on the principal route between Shinfield and Spencers Wood. What WBC focussed on was the relationship between the character of the separating area and the character of that which had been separated (WBC7/1 page 22 paragraph 5.13). That approach is dependent upon 2 central propositions.
- 5.77. The first proposition is a theory of balance elaborated in CD11.8 at paragraph 3.85 where by reference to Photograph G that it was as a matter of judgement: "*...a balance roughly achieved between the urbanising influence of the housing beyond the rural fields and hedgerows in the foreground. This is due to the elevated position of the existing housing in relation to the view point. With respect to the proposed development the receptor and the built form will be much more on a level topography. It is considered that due to the character of the intervening landscape and the level nature of the view then this distance could be reduced to near 350 m.*" The second proposition is that Shinfield West would be seen as suburban or semi-urban.
- 5.78. If the second proposition is shown to be ill-founded, WBC's first proposition would support the retention of a separation of 350m to preserve the setting or balance for Shinfield and its separation from Spencers Wood. In fact the distance between Spencers Wood and Shinfield West in the appeal scheme would be 362m exceeding WBC's required distance (CD19.5 Plan SOCG3). The cross-section along this line demonstrates clearly the considerable landscape and other influences and variations in treatment and character that would provide the setting for the new settlement edge and preserve the separation between and separate identity of Spencers Wood and Shinfield (UR3/10).
- 5.79. WBC's first proposition does not appear to be particularly connected with either identity or separation. It appeared more to do, if anything, with setting of the urban area. In line with the endorsement in the officer's report, the proposed treatment of the western edge of the development would enhance the existing raw edge to Shinfield (CD8.37).

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<sup>22</sup> X-Examination of Mr Overall.

<sup>23</sup> X-Examination of Mr Overall

- 5.80. So far as the second proposition is concerned, the UoR rejects the suggestion that what is proposed to the west of Shinfield would appear either suburban or semi urban. There is every opportunity and expectation that this will be an attractive area with a variety of landscape treatments and uses including public recreation both passive and active together with open areas and planting subject to a range of different management. That would ensure that it will be seen as green and open and part of a broad settled landscape, much in the character of the existing general area.
- 5.81. There are several aspects of WBC's evidence that are of no weight. WBC suggests that with a more open landscape the eye would travel more quickly over the view and therefore the effect of any separation would be the less (CD11.8 photograph G). This is simply incorrect as a matter of judgement. What would be seen as an open area would be what is intended, that is to be seen as part of the open countryside surrounding Shinfield and part of the intervening area between the 3 settlements. If however it is sought to include additional landscape features as part of the overall landscape masterplan that could be accommodated.
- 5.82. WBC suggests that hedgerow H12 represents "*the approximate boundary of the influence of the existing settlement*". That is plainly inconsistent with the Local Plan Inspector's conclusion and is not supported by any reasonable or objective assessment of this area. The whole of the area to the west of Shinfield is subject to the influence of the existing urban settlement. That does not mean it is not properly read as part of the countryside but it is one into which the settled characteristic has extended its influence, within which hedgerow H12 is a feature but no more than that. In any event, as part of the SM4 SPD proposals, the large majority of that hedgerow would be incorporated within the proposed residential area.
- 5.83. Fundamentally the error in WBC's approach, no doubt influenced by local responses on the first consultation, has been to focus almost entirely on the area between Ryeish Green and the proposed development and that to the south west to Hyde End Lane. That is not a proper appraisal of the effect on the overall proposals pursuant to CP19 as part of the SDL and particularly in context of the Masterplan as a whole. WBC accepted<sup>24</sup> there is very little perception of views to the east for any one travelling along Ryeish Lane at this point. Further south on Hyde End Lane the proposals in the Masterplan include open uses to the west of the lane. The proper approach is to look at the retained separation and countryside as a whole.
- 5.84. WBC's Zones of Visual Influence (ZVI) are of limited value (WBC7/2 Figures 2 to 4). They do not address the comparison between the proposals overall or, in particular, the additional areas to be opened up as part of the SM4 SPD. Moreover, WBC accepts<sup>25</sup>, that as a desk top exercise they do not and cannot take into account the landscape features as a whole e.g. in respect of the Spencers Wood development area and also to the north-west. However, for present purposes, it appears that there is no particular implication that arises because there is no claimed

<sup>24</sup> X-Examination of Mr Overall.

<sup>25</sup> X-Examination of Mr Overall.

difference of materiality between the 2 proposals so far as the views from the north are concerned.

- 5.85. In respect of the SM4 SPD proposals and the proposals for the area to the west of Shinfield, the UoR submits that given the unreality of continuing agricultural use on the balance of the land to the west<sup>26</sup>, agricultural use would be a poor use of existing landscape and other resources. That deficiency would be compounded by opening up the areas to the south and to the east of Shinfield, particularly when those proposals have not been supported by any Masterplan or equivalent spatial exercise so as to assess the full implications.
- 5.86. Regarding tranquillity (WBC7/1 paragraph 3.26), what would be provided, both in the SANG areas and the green space, would be a new area of recreational resource. This would provide all those qualities of tranquillity and the opportunity to enjoy open space and countryside with wide views over the surrounding area which are presently not available in the immediate vicinity of the settlements. In that respect there is no effective difference between the SM4 SPD and the UoR proposals.
- 5.87. As to intervisibility, there is no issue that there would not be intervisibility from the vast majority of Spencers Wood or from Three Mile Cross to Shinfield West. So far as the Spencers Wood development area is concerned, bearing in mind the open space to the west of Hyde End Lane, and the proposed planting on Hyde End Lane itself (UR3/10) any intervisibility is likely to be very limited. In any event in this settled area there is nothing unusual in intervisibility between settlements as can be seen by the extensive influence of the existing urban edge of Shinfield on its surroundings. It is the perception of separation and separate identity which is the key to the policy objective and the spatial strategy. This would be delivered by the Shinfield West scheme without any erosion of the area to the south of Shinfield and the area of separation between the 2 settlements along Hyde end Road as proposed in the SM4 SPD.
- 5.88. In respect of landscape it can be concluded:
- that the proposals are comprehensive and the careful product of extensive master planning in consultation with relevant stakeholders and the public reflected in the Vision Masterplan;
  - that the proposals are consistent with CS policies and Appendix 7 and enable the CS Strategy to be delivered;
  - that the proposals would accord with all of the development components and development principles in the SM4 SPD;
  - that the proposals would bring substantial benefit in visual and landscape terms in providing an attractive and permeable countryside and open areas in connection with the development, together with extensive new habitat, all open to the public as a sustainable extension

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<sup>26</sup> Evidence of Mr Colebourn & Mrs Hankinson.

of the existing settlement and integrated with the proposals for the SDL as a whole; and

- that the proposals would ensure the best use of land and other resource in the context of a sustainable and enduring development and would secure early realisation of the CS vision in accordance with its policies.

#### Prematurity

- 5.89. Here, prematurity cannot amount to a sensible reason for refusal. The SM4 SDL is allocated in the CS. The SM4 SPD has been adopted in its final form and the Managing Development Delivery Development Plan Document is at a very early stage. Its role as established in the CS does not include determining any issues that are live in these appeals.

*c) The extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3: Housing, with particular regard towards delivering...*

- 5.90. Shinfield West is an outline application with matters of detail to be determined at a later stage. The proposal has been carefully designed to ensure both an attractive environment and an efficient use of land.

#### Sufficient Housing

- 5.91. The SM4 SDL is fundamental to WBC's housing delivery strategy. Thus, the delivery of housing from the SM4 SDL cannot be delayed any further. The lack of housing generally threatens the economic vitality in the area as well as creating real problems in meeting the general needs for housing quite apart from affordable housing needs<sup>27</sup>. The CS housing trajectory anticipated and required substantial numbers of completions taking place in 2009/2010 and by 2011/2012. Whilst this has not been possible, it has not been through any want of effort on the part of the UoR. Despite the pivotal importance of SDL development to the delivery of the CS, WBC made virtually no attempt to engage with the UoR or its advisors over the content of any of the applications. In the end, the UoR simply had to appeal against non-determination in respect of all 3 applications.
- 5.92. The need for housing at the SM4 SDL is primarily focused on the needs relating to the growth of Reading and its economy. There is also an important need for affordable housing. Delivery of large scale SDL development is necessary now. This requirement is reinforced by WBC's failure to demonstrate a 5-year supply of housing land. By April 2012, WBC will have accumulated a shortfall in housing supply of more than 1,000 dwellings during the first 6 years of the plan period (CD19.1A). This significantly adds to the annual requirement such that between 2012 and 2017 the annual requirement will be 920 dwellings. Self evidently, the large scale delivery of new housing is a pressing issue.
- 5.93. Shinfield West would provide a good mix of high quality housing reflecting the accommodation requirements of specific groups, in particular, families

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<sup>27</sup> Evidence-in-chief of Mr Short.

and older people. Given the CS allocation, the site is suitable for housing having been confirmed as such through the master planning process. The land is to be used efficiently and the proposal seeks to create a single comprehensive development. Being consistent with the CS including Appendix 7, the proposals are in line with the spatial vision for the area, including securing the delivery of the ERR and SANGs, which would also facilitate other housing sites. The proposal does not undermine wider policy objectives, not least because it delivers the housing required to achieve the ambitions of the CS.

- 5.94. The shortfall in the housing land supply is beyond doubt. The SoS recently concluded in the Shinfield Glebe appeal decision that WBC does not benefit from a 5-year supply of deliverable housing sites (CD17.2). It is important to note that the UoR and the other SM4 Consortium members stood alongside WBC in rejecting the Glebe proposals. The Consortium took that position not because it believed that there was a 5-year supply of housing land, but because the Glebe proposal was piecemeal as the term should be properly understood. Moreover, although the proposal at the Glebe had the active support of SPC, the proposal was refused. As the Inspector observed, the Glebe scheme could not deliver the crucial infrastructure necessary. In complete contrast, the UoR is able to deliver that infrastructure.
- 5.95. The Inspector concluded in that decision "*The Council was not able to clearly demonstrate the existence of a 5 year housing land supply in terms of deliverable sites as defined in PPS3...While respecting the Council's knowledge of the circumstances relating to particular sites, the claim that there is such a supply seems to depend on an over-generous interpretation of 'deliverable sites'. I judge that the shortfall in the 5-year housing land supply is less than calculated by the UoR, but nevertheless still significant and in excess of the 175 dwellings proposed in the appeal scheme.*" It follows therefore that, in accordance with paragraph 71 of PPS3, the appeal scheme should be considered favourably having regard to the policies in PPS3, including the considerations in paragraph 69.
- 5.96. The CS Inspector made the point that WBC's provision of a 5-year supply "*rests heavily on the ability of SDLs to deliver a significant number of homes in 2011 to 2014*" (CD8.3 paragraph 4.12,). The housing trajectory which accompanied the CS places emphasis on early delivery of housing in all 4 SDLs with the SM4 SDL expected to deliver 775 dwellings by 2014. WBC accepts that it has a 4-year supply as evidenced in its monitoring report, Planning Commitments for Housing March 2011 (CD8.58). However, given the pivotal importance of the SDLs and the significant lack of progress, the situation is far direr than this figure suggests. The main problem is WBC's desire to adhere to a very rigid and formulaic approach to the delivery of development in the SM4 SDL.

#### Infrastructure Provision and the Relevance of Viability

- 5.97. Although WBC seeks an overarching planning application for each SDL, it has subsequently softened its view and sought an overriding infrastructure delivery mechanism. This is an almost constant thread through the WBC's Statement of Case and is embodied in 6 of the original 28 putative RfR for

the Shinfield West application (UR10/1 paragraph 4.1). The way in which it is expressed to be a concern is variously described, but the principal issue is the alleged lack of an *“over-arching and comprehensive commitment to an infrastructure delivery mechanism which extends to cover the SDL-wide consequences of accommodating around 2,500 dwellings and associated development, by the land owners and developers forming the SM4 Consortium”*. WBC also argues that planning permission cannot be granted here or in any part of the SDL until a binding legal undertaking to deliver the infrastructure by all SDL landowners and developers is in place.

- 5.98. Significant emphasis<sup>28</sup> is placed on the alleged need for the UoR to submit a viability assessment to show the proposal is commercially and financially acceptable. The evidence makes reference to concerns about land economics. Aside from the fact the UoR has spent a considerable sum of money progressing these proposals, which it would hardly do if the proposal was not viable, the matter is wholly irrelevant to a planning decision unless it was trying to secure permission for development without the necessary infrastructure and social costs. If this were the case, that might include a refusal to fully fund the primary school or more particularly the ERR. The main area where appellants often seek to reduce their commitments is affordable housing (CD8.13A Section 7). But that is not the case here and as a consequence the issue has no relevance at all.
- 5.99. The UoR's evidence<sup>29</sup> explains the difficulties which could arise if landowners and potential landowners were given all of the information on the development economics and viability considerations relating to the whole SDL. The UoR has a keen interest in all the various costs inputs and the likely land values and sales prices, but this is highly sensitive commercial information. Some elements of the costs have been revealed, e.g. utility provision and the immense expense of the ERR. The release of these details has assisted in resolving the matters relating to the costs that the UoR believe should be incurred by other interested parties i.e. AGLC and making WBC aware of the scale of the obligations that the UoR expects WBC to use its best endeavours to recover. Certainly the UoR would expect to be consulted on any applications for such sites, and in the event of any appeal would wish to be represented at such proceedings to ensure those reasonable endeavours were properly understood. But those few items alone will not jeopardise the nature of commercial negotiations with other landowners such as Mr. Reed (UR10.1 page 43, paragraph 4.23, UR10.2 Appendix F & UR10/5 Appendix E).
- 5.100. A viability assessment was provided at the time of the CS Examination in Public (EIP). In the light of the guidance in PPS12 and the Blyth Valley case it is necessary for economic viability, especially in terms of the delivery of affordable housing, to be examined in detail at the CS stage. This is because Ipas need to put a realistic target on the level of affordable housing they seek in the CS. However, there is absolutely no such requirement for planning applications to provide such information and this

<sup>28</sup> Evidence of Mr Gillespie.

<sup>29</sup> Evidence of Mr Short UR9/1-9/5

is one of the fundamental misconceptions upon which WBC's case is based. It is important to note that WBC does not challenge the UoR's heads of terms for the UUs (UR10.2 Appendix G). No deficiencies in delivery are identified. The UoR's note on the S106 documents, emphasises the point that the UoR has a strong approach to delivery, which will deliver the ERR when needed (UR B23, 24 & 25). No other approach was broached at the Inquiry.

- 5.101. WBC was asked to specifically identify what it was that is lacking in terms of the UoR's proposals and the simple answer was nothing of any real substance. The proposals provide for the ERR, a Local Centre, a supermarket, a primary school, a community centre, significant areas of open space and SANG. The only issue which WBC appears to suggest is not addressed comprehensively is the provision of utilities. However, the utility companies suggest this matter can be addressed by imposing Grampian style conditions. It is a simple but important truism that without the development it can have no relevant effect. Hence the complaint that the proposals do not provide land for a Local Centre or education or for greenspace playing fields or SANG elsewhere in the SDL in the absence of Shinfield West proceeding, cannot be a planning objection as there could be no relevant planning effect in that situation. However, the point goes to underline the considerable part played by the appeal proposals in acting as a catalyst for and support of the development of the remainder of the SDL, which is of course not to mention the delivery of the ERR.
- 5.102. The UoR<sup>30</sup> makes a more fundamental point which is that unlike the other SDLs, the SM4 SDL involves the expansion of 3 separate settlements. The development is, in effect, 3 extensions to 3 different villages, 4 if Cutbush Lane North is included, which do not need to be physically linked and indeed cannot easily be linked. The settlements are linked functionally because the Local Centre would serve all 3 development areas. There are also some other connections, including the fact there is to be a sustainable link between Shinfield West and Spencers Wood, which has always been accepted as an important and valuable part of the whole scheme, save for reservations by local residents and the SPC who wish to exclude a bus link.
- 5.103. Moreover, the SM4 Consortium members have differing timescales for the delivery of the development. The pace has quickened recently with the other Consortium members close to submitting planning applications for Spencers Wood and Three Mile Cross. The commitment of David Wilson Homes (DWH) and Taylor Wimpey (TWI) to the overall proposal for the SDL has been made clear in the Vision document and in the recent letters (UR1/2 Appendix 1 IP8, 9, 10 & 11).
- 5.104. Whatever the situation in respect of the other SDL sites, such a requirement is completely otiose in respect of Shinfield West because the UoR can deliver not only all the social and physical infrastructure it needs, but also delivers wider infrastructure requirements such as the ERR because of its extensive land ownership in the area. The AG SDL benefits from the fact the UoR has control of the land over which the ERR is to be

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<sup>30</sup> X-Examination of Mr Short.

built. The question is why in such circumstances would the UoR need to provide an IDP? The answer is it does not. Notwithstanding this position, in March 2011 such a plan was submitted to WBC. However, not only did WBC fail to engage in a dialogue as to its contents, it failed to respond at all.

- 5.105. To take just one example of this, WBC<sup>31</sup> suggested the UoR needs to perform various tasks including produce a business plan for the ERR. Given the UoR is willing to provide the land, build and deliver the ERR as part of the planning permissions; one has to ask why any such plan is even remotely necessary. The point was brought even more sharply into focus by the Inspector who asked specifically how would the business plan make any difference to the delivery of the ERR. The simple answer is it would make no difference. This is doubly reinforced by the fact the UoR had produced just such a business plan at the request of WBC and provided it to WBC for comment dated 8th February 2011.
- 5.106. There is no need for any such overarching mechanisms in respect of the UoR's proposals. As WBC<sup>32</sup> quite rightly observed it is all a question of scale, which is precisely the point. The SDL development is infrastructure led development. The Plough Lane proposals, which the WBC has highlighted several times, were tiny proposals which could offer nothing by way of wider SDL infrastructure. Even though on a larger scale, the Shinfield Glebe proposals were the same. There was no ability to deliver any meaningful community facilities, supermarket and primary school, let alone the ERR or significant areas of SANG. The UoR has no difficulty in recognising those as development proposals which are inappropriate in the SM4 SDL. However, the position in respect of the UoR's land is different.
- 5.107. WBC refers to the example of the large urban extension at Didcot (WBC1/1). The recorded long term timescale for delivery on that site makes it a very odd choice in the context of the need for delivery in the SM4 SDLs. But in reality the key point is that unlike the position at Shinfield West, the Didcot site was subject to a wide range of different land ownerships. If the SoS takes the view that the Shinfield West proposal cannot proceed on this basis because of the absence of wider infrastructure delivery mechanisms, despite the UoR owning all the relevant land, then there will be far more serious implications for the progression of the CS as a whole with major implications for housing delivery in a growth area centred on the Reading conurbation of regional importance and for the UK economy as a whole.

#### Affordable Housing

- 5.108. The UoR is committed to the delivery of 35% affordable housing which is set out very clearly in a condition (SC14). WBC accepts that the best way to approach these matters is for a site of this kind to adopt an affordable housing strategy, in which the needs and requirements of the community

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<sup>31</sup> Evidence of Ms Basford.

<sup>32</sup> X-Examination of Mr Gillespie.



were examined at various phases during the development of the site<sup>33</sup>. Crucially, the condition makes clear that the offer made by the developer of the site will need to be agreed by WBC.

- 5.109. In the context of an outline application, to be phased over more than a decade in order to provide much needed affordable housing in the period to 2026, this condition alone should be more than sufficient. It is correct to say that there have been negotiations and discussions on a range of issues. The UoR has very serious concerns<sup>34</sup> about WBC's reliance on the Affordable Housing SPD adopted in June 2011, but which has been amended twice without further consultation (CD8.22).
- 5.110. The UoR will use WBC's 5 preferred Affordable Housing providers and will provide the mix of affordable housing dwelling types detailed in the Affordable Housing SPD, but which originates from the 2010-2013 Housing Strategy (CD13.10 page 8). Nevertheless, in the condition the UoR wishes this mix to be expressed as a "target". This is to allow some flexibility in settling the precise mix so that design can be considered, as is required by the ID&C SPD, and changes of circumstances can be considered as the development progresses and new information on housing needs might emerge. WBC has a particular desire to achieve a shared ownership model. Whilst the UoR does not agree with WBC's approach, it is a matter than can be addressed and finalised as part of the housing strategy to be agreed under SC 14.
- 5.111. What appears to remain in dispute is the fact that WBC wanted to initially avoid any reference to the Affordable Rent tenure which is a matter the Coalition Government is firmly committed to achieving, as evidenced in the recent changes to PPS3 in June 2011. WBC changed their position and accepted this was a tenure that needed to be considered, suggesting it should be included in the 30% which was originally identified for Intermediate affordable housing, most obviously in the form of shared ownership products. However, this argument proceeds on a fundamental misunderstanding by WBC of the wording of Annex B of PPS3. Affordable Rent is a tenure which is specifically designed to be offered to those households who would be eligible for Social Rent. Moreover, Affordable Rent is specifically excluded from the definition of Intermediate affordable housing. WBC appear to have relented and the final form of agreed conditions makes clear that WBC will accept Affordable Rent in the 70% category previously reserved for Social Rent only. The precise mix of Social Rent and Affordable Rent is a matter which is to be determined at each phase of the development. This is eminently reasonable for a development planned to be developed until the end of the CS plan period in 2026.
- 5.112. A similar issue arises in respect of the investment of public subsidy (i.e. grant funding from the Homes and Community Agency (HCA)). WBC specifically wants such public subsidy excluded from any provision of affordable housing provided on the Shinfield West development site. Subsidy is unlikely in a situation where a developer is required to provide affordable housing as a direct consequence of the development. However,

<sup>33</sup> X-Examination of Mrs Lovell.

<sup>34</sup> Evidence-in-Chief of Mr Parker (UR6/1).

it is wholly unrealistic and inappropriate to specifically exclude any possibility that such investment might become necessary at any point during the development<sup>35</sup>. Indeed recent events over the last few years have demonstrated the folly of taking such an extreme position. There is no reason why subsidy, if it ever were made available for a private scheme such as this, should be excluded if circumstances meant that it was Government policy to provide it. It could lead to all manner of beneficial outcomes, including WBC's own desire to actually increase the quantum of social rented housing, even though Government policy is very clearly now focused on the provision of affordable rented. WBC accepted<sup>36</sup> the relevance of these statements on the Government's commitment to affordable rented provision and particularly that "one size fits all is not the best stance" and that the Affordable Rent tenure is a form of social housing which will provide a more diverse offer (CD13.15).

- 5.113. WBC have made a minor reference to the fact it wishes all affordable housing to be delivered to HCA Design and Quality Standards and designed to meet Lifetime Homes Standards. If affordable housing at Shinfield West is the subject to HCA approval and funding then it will need to adhere to the HCA standards in any event. If WBC desires this requirement for all its affordable housing then it can make that a condition of its contracts with the 5 preferred affordable housing providers. But when neither of these standards is a requirement of either Policy or Guidance there seems little point in demanding this when it will clearly represent a significant additional cost which may not be appropriate in any event. As with the point made above, not requiring these standards in some instances may mean that the social rented housing provided can actually be increased because there will be more money available to focus on the tenure than the standard of construction.
- 5.114. The only other outstanding issue is WBC's desire to dictate the type of specialist housing which is to be provided. This is completely inappropriate in the context of there being no policy basis for the demand which is now being made. The lack of a policy foundation for what is being suggested was accepted by WBC<sup>37</sup>. The UoR wishes to provide 75 units of C2 development. In the context of an ageing population, WBC is in no position to argue against such provision. On a very large site such as this it would be inconsistent with PPS3, paragraph 69 not to focus at least some housing on the needs of the elderly. WBC accepts that there is no requirement to provide affordable housing in respect of these 75 C2 units.
- 5.115. The issue for WBC appears to be the remaining 75 units of specialist housing, which are likely to be sheltered accommodation units<sup>38</sup>. Again it is hard to see how WBC can argue against the provision of such accommodation in the context of such a large development. The argument against it appears to be 2-fold. Firstly, WBC is closing and/or refurbishing some of its existing affordable sheltered accommodation schemes because

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<sup>35</sup> Evidence-in-Chief of Mr Parker (UR6/1).

<sup>36</sup> X-Examination of Mrs Lovell.

<sup>37</sup> X-Examination of Mrs Lovell.

<sup>38</sup> Evidence-in-Chief Mr Parker (IR6/1 paragraphs 1.4, 2.12 and 4.15).

they are becoming out of date and they want to provide more extra care facilities. That is not contested. But that is a matter for WBC in terms of its social housing stock. It has nothing to do with market provision.

- 5.116. Secondly, WBC believes that many sheltered accommodation units are becoming isolated from local shops and facilities. That is not the position at Shinfield West. Here, the specialist housing would be located in the Local Centre area where all the key facilities including the medical centre and supermarket would be located. Moreover, the composition of what is actually developed is something which both parties now agree can be addressed in the Local Centre design brief (RDAS, page 21 paragraph 17.39). The UoR would provide the appropriate level of 35% affordable housing in respect of these C3 units. Moreover, the UoR is not ruling out the provision of extra care facilities if those are genuinely what are required. But that matter is best addressed on the basis of more tangible evidence and in the context of the Local Centre design brief.

#### Suitable Location

- 5.117. Given it is an allocation in the CS, the general principle of the suitability of the site for housing is not an issue. The UoR's scheme is almost perfectly aligned with the first version of the SM4 SPD, which was the product of a detailed master-planning process endorsed and cooperated upon by DLA on behalf of WBC. It was also something to which WBC officers and the relevant portfolio holder put their names to. The idea that the UoR's proposals are now objectionable on planning and landscape grounds is simply untenable. Those proposals have been the subject of public consultation and it is easy to see how that public pressure has manifested itself in the retreat away from the western edge of Shinfield West. The crucial point is that for the SoS to allow the Shinfield West appeal and endorse these proposals, he need do nothing other than endorse a view expressed by a wide variety of professionals who considered the process in considerable detail.
- 5.118. Unlike the UoR, WBC has not produced a Masterplan. This is a significant failing in light of the requirements of the CS. In responding to the pressure from SPC, whose views were rejected by the SoS in the Shinfield Glebe decision (CD17.2), all WBC has done is simply split the comprehensive and cohesive development at Shinfield West into two. The SM4 SPD contains a proposal for 2 developments at Shinfield rather than a single urban extension. However, virtually no assessment has been undertaken in respect of Shinfield East. There is a local neighbourhood centre proposed at Cutbush Lane. However, there has been no assessment of its commercial feasibility, not least because it would be far better located on Arborfield Road. However, the proposed housing at Shinfield East does not extend to Arborfield Road because of the flooding identified in the area next to the elevated section of the ERR.
- 5.119. The proposed housing at Shinfield East pays no regard to the concept of creating a critical mass of services, shops and facilities at Shinfield West. It pays no regard to the facilities which are proposed for the nearby SIP. There has been no landscape assessment or indeed other detailed assessments which have formed crucial parts of the UoR's proposals. There

is no evidence of any comprehensive assessment, let alone master-planning of the area. It is an ill-conceived proposition based on the high level options that WBC accepted and is a compromise to make up the numbers lost as a result of moving the western edge of Shinfield West.

*d) the extent to which the development is consistent with Planning Policy Statement 4: Planning for Sustainable Economic Growth;*

5.120. This is not a major issue. WBC does not question the merits of the mixed use development including the much needed retail provision, which is the subject of consideration under PPS4. There is no dispute between the parties that the proposed economic development within the Shinfield West development is in accordance with the Development Plan and the requirements of PPS4. Moreover, the delivery of housing in a key growth location and close to the SIP supports the wider economic objectives of the area and the Plan for Growth. WBC accepts<sup>39</sup> that the proposals conform to PPS4 and the UoR's evidence was not challenged (UR10/1 pages 95–97 paragraphs 7.11–7.14).

5.121. The SIP is a major development for the area. It will bring with it a range of benefits for the UoR, for Shinfield, and for the wider Reading and Berkshire area. There is no doubt that the delivery of the ERR is a huge expense required before occupation of the SIP. Allowing the development at Shinfield West provides a significant source of funding for the UoR to justify its forward funding of the delivery the ERR and then implement the SIP. The SIP needs the ERR to gain an appropriate and credible access. The Shinfield West development needs the ERR as does the rest of the SDL and the AG SDL. Therefore, all 3 developments, with the addition of the rest of the SM4 SDL and the Manor site should contribute to its provision. The economic benefits of new housing are recognised in the March Ministerial Statement. But in terms of major economic development the SoS should be aware that allowing these appeals would significantly enhance and accelerate the ability to deliver the SIP.

*e) the extent to which the development is consistent with the Key Principles in paragraph 1 of PPS7: Sustainable Development in Rural Areas, and to which it complies with the policies in PPS7 to:...*

5.122. Although PPS7 policies are relevant in general terms, this mixed-use development forms an important component of the strategic housing provisions for Reading and the wider Western Corridor and Blackwater Valley Policy Area in the RSS. The area is designated for large scale strategic growth through the CS.

5.123. The functional role of the settlements south of the M4 is dominated by their close proximity to Reading. However, as separate communities they would benefit from well defined development that would significantly enhance the provision of local community facilities and services, together with the creation of additional local employment opportunities. In terms of controlling new house building in the countryside, the UoR is willing to

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<sup>39</sup> X-Examination of Mr Gillespie.

commit to protecting the open land west of Shinfield in perpetuity. Notably, WBC has made no reference to PPS7 in any of its evidence and the UoR's evidence on this matter was not challenged (UR10/1 pages 97 & 98 paragraph 7.16).

*(f) the extent to which the proposed development would be consistent with Government policies in Planning Policy Statement 9: Biodiversity and Geological Conservation with particular regard to the extent to which the proposed development is likely to have an impact on the local flora and fauna; and designated sites and/or species protected under the Wildlife and Countryside Act 1981 or any other legislation including the Habitats Directive;*

- 5.124. The issue in respect of ecology is narrow and clearly defined. It arises in the context of the Habitats Directive, RSS Policy NRM6 and CS Policies CP8 and CP19. The application of Article 6(3) of the Directive as transposed into the 2010 Habitats Regulations is essentially whether the proposal would be likely to have a significant effect, alone or in combination, on the TBH SPA. That in turn is to be judged in accordance with the decision in Waddenzee as summarised at paragraph 13 of Circular 6/2005. The question can be conveniently stated as whether the SoS is able to conclude that any significant effect, alone or in combination, would be avoided on the basis of objective evidence. NE agreed<sup>40</sup> that this approach involves a proportionate application of the precautionary principle on the evidence.
- 5.125. The Loddon SANG would be 18.3ha and the Ridge SANG would be 11.7ha as part of an overall SANG provision proposed for the SM4 SDL of 40.5ha including May's Farm and Five Acre Field. Through the S106 Agreement and UU (UR B31 & B32) together with the conditions, the following is proposed: the provision of the Loddon SANG before the occupation of any dwelling as part of the Shinfield West development; the Ridge SANG and a comprehensive management and monitoring regime secured under the conditions and obligation; together with a ring fenced contingency sum and transfer to WBC if necessary, securing maintenance without limit of time.
- 5.126. The contingency sum is calculated on WBC's maintenance figures, together with their capitalisation rate of 2.2%, albeit on the basis that the UoR would be entitled to the additional income earned (UR4/10). This is in line with the UoR's other trust arrangements ensuring the maintenance of a ring fenced principal sum. However, the basis upon which the UoR funds the obligation to maintain and manage the SANG is not a material planning consideration. Whether the UoR chooses to impose a rent charge, which seems unlikely, or uses other means of financing, including from its own substantial internal funding sources is a matter for the UoR.
- 5.127. It is accepted by NE, the WT and WBC that with the payment of a SAMM contribution determined in accordance with WBC's Planning Advice Note (PAN) (CD8.29) there would be no net effect on the SPA for the purposes of the Directive and as a consequence there would be no conflict with development plan policy. The S106 Agreements and UU require payment

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<sup>40</sup> X-Examination of Mr Tyldesley.

of the SAMM contribution unless the SoS concludes that such a contribution does not meet the relevant tests in Circular 5/2005 and/or CIL Regulation 122.

- 5.128. The issue is whether, in the absence of the SAMM contribution, there is evidence to enable the SoS to conclude that the proposals would avoid any net effect on the SPA Annex I species individually or in combination with other proposals. In this respect, NE agreed that within the policy framework and in the context of the present appeal in principle it is open to the SoS to reach that conclusion of no net effect on the protected species subject to consideration of the relevant evidence. It is also agreed that the only relevant potential effect is an increase in indirect recreational pressure arising from the appeal proposals.
- 5.129. It is accepted that the SANGs would be provided in accordance with the relevant guidelines<sup>41</sup> to include the creation of relevant recreational and other provision together with habitat enhancement and specifically to include continuing management and monitoring, together with ecological survey, all as agreed with NE.
- 5.130. While the WT raise some concern about grazing, this is essentially beside the point in that it is not a necessary part of the habitat regime. That can be determined as a matter of detail hereafter. However no concern in that respect has been raised by NE with whom it was agreed in negotiations before the application was made (UR 4/3 Appendix D). It would be a beneficial form of management carried on widely on similar situations of land open to public access, including at the Rooks Nest SANG. The proposed management regime is one that is particularly designed to support the overriding objective of the SANG to provide attractive recreational provision.
- 5.131. There is no issue as to the application of the guidelines on a direct linear basis with the given requirement of 8ha per 1,000 population between 400m and 5km in respect of which the UoR has additionally provided on a bespoke basis 1.73ha per 1000 population between 5 and 7km. However in the particular context of this development, the totality of the residential development is beyond a travel distance of 7.8km to the nearest point of the SPA, which was agreed to be equivalent in terms of catchment on the relevant surveys to 7km linear distance.
- 5.132. It is unsurprising that the survey evidence demonstrates that the only point of the SPA which was shown as visited from the area of the appeal proposals is Bramshill with only one respondent mentioning the Look Out, which is a rather different recreational attraction, albeit within the SPA. Intuitively any effect by way of increased recreational pressure would be likely to be slight, even in the absence of any mitigation.
- 5.133. The SPA has been subject to a range of surveys but particularly the survey by Dr Liley and Dr. Underhill-Day. These are acknowledged to be comprehensive and robust, having been tested; together with additional survey evidence produced for the UoR by EPR in consultation with NE and

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<sup>41</sup> X-Examination of Mr Tyldesley.

with their approval, specifically of visitors to Bramshill and residents in the area of the appeal proposals; as well as other survey material, particularly of Dorset Heaths, which informs the general background to the UoR's conclusions. The EPR surveys were thorough and in accordance with the guidance of NE. There has been no technical criticism as to either the methodology or the results.

- 5.134. The conclusion this work comes to is one that is intuitively likely and that there is nothing in the results which could be seen as contrary to what one would expect. As the WT agreed<sup>42</sup>, all humans will act individually but overall there is a propensity of human behaviour which can be statistically demonstrated and is relevant as evidence in reaching conclusions as to likely patterns of behaviour.
- 5.135. The potential catchment of the Loddon SANG is agreed on NE's guidance to be at least 4km. This would include a substantial extent of the existing settlements in the area of the appeal site. At Bramshill, there is a long term management plan in place approved by NE. The regime involves a rotation of clearance and planting and with that the maintenance of fencing around open/newly planted areas to exclude rabbits and deer. As a result, cleared areas of importance to the designated species are also protected from intrusion from dogs or otherwise. That is reinforced by the use of gorse banks to protect other open areas.
- 5.136. Although there is a significant degree of riding within Bramshill, that is accommodated on the designated bridleway, which also caters for cyclists. NE confirmed<sup>43</sup> that the paths were in very good condition. The ecological officer expressed the view to the UoR that most visitors, although able to enjoy long walks in spacious surroundings, would be unaware of the true extent of the forest and the areas of significance for the designated species. There is no evidence whatever of damage and no evidence of any notice being put up or other steps taken in that respect. It is apparent that the predominant recreational use is confined to the footpaths without causing erosion or other threat to the protected species. On this basis the UoR's submission<sup>44</sup> that there is nothing required further in terms of management of Bramshill is unchallenged. Indeed, the only point that the WT make in this respect is that there would be benefit if visitor monitoring was carried out at the SPA. In that respect, monitoring at the proposed SANGs as provided under the approved management regime, would itself provide direct survey evidence of where those using the SANGs or other residents were visiting, including Bramshill. In assessing any effect on the SPA in respect of visits from the appeal proposals it can properly be concluded that the particular area of the SPA plainly has a robust and successful habitat regime which would not be particularly vulnerable to recreational pressure.
- 5.137. There is a considerable coincidence and as such robustness, between the Liley and Ecological Planning & Research Ltd (EPR) visitors surveys

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<sup>42</sup> X-Examination of Mr Jackson.

<sup>43</sup> X-Examination of Mr Tydesley.

<sup>44</sup> Evidence-in-chief of Mr Colebourn.

including the timing of the surveys, the number of survey points and their results (UR4/8). It was agreed that as supplementary information focussing, as it does on Bramshill, the EPR survey is consistent and technically sound. This is strongly supportive of the EPR survey as being statistically reliable. So far as the residents' survey is concerned, this was carried out independently. It took a representative sample of houses, both new and old of which no criticism is made. It is comprehensive and statistically significant. The number of dog owning households reflected the regional incidence. There has been no evidence to suggest that the results are either distorted or in other ways not representative.

- 5.138. UR4/3 Appendix D provides a coherent endorsement of the work and the proposals. The draft surveys were provided to NE for comment respectively in August and in October 2008 and expressly approved in the light of specific comments made. Following the meeting on the 8 January 2009 and the provision of the draft report, on the 17 February 2009 NE endorsed the proposals then made. It should be noted that this endorsement came after the approval of the DF by the JSPB in January 2009. Following further discussions, there was a meeting in August 2009 to consider the evolved management proposals in connection with the SANGs themselves, which led to the letter on the 28 August 2009 where NE commented in glowing terms on the proposals, describing them as a showcase. It is not suggested that anything has occurred since which would cause those judgements to be undermined or otherwise than sound.
- 5.139. In considering, what is the evidence of any net effect, it is not challenged that it is relevant to consider not only the alternative recreational provision for new residents as part of the proposals, but also the effect in respect of existing residents who may visit Bramshill. In that respect it is important to have in mind that at the time the residents' survey was carried out there was no equivalent SANG provision of any kind in the vicinity. The recreational opportunity that existed was limited to use of footpaths in the area. Thus, the provision of SANG within this area largely within walking distance of the existing communities would plainly be of potential importance in providing alternative destinations for recreation to those presently made to Bramshill. It is an important observation, that it is the number of visits that is significant in terms of effect, particularly in the context of dog walkers who on the survey material and unsurprisingly were the most regular and frequent users of regular recreational opportunity.
- 5.140. On the survey results, 8% of the households mentioned that they visited Bramshill at some stage. On a worse case analysis that would comprise a total of 259 people at the completion of Shinfield West on the basis of 1,350 dwellings. That itself is a conservative assumption because it includes the specialist housing whose residents would generally be unlikely to be visiting Bramshill for these purposes. Thus, 259 can properly be taken on the evidence to be a robust measure of possible visitation to Bramshill from the new residents even in the absence of SANG provision.
- 5.141. In the light of the survey, it is then appropriate to consider what is the opportunity to provide alternative destinations for existing or proposed residents to divert both existing visits and those from proposed residents. First, on the survey, it is of note that 83% of all respondents and 93% of



all those visiting Bramshill, together with 91% of the dog owners said in terms that they would make use of the SANG if it was provided. Second, in terms of users, dog walkers were the most significant regular users and of that class 64% gave as their primary reason the ability to let the dog off the lead. Thus, as they comprise a significant element of the Bramshill visits and the ability to run dogs off the lead would be specifically provided at the SANGs, that choice would be directly addressed on the SANGs in close proximity to the home where visits could be regularly made, but not exclusively, instead of travelling to Bramshill. In that respect, UR4/8 Map E plots the visitors' survey to Bramshill and demonstrates that a number of dog walkers come from the vicinity of Shinfield West or similar distances. Quite apart from other users this particular group demonstrates a highly significant potential for diversion of trips.

- 5.142. Overall the survey material establishes a significant opportunity to make available for both existing and proposed residents alternative recreational opportunity within their immediate vicinity and the agreed catchment. This was further analysed through regression analysis (UR4/9). The basis of the regression analysis was to look at the effect of frequency. Thus by taking the steepest regression line, by excluding the extremity points and by not using the 5 to 6km zone, in each and every case this adopted the most conservative basis for assessment leading to the smallest potential for diversion.
- 5.143. Notwithstanding that and dealing simply with linear distance and looking at Shinfield West alone, those areas further away from Bramshill within the immediate catchment of the Shinfield SANG would have been 3,763 potential residents, but on the regression analysis the catchment pool would range between 1,959 and 2,470 within the equivalent areas (UR4/1 paragraph 45, UR4/2 Map 5 Zones 1 and 2). Accordingly, quite apart from the opportunity to reduce the number of residents in the new housing at Shinfield West, making up to the figure of 259, a figure based on the survey in a no SANG world, there would be an overwhelming proportion of residents using the same survey base (still applied on a no SANG basis) within the relevant population for whom trips would, as a matter of propensity, expect to be made to the SANG and in many cases more regularly in the case of dog walkers for example rather than to Bramshill.
- 5.144. Thus, the firm conclusion reached is that here the evidence indicates not just no net effect, but more probably a material benefit by reducing the degree of visitation to Bramshill insofar as there is any evidence of adverse effect from that visitation. Moreover, the above is to be seen in the context of the precautionary approach taken by the UoR. The analysis is based on primary linear tests, notwithstanding that the totality of Shinfield West would be beyond the equivalent of the 7km range for which any requirement for the provision of SANG is identified on the relevant survey material. This was accepted by NE and the WT to be relevant and it reflects the relative inaccessibility of Bramshill from Shinfield West.
- 5.145. Overprovision of SANG would amount to some 1.32ha, while a fact, is not intended in itself to demonstrate the precautionary approach but is part of the overall provision to ensure a high quality of attractive alternative provision (UR4/1 paragraph 5.6). WBC double counts in including the area

in the SM4 SPD south of Cutbush Lane and thus is not a fair measure of the degree of provision in respect of these appeal proposals (WBC6/1 page 8). Furthermore the population allowed for was on the basis of 2.55 per household and not 2.4 per household as agreed with WBC.

- 5.146. The provision made of 1.73ha per 1000 population as opposed to 1.14ha per 1000 is based on the EPR survey, as opposed to that by Liley and WBC. Whilst the UoR does not suggest it is inappropriate to use the EPR survey figure, it is relevant to bear in mind that the alternative survey base indicated a lower provision. It is assumed that that 8% of all residents visit in accordance with the survey responses and that is applicable to all classes of residents, including the specialist housing. The whole of the Loddon SANG provision is required before any single dwelling is occupied and thus would ensure that provision is available from the outset. The opportunity for diversion of existing residents trips would therefore be in place at that stage. Moreover the provisions made are of wider benefit in allowing more extended SANG as part of the overall SDL provision, when other proposals come forward.
- 5.147. As against the evidence set out above, there has been no evidence whatever to support the contrary conclusion that is either by analysis of the survey material or any actual demonstration of likely increase in recreational activity that would be of harm in any relevant manner to the protected species within the relevant part of the SPA. Thus the appropriate conclusion is that there would be no net effect from the proposals and thus no proper basis upon which to require the payment of the SAMM contribution.
- 5.148. Although there is no evidence why that should be the case and notwithstanding the UoR's clear commitment to the development<sup>45</sup>, WBC suggest that, if Shinfield West was for some reason to be delayed, the proposals would not allow other developments to have recourse to any part of the appeal site to provide SANG to meet their requirements. However, if the UoR's proposals have not been implemented, then inevitably there could be no effect arising out of the development. Hence it cannot be any objection to the UoR's proposals that if they do not proceed, they do not have any effect. On first principles therefore it is a point wholly lacking in any relevant planning substance. It does however reflect the benefit of what has been proposed in that if the proposals do come forward as is intended, they provide that additional opportunity to bring forward other areas of the SM4 SDL as part of the overall CS. In any event, the additional SANG capacity at the Ridge is being made available as part of the Three Mile Cross and Spencers Wood proposals by agreement with the UoR, in conjunction with the Mays Farm and Five Acre Field SANG proposals. This demonstrates positive and close working within the Consortium.
- 5.149. Paragraph 9.36 of RSS Policy NRM6 allows for bespoke proposals to be considered on their own merits. This is the position here and the UoR's evidence demonstrates that the development would have no net effect and

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<sup>45</sup> Evidence in Chief of Mr Short.

no breach of the policy. On that basis, as NE agreed<sup>46</sup>, there would be no question of precedent. The UoR asks for no approach to be taken other than to consider these proposals on the specific evidence so as to reach a conclusion whether or not there would be a net effect. If the conclusion is that that is not demonstrated to be avoided, then the necessary requirement for SAMM contribution as agreed with NE would be provided.

- 5.150. So far as the appeal decision for Hurstleigh Park, that is clearly distinguishable as there was no bespoke provision whatever in that case (CD17.23). Accordingly the decision made is not very surprising and in any event was one that had to be made in the context of the Policy NMR6 in those terms. So far as the Dilly Lane and the TRL decisions are concerned, they were again particular to the facts (CD17.11 CD17.22). In the former case, the Inspector disagreed with NE and in turn the SoS disagreed with the Inspector but agreed with NE, upheld by the High Court as entirely consistent with the appropriate decision-making on the evidence. In the TRL decision the appeal site was immediately across the road from the SPA, some 16m away, and it is scarcely surprising that it could not be concluded that there would be no net effect. Thus the reference to precedent as an objection is of no weight.
- 5.151. Turning to the issue of bio-diversity, it is apparent and unsurprising given the proposals with some 50ha or more of new and enhanced habitat that in the report to the Committee the officers concluded that there would be wide bio-diversity benefits from the appeal proposals. That would include the translocation of semi natural acid grass species in place of arable land together with other habitat creation; the introduction of the environment management plan, the protection and enhancement of ancient woodland and provision now to be made for skylarks. Thus there is no longer any objection in respect of the effect on bio-diversity. On the contrary there would be real and very positive biodiversity benefits.
- 5.152. There is no justification for WBC's suggestion of a payment for bio-diversity particularly as provision has been agreed for skylark habitat creation or for Country parks (WBC6/1 paragraphs 3.31 & 3.33). The figures in PAN are wholly unsupported and not material being neither an SPD nor having been subject to public consultation<sup>47</sup>. It is particularly regrettable WBC misrepresented the statement of approach. There is no suggestion that exceptional on-site biodiversity enhancements are required in lieu of contributions. The qualification is simply as, "*If there are no significant biodiversity improvements delivered as a result of the development...*" WBC accepted that was clearly not the case here where very significant improvements were being made. This part of the objection was without evidential or policy support and should be rejected.
- 5.153. Turning then to the CS and SM4 SPD, it is plain from the above that Policy CP8 is met in that measures will be put in place to prevent any adverse effect on the SPA in accordance with that policy. Moreover, Policy CP19 would be met, together with the additional advice in Appendix 7 paragraph

<sup>46</sup> X-Examination of Mr Tyldesley.

<sup>47</sup> X-Examination of Mr Glengross.

A7.28 (e) on page 107. In the SM4 SPD it specifically says that SAMM contribution “*may*” be sought, in contrast to SANG which is required to be provided. That was deliberate to allow the judgement to be made as to no net effect<sup>48</sup>. So far as the ID&C SPD is concerned, whether or not it is referring to SAMM contribution on page 55, which is unclear, any contribution is subject to a requirement based on the relevant policies cited. As explained in paragraphs 3.1 and 3.7 of the ID&C SPD its requirements are subject to the advice in Circular 5/2005 and in those circumstances, in the absence of any breach of the policies as here, there can be no requirement for a contribution.

5.154. Thus, the overall conclusion in respect of biodiversity should be that not only is there no net effect on the SPA designated interests, but more particularly, there would be significant benefit as a result of the proposal.

5.155. The SM4 SPD proposals would mean that the proposed SANG link would amount to a narrow corridor with significantly diminished effectiveness in comparison to the appeal proposals where the SANG link would be managed together with the green space and provide further attractive alternative recreational opportunity in connection with the SANGs. This is something with which NE agreed in their letter of the 28 August 2009. Additionally there is no possibility whatever of continuing arable farming or any other agricultural uses on the remaining area between Ryeish Green and the playing fields and SANG Link as shown in the SM4 SPD.

*(g) the extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 13.....*

5.156. The rationale for the SM4 SDL is to meet the growth needs of Reading in a highly sustainable location. This proposal would achieve that ambition not least because of its close proximity to major areas of employment within Reading, including Green Park, the proposed SIP, the main UoR Campus and Reading International Business Park. Central to the development proposal is a high quality bi-directional bus service running between the development and Reading Town Centre, and passing through all of these major employment areas. The bus route would run through Shinfield West and other parts of the settlement as well as in due course providing a direct connection into and through the Spencers Wood development area and along Basingstoke Road within Three Mile Cross

5.157. A Public Transport Strategy (PTS) is agreed with WBC (CD19.8 Appendix 16), and the eventual form of the PTS is subject to a condition (SC46), which makes clear shall include provision for an assessment on an annual basis of the public transport subsidy. In addition to the new high quality service, there are several components to the strategy. These include:

- infrastructure for a bus route which will be provided through the Shinfield West ensuring that all new development eventually lies within a 400m walking distance of a bus stop;

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<sup>48</sup> X-Examination of Mr Tyldesley.

- the promotion of a suite of travel planning measures and incentives to encourage travel by bus;
- the provision of real time information at bus stops and key locations within the development area; all bus stops would have high quality waiting and information facilities provided in accordance with WBC's Bus Stop Policy document;
- the provision of a Public Transport Interchange within the Local Centre as set out in the CS (CD 8.1, page 104 paragraph A7.22(b)).

- 5.158. There are existing bus services operating in the locality, particularly the 144 services, which passes through Shinfield on the A327. New occupiers of the early stages of the development would be able to access this service which is located within 400m of the development, as would those seeking a bus service that brings them close to the new Local Centre and the supermarket. WBC has insisted however that the new bus service should begin to operate before the 50th occupation of the new houses on the Shinfield West development. Although that may seem initially unnecessary given the close proximity of the existing 144 service, the UoR accepts that significant benefits can be achieved by introducing new bus services from an early stage in a development, to enhance the propensity to use the bus, and to discourage use of the private car before travel patterns becomes firmly established amongst households. There is a wider range of existing services in and around the SM4 SDL (CD19.8 Appendix 16 Table 1.1).
- 5.159. There is a clear and direct link between Shinfield West, the provision of the high quality bi-directional bus service and RBC. For the majority of its journey the new bus service would pass through the Reading urban area. In this context it is appropriate for the proposals to make some contribution towards improving the public transport route into Reading town centre. As such, it has been agreed with RBC officers that a contribution of £355,122 is to be made towards public transport infrastructure improvements to the A327 within Reading (UR B8).
- 5.160. There is an outstanding objection from RBC Members. However, this objection needs to be considered in the context in which it is made. The issue centres on the highway, traffic and transport implications of the proposals on the RBC transport network, specifically the A327 corridor. The point is that as far as the professional planning and highway officers of RBC are concerned the transport issues are addressed by an appropriate contribution which seeks to enhance public transport provision on the A327 corridor.
- 5.161. The contribution being made is to the Reading Urban Area package (RUAP) and is required to mitigate the impact of the increase in transport trips (cars, public transport, cycling and pedestrians) resulting from the development on Reading's Transport network. The contribution is justified because the existing constraints to sustainable transport modes within South Reading and along the A327 corridor would have implications on the successful implementation of a bus service to the proposed development. The officers overall conclusion: *"It is accepted that given the latest traffic survey information, the additional assessment of the proposals and subject*

*to a RUAP contribution to ensure modal shift the proposals will not have a detrimental affect on this Authority's [RBC] transport network."* The Members came to a contrary view without any evidence or the assistance of any professional judgment. No witness was offered up by RBC to support the Members position and as such it attracts only limited weight.

- 5.162. The CS also requires a contribution towards the delivery of the MereOak Park and Ride (P&R) (CD8.1, para A7.22(a) & A7.28(a)(ii), pages 104 & 106). The UoR is willing to do this and this is set out in the UU (UR B32). The total cost of the Park and Ride facility is estimated at £2.3m, which is a figure uncontested by WBC at the recent Shinfield Glebe Inquiry (CD17.1 & 2). The £1.18m in the UU is calculated by taking the total cost (£2.3m) divided by 2,338 (estimated dwellings within the SDL at the mid-point of the range calculated by the UoR (UR10/1), less 272 dwellings at Grazeley Road for which no contribution was ever sought). The Shinfield West figure is therefore £984 per dwelling multiplied by 1,200 which gives the total of £1.18m. The relevance to the appeal proposal is that some traffic generated from Shinfield West would use the A33 and Basingstoke Road. The P&R would act as a compensatory measure, reducing the number of trips made by private car into the Reading urban area along those roads. More importantly, the use of the P&R, when constructed, would obviously help in promoting accessibility by modes other than the private car. However, the contribution of traffic from Shinfield West is insignificant and it is of note that the Highways Agency has no objection.
- 5.163. The Residential Travel Plan (RTP) was the subject of ongoing constructive discussion during the course of the Inquiry. An agreed Holding Statement on Transport and Highway matters was issued (CD19.7 Appendix 12). Paragraph 2.4 confirms that the RTP had been updated and was agreed and resolves putative RfR 15. The main objectives of the RTP will generally be met by raised travel awareness amongst residents; implementing hard and soft measures to promote the use of alternative modes of travel to single occupancy car travel such as walking, cycling, passenger transport and car sharing; identifying opportunities to reduce the use of single occupancy car travel; ensuring parking provision is managed having regard to overall transport policy and any necessary restraint mechanism; and continually evaluating the transport needs of residents.
- 5.164. The developer would appoint and fund a Travel Plan Coordinator (TPC) for the residential development. The TPC would be responsible for the implementation, administration and monitoring of the Travel Plan. The TPC details would be submitted to WBC. The TPC would be a part time position, envisaged to be around 20 hours per week for Years 1 to 5 of the development and then increasing to 30 hours per week. The TPC role would become full time if operating on an SDL wide basis.
- 5.165. One of the major advantages of developing a new urban extension on this scale is the ability to plan a comprehensive development with many day to day services contained within the development. This engenders a degree of self-containment as many trips such as those made to the primary school, the community building, the medical centre and supermarket are internalised within the development. The sustainability benefits and the reduction in transport trips arising from this approach are clear.

- 5.166. At Shinfield West these benefits would not result in an insular and isolated development. The location of the Local Centre, including the supermarket has been specifically designed to benefit the entire Shinfield community, including all of the existing residents. It is beyond doubt that the Local Centre, which links in with existing facilities at School Green including the medical centre, is located in the best position to serve the wider Shinfield community; a matter that is not contested by WBC. The new supermarket for example would be a major benefit to Shinfield, particularly as the Shinfield Community Strategy acknowledges that most food shopping is done in Reading Borough, particularly in Lower Earley: *"Although there are shops in Three Mile Cross, Spencers Wood and Shinfield village, most residents look to the local centre at Lower Earley or to Reading for shopping..."* (Page 14 of SP Community Plan 2011-2021).
- 5.167. The only issue WBC raises in respect of the sustainability credentials of the Local Centre is the use of the proposed bus gates/bollards. The UoR has suggested incorporating these into the design to create a more pedestrian friendly environment, giving buses direct access through the Local Centre whilst restricting access through by a significant number of cars. Given the advice in PPG13, it is hard to see how this could be objectionable in principle. It is accepted that the position of the bus gates/bollards of the RDAS do need to be moved to control access from School Green to other car parks in the Local Centre (CD2.6 Figure 17.15 page 120). Although WBC objects to the principle of the bus gates/bollards, the matter does not remain a matter of substantive dispute. WBC has agreed that the matter can be examined within the design brief proposed for the Local Centre (SC 4), as specifically advocated in paragraph 17.39 of the RDAS (page 121).
- 5.168. WBC takes a thoroughly bad point in suggesting there was a major parking problem at the medical centre. Unwittingly it took photographs of cars parked on the access road to the medical centre but were clearly unaware on that day there was a school open morning for prospective parents (WBC10/7, UR2/10). The UoR's photographs of what the position was like on a normal Tuesday morning reveal in stark terms that there is no parking problem of any kind (UR2/9).

*(h) the likely impact on local roads of traffic caused by the proposed development, including Junction 11 of the M4 Motorway, and whether those roads have capacity to cope with the additional traffic.*
- 5.169. There are only a minor set of issues which stand between the parties. The SM4 SDL is a significant development generating a sizable amount of traffic in its own right. Further additional traffic is introduced to the area by the UoR's SIP and the 3,500 dwellings proposed at the nearby AG SDL. The only solution to this increase in traffic is to build the ERR. This is precisely what the UoR is proposing through these appeals. The UoR owns all the land necessary to deliver the entire ERR, with the exception of highway land controlled by WBC and the Highways Agency land that forms the M4 motorway and its embankments, across which the new over-bridge would pass. Moreover, given the pivotal importance of the ERR, the UoR is willing to forward fund it, ensuring its delivery. To do so, it is putting itself at risk in terms of the necessary finance.

- 5.170. This is a huge commitment because the costs estimates of the ERR are over £24.6m. The UoR expects other SM4 SDL developments to contribute including its own SIP, the Manor Site and AG SDL since appropriately over 400 vehicles in the peak hours vehicles from this development would use the ERR when constructed.
- 5.171. The ERR is absolutely fundamental to the success of the CS and without the land, construction and delivery of the ERR, the CS will fail. That is why the UoR has made such an extraordinary commitment to its delivery. Even the SPC<sup>49</sup> recognises and welcomes the value of the ERR. It is revealing that WBC submitted a paper drawing attention to the evident funding gap between the cumulative proportionate contributions and the cost of Phase 1a of the ERR (WBC A9). That is true and should have been obvious to WBC. However, it certainly has not escaped the attention of the UoR or the other members of the Consortium or for that matter the AGLC. It is precisely that point that underscores the central importance of the UoR's position and willingness to forward fund this essential element of the key infrastructure. However, that position is wholly dependent on the grant of planning permission for the present proposals. Absent that, it appears from the evidence of AGLC and WBC's comments that WBC has no alternative scheme to provide the ERR.
- 5.172. The value and importance of the ERR is beyond question. The only real issue that has needed to be considered is the timing of its delivery. The ERR is divided into 3 phases (UR2/2, Figure 15). Phase 1a is the gyratory around Lane End Farmhouse and the M4 over-bridge which connects into the Black Boy roundabout north of the M4. Phase 1b is the northern section of the ERR which links from the over-bridge junction to the roundabout to serve the SIP. Phase 2 is the remaining section of the ERR linking the SIP roundabout to Arborfield Road. This long section, Phase 2, is the cheapest part of the scheme, estimated at some £5m. By far the most significant expense is Phases 1A and 1B, which cost an estimated £20m, not least because of the costs of the bridge over the M4.
- 5.173. Given the immense costs of the ERR, it has been important to identify precisely when specific parts of the ERR are required and at what stage. This has been the subject of careful analysis and modelling work. The UoR estimates that 600 units at Shinfield West could be occupied before the need to open Phase 1a. In the alternative, although they have less direct impact, up to 1000 dwellings could be occupied on the SM4 SDL as a whole. This second additional trigger is important because it is not possible to be certain what the rate of delivery would be in the other parts of the SDL at Spencers Wood and Three Mile Cross. These numbers have no relevance to the existing permitted development at Grazeley Road, which already has permission. But more importantly, its location adjacent to the A33 near Junction 11 of the M4 means that traffic from that development will have virtually no impact on the existing junctions in Shinfield.
- 5.174. The need for a maximum occupied dwelling trigger of 600 or 1,000 for Phase 1a of the ERR relates directly to the capacity at the Black Boy

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<sup>49</sup> X-Examination of Mr Hughes.



Roundabout and the junctions of the A327 with Cutbush Lane and Brookers Hill to the south. The existing M4 over-bridge limits approach flows to the junctions. Although the figures were examined, these triggers were not seriously challenged by WBC. The timing of Phase 1a of the ERR gives rise to some modest implications for the roundabout junctions in Shinfield.

- 5.175. The second trigger required in respect of the ERR is the need and timing of Phase 2. This issue relates directly to the capacity of the junctions in Shinfield, particularly the 2 roundabouts on the A327. These roundabouts have been the subject of very detailed consideration and the final position of the 2 main parties is set out in 3rd Transport SOCG (CD19.8).
- 5.176. The first junction is the A327 Arborfield Road/Hollow Lane/Hyde End Road Roundabout, "the Hollow Lane Roundabout". The traffic generation and distribution figures have been agreed and these are set out in the SATURN model. The proposed junction improvement required at this location is set out on Drawing No JNY5683-19 Rev K. This shows an enlarged roundabout over the current position which utilises land under the control of the highway authority and the UoR.
- 5.177. In terms of the amount of traffic flowing through the junction, WBC provided figures from the SATURN model which showed the actual flows of traffic that the model predicts will pass through the junction. However, shortly before the UoR's highway evidence was to be given, it became clear that WBC had provided its own consultant with different figures showing demand flows. These are theoretical flows of the demand for traffic to pass through a junction, but which will not actually occur because of existing constraints elsewhere on the highway network. The UoR submits that it is the actual flows which should be used. However, WBC now insists that performance of the junctions should be examined using demand flows. WBC accepted<sup>50</sup> that this is not stated in the agreed WBC Protocol for the use of the Wokingham Transport Models by Developers document published in April 2011. This is the Protocol for the SATURN modelling work. WBC has very clearly changed its view on this issue and the protocol is now to be changed to reflect this fact.
- 5.178. It is agreed by WBC that the Arborfield Road/Hollow Lane roundabout would operate in a satisfactory manner in 2026, the end date for the CS, using either actual or demand flows. Since all 3 phases of the ERR will take time to build, it is necessary to look at the traffic flows through Shinfield at an interim stage. It has been agreed between the main parties to look at 2017 in terms of the SATURN model. Based on the actual flows advocated by the UoR, the performance of the junction in 2017 is considered acceptable. This is particularly in the context that the position will only exist for a very limited period of time. This is because the majority of the SDL development cannot take place until the full ERR is in place in accordance with the suggested and agreed conditions.
- 5.179. When testing the actual flows in 2017, all RFC<sup>51</sup> values are at or below 0.85 in the morning peak hour with 2 exceptions. On the Hollow Lane

<sup>50</sup> X-Examination of Mrs Basford.

<sup>51</sup> The Reference Flow/Capacity Flow

(north) approach an RFC of 0.86 is predicted. Similarly, the predicted RFC of the Arborfield Road approach is 0.90. The guidance in TA23/81 Volume 6 Section 2 paragraph 6.2 from the Design Manual for Roads and Bridges (UR2/8), not only relates to the design of new junctions, but also advocates RFC ratios of about 85% (UR2.8). WBC's submission that it is correct to seek strict adherence of RFC values below 0.85 is simply wrong. The DMRB guidance does not advocate such a strict approach at all. The language of the guidance is far less rigid. What it actually says is *"the general use of designs with a RFC ratio of about 85% is likely to result in a level of provision which will be economically justified."* Moreover the guidance also states that *"if there are cost or environmental implications in providing higher capacity, for instance in urban areas, then even the 85% ratio may be unsuitable and a higher ratio, with consequent queuing, will have to be accepted (to an extent assessed by the reduction of economic or environmental impact)"*.

- 5.180. Since the junction capacity issue involves such short queues (CD19.8 Tables G(a) and G(b)) and, moreover, would only be temporary in nature because the full ERR is required for the majority of the development in the SDL, these would appear to be precisely the sort of circumstances where creating additional junction capacity at the Hollow Lane roundabout would be a significant waste of resources. During the evening peak hour all RFC values are below 0.85 with minimal queuing along approaches throughout the evening peak hour (CD19.8 Table G(b)).
- 5.181. WBC's position is different because it wishes to rely on demand flows (CD19.8 paragraphs 2.13 to 2.21). WBC defines demand flows as the level of traffic that wants to travel through a particular junction or link during a specific time period, but may be prevented from doing so by queuing at the approach to that junction. However, the constraint on demand flows is wider than this. For example flows out of Reading town centre to Shinfield on the A327 in the evening peak are not just constrained by the queues at the Black Boy roundabout. The demand flows are constrained by a variety of constraints on the A327 which even begin in Reading town centre. The theoretical demand to get to Shinfield exists. But it is very obviously constrained by a variety of junctions which exist on what is almost exclusively a single carriage road. Moreover, there are no obvious ways in which this road can be changed to increase capacity, other than to assist buses in the manner anticipated by the contribution to be paid to RBC.
- 5.182. The results of the demand flows on the junction are shown CD19.8 Table F. In the morning peak, the A327 Hollow Lane has an RFC value of 0.88 and the A327 Arborfield Road has an RFC value of 0.92. But these only amount to queues of 7 and 10 vehicles respectively. In the evening peak hour there is an RFC value of 0.94 and a queue of 12 vehicles. These are very short queues for the peak hour. Again the main point being that this situation would only be temporary until Phase 2 of the ERR is completed.
- 5.183. The guidance quoted above from TA23/81 remains equally pertinent in this situation. Moreover, CD19.8 Tables H(a) and H(b) show further details of how this anticipated queuing would manifest itself in reality. The tables show details of queuing by 15 minute segments for the morning and evening peak hour. This shows delays of between 21 and 27 seconds on

average for each vehicle arriving at the junction between 08:00–08:30 hours in the morning peak on the Arborfield Road approach and delays of between 22 and 29 seconds on average for each vehicle arriving at the junction between 17.30 and 18:00 hours in the evening peak. WBC considers these queues to be unacceptable and suggest further mitigation. The UoR considers the impact to be both acceptable and not worthy of further mitigation. Given the full ERR removes any capacity problems using either actual or demand flows it is unnecessary over-design given the queues would be modest in terms of length and duration during this interim period. Moreover, these short queues only arise from development traffic identified in the CS. Of course, if there is any delay in the housing delivery rates anticipated by both the UoR and WBC, these capacity problems in 2017 would not arise.

- 5.184. The only other junction which has been the subject of discussion in the latter stages of the Inquiry is the A327 Hollow Lane/Church Lane roundabout. This roundabout is shown on drawing JNY5683 – 102 Rev F (CD19.8 Appendix 19). Again it is agreed between WBC and the UoR that the junction would operate in a satisfactorily manner in 2026 using Actual or Demand Flows. The disagreement between the parties is again restricted to the interim position in 2017 pending completion of the opening of Phase 2 of the ERR. The UoR submits that the performance of the junction in 2017 would be acceptable, particularly in light of the temporary nature of the modest queues which are predicted to develop, particularly under the actual flow modelling. CD19.8 Table I shows no RFC values above 0.85 on any arm of the roundabout in both the morning and evening peak hours.
- 5.185. Reliant on demand flows, WBC identifies some very marginal increases over the 0.85 figure. On Hollow Lane South in the AM peak the figure is just 0.85. This is not an issue unless one adopts WBC approach that RFC values have to be below 0.85. However, that is not a sensible interpretation of TA23/81. The only arm above the about 0.85 figure is 0.88 at the Hollow Lane North arm in the evening peak. The queue length in that peak hour is just 7 vehicles. This is an interim position as RFC values at that junction fall back to 0.50 and 0.38 on the 3 arms of the roundabout in 2026 when the full ERR is constructed. Again, to create more capacity for such modest queues is unnecessary.
- 5.186. Despite the scale of Shinfield West and the wider SDL, and the developments at the UoR's SIP and the AG SDL, these remaining outstanding issues are appropriately described as very minor. Indeed the residual concerns raised by WBC do appear misplaced against the wider context of the need to deliver the CS, of which the ERR is pivotal. For completely understandable reasons, the UoR, and the other Consortium members wish to achieve some development in the SM4 SDL before paying the full costs of the ERR. That is hardly an inappropriate ambition in exchange for some very modest queues which are anticipated to exist for only a temporary period of time and in the main only if one adopts WBC's demand flow figures.
- 5.187. Otherwise, with regard to the transportation issues surrounding the ERR these are all agreed, save for WBC's desire for access from the ERR to the

land south of Cutbush Lane. The UoR's evidence that although it is irrelevant to the ERR application and the Shinfield West proposal the access could be accommodated. However, the more significant fact is that in the final adopted version of the SM4 SPD, WBC decided to remove the arrows showing such access points (CD8.10A page 70). Moreover the text at page 72, paragraph 5a(iv), now makes clear that *"The new north-eastern expansion area will be accessed from Cutbush Lane and also potentially from the new Shinfield Eastern Relief Road."* The absence of the arrows, which were very evident in previous versions of the SPD, is clearly significant. The ERR is not a road to which direct frontage access points are really appropriate<sup>52</sup>. Following the guidance in the Manual For Streets, paragraph 7.9.5, it is quite clear that such direct access points may be appropriate for roads with traffic in the region of 10,000 vehicles. However, the ERR would carry at least double that amount.

- 5.188. WBC does not have any concerns about the alignment of the road<sup>53</sup>. The elevation of the road out of the floodplain in the southern section closest to Arborfield Road is an accepted requirement. The modest flooding implications of this are addressed later.
- 5.189. The disagreement between the UoR and the AGLC is set out in the Joint Statement (AGLC C4). The issues relating to highway matters focus on the contributions to be made by the AGLC to the ERR and the contributions from the UoR to the Arborfield Cross roads solution. At some 40 vehicles in the peak hour, Shinfield West adds little traffic to the Arborfield Road. However, a more significant amount of traffic from the AG site, some 450 vehicles, would need to pass through Shinfield thus contributing to the need for the ERR. Notwithstanding this, the AGLC appears only to be willing to contribute to Phase 2 of the ERR. Their case is based on the idea that Phases 1a and 1b of the ERR are both requirements of the SIP permission. But the fact is there is no obligation on the UoR to build Phases 1a and 1b of the ERR as part of that planning permission. There is a Grampian style condition which requires it to be built before the SIP is occupied. But that is wholly different from a commitment to build and deliver the ERR unlike the Shinfield West application.
- 5.190. It is agreed that the developments that could potentially contribute to the costs of the ERR are the SM4 SDL developments, the AG SDL, the UoR's SIP (Phase 1 and later phases) and the Manor. Full details of the extent of the disagreement are set out in AGLC1/1 and UR10/1. To support its case, the AGLC, submits evidence that suggests that on its own the traffic from the AG SDL will not materially increase the flows through Shinfield and hence there is no need for the AGLC to contribute (AGLC2/1). However that evidence completely misses the point about the fact these are large SDL developments which form part of the CS and as such the only logical way to look at traffic impact is in terms of cumulative impact. Such an approach is advocated in Circular 05/05 paragraph B21 *"Where the combined impact of a number of developments creates the need for*

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<sup>52</sup> Evidence in Chief Mr Knowles.

<sup>53</sup> X-Examination of Mrs Basford.

*infrastructure.*" The initial premise of AGLC's highways evidence is wrong, albeit it does briefly address cumulative impact.

#### Flood Risk arising from the ERR

- 5.191. WBC recognises that the ERR is acceptable in principle. It is a provision of the CS and on the alignment in the SM4 SPD. The southern part of the ERR route is in the floodplain of the River Loddon, and WBC has requested that the ERR and its link along Arborfield Road to Shinfield be flood free in the extreme 1 in 100-year event, with climate change allowance. The issue arises because the elevated section of the ERR reduces the floodplain capacity, while the associated raising of the level of a section of Arborfield Road at its junction with the ERR, reduces the ability for flood water to pass over Arborfield Road. A compensatory flood storage solution would require the removal of a huge amount of material and more fundamentally would not solve the issue with the impact on floodwater conveyance. The proposed mitigation is to create additional flow capacity of approximately 12 sq. m to the existing culverts under Arborfield Road, thus providing a flow path for floodwater conveyance. The effect of this additional capacity has been analysed using a flood model approved by the EA.
- 5.192. The issue is not a problem that is capable of total resolution in terms of the guidance in PPS25 simply because there will be some increased flooding on land, including third party land which is, on its face, contrary to policy. The EA and WBC recognise that the ERR is Essential Infrastructure, as defined in Table D2 of PPS25, page 25 (CD18.21 & 23). Pursuant to Table D3 on page 27, the ERR and accommodation works can be allowed in Flood Zones 3a and 3b. The ERR should then be considered under the Exception Test set out on page 27 of PPS25 to show that it complies in the 1 in 100-year flood event including a 20% increase in flow to account for the projected impacts of climate change over the design life of the development (UR5/4).
- 5.193. It is important to note, that the flooding in such an extreme event needs to be considered in the context of all the other flood events which take place on a much more frequent basis. These are the floods which local residents and people commuting along this route refer to which can occur annually and block the Arborfield Road, and in so doing making it extremely hazardous not to mention the inconvenience that such a blockage causes.
- 5.194. The UoR's analysis examines the consequences of a series of flood events i.e. 1 in 1-year, 1 in 5-year, 1 in 10-year, 1 in 20-year and 1 in 100-year plus climate change (CC) (UR5/4). WBC accepts<sup>54</sup> that in nearly every instance the UoR's mitigation scheme would deliver a material benefit weighing in favour of the proposal. The benefits include a reduction of the flooding on Arborfield Road at Parrot Farm and at the Magpie and Parrot Public House and surrounds, notably an existing Thames Water foul water pumping station. Both the Farm and the Public House contain residential units. WBC accepted<sup>55</sup> that the priority for the EA is the protection of

<sup>54</sup> X-Examination of Miss Williams.

<sup>55</sup> X-Examination of Miss Williams.

human life. The importance of protecting human life and protecting against damage to property are articulated in paragraph 1 of the PPS25 where recognition is placed in particular on the fact *"flooding threatens life and causes substantial damage to property."*

- 5.195. In the 1 in 1-year event, the effect of the ERR with the incorporation of the UoR's mitigation measures means there is a very modest increase of 96 sq m of third party downstream land flooded, which is not vulnerable to flooding in current circumstances i.e. it is used for agricultural purposes and no residential properties are affected. This increase of flooding on third party land has to be seen in the context of a decrease in the total downstream flooded area of 12,064 sq. m and a net decrease in the total flooded area upstream of Arborfield Road of 14,384 sq. m.
- 5.196. In the 1 in 5-year event when currently flooding does occur on Arborfield Road, to Parrot Farm and the Magpie and Parrot Public House, the consequence of the ERR with the incorporation of the UoR's mitigation measures means that there is a total removal of flooding at the Farm and Public House. Both these properties have a residential use and the outcome would be a significant improvement.
- 5.197. In the 1 in 10-year event, there is total removal of flooding at Parrot Farm and a notable reduction in flooding at the Public House, together with a material reduction in the extent of flooding on Arborfield Road, which without the ERR and mitigation measures, is currently nearly 0.5m deep. The extent of flooding on the farmland and woodland in the floodplain would also decrease in all respects, and confirms that there is no net increase in respect of the third party flooded areas.
- 5.198. In the 1 in 20-year event, there is a material reduction in the extent of the flooding at the Public House and Arborfield Road remains passable. Currently there is flooding on Arborfield Road and at the occupied properties in the 1 in 20-year event, but again it is materially decreased and removed entirely from Parrot Farm. There would be significant reductions in the amount of farmland and woodland flooded both upstream and downstream.
- 5.199. Once this evidence was presented, WBC removed its objection to the proposals in respect of changes to flooding arising from the ERR because WBC's Emergency Planner removed his objection. Although there is no detailed explanation as to why this was the case, a letter dated the 10 October 2011 from WBC's Resilience Manager confirms that the UoR's evidence led him to *"be reasonably satisfied that the potential flood risk to the area has been improved to a level which will satisfy my previous objections. The post development and mitigation measures if accurate would have a positive impact on the flooding that the area usually suffers from."* (WBC4/4) Although not expressly stated, the only sensible inference is that the reduction in flooding, particularly on Arborfield Road, is seen as a benefit especially for emergency vehicles attempting to address the consequences of flooding. The deviation required for vehicles unable to pass along Arborfield Road is approximately 10km whether one takes a detour to the north or the south. In addition to the benefits to traffic and transportation, there would be significant sustainability benefits

associated with the UoR's mitigation proposals in all of the more frequent flood events, that is up to and slightly beyond the 1 in 20 year event.

- 5.200. In the 1 in 100-year plus CC event, the effect on the Arborfield Road is neutral as the Parrot Farm and the Public House remain affected by flooding. There are material decreases in the extent of downstream flooding, but increases in the extent of upstream flooding. However, put in context, the increase in total upstream flooding (6,272 sq. m) is less than 0.5% of the total upstream area that is affected by flooding in the 1 in 100-year plus CC event. Moreover, a greater amount of third party land is removed from flooding downstream than the total increase in third party land which is flooded upstream. The net benefit in terms of third-party land is very modest. However, the crucial point in all these scenarios is that the increases where they do exist on both third party land and land in general are very small and only relate to small parcels of farmland and woodland, which are likely to be saturated already in the prevailing weather conditions and inaccessible. Public risk is not increased.
- 5.201. WBC<sup>56</sup>, on behalf of the EA, not only acknowledge the many material benefits which arise from the UoR's mitigation proposals, but that contrary to the wording of PPS25, if the SoS were to endorse the approach adopted by the UoR, then a pragmatic solution may actually assist the EA in future cases. The overall personal safety and sustainability benefits of the mitigation proposals clearly far outweigh the additional flooding which takes place in saturated disparate farmland and woodland areas.
- 5.202. In terms of the application of the Exception Test in PPS25, it is necessary to meet each of the 3 criteria. Firstly, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk (part a). WBC accepts that this test was met because of all the benefits outlined above. Secondly, the development should take place on developable Previously Developed Land (PDL) or, if it is not PDL, there are no reasonable alternative sites on developable PDL land (part b). That test is easily met as there is no alternative location for the ERR.
- 5.203. The third criterion is that the Flood Risk Assessment (FRA) must demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall (part c). The ERR is plainly safe because it is above the level of the 1 in 100-year (plus CC) flood event and the proposal would in overall terms reduce flood risk generally. However, the concern about increasing flood risk elsewhere is not possible to satisfy in a literal sense. That becomes an absurd proposition when, as the UoR's uncontested factual evidence demonstrates, that whilst there is a modest amount of increased flooding, almost exclusively on farmland and woodland, there are reductions to flood risk elsewhere and more importantly significant reductions in the flood risk for the users of Arborfield Road and the occupiers and visitors to the 2 residential properties identified above. Any sensible reading of part c of the Exception Test is to focus on the final 5 words which places emphasis on

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<sup>56</sup> X-Examination of Miss Williams.

the extent to which development *"will reduce flood risk overall"*. That is the case with the ERR as a result of the mitigation works.

- 5.204. The UoR's mitigation works also includes the incorporation of an earth bund next to 20 Arborfield Road on land owned by the UoR. The principles and protection provided by this earth bund have been reviewed by the EA, who confirm that it is an appropriate and adequate solution. The earth bund was originally included to address the slight increase to the flood extent in this area (although notably, the increased extent for which it was originally included having now been reduced with the additional flow capacity beneath Arborfield Road. No. 20 is already shown to be affected by flooding, and with the earth bund in place would be protected from both the existing flooding and the projected increase. As such, the earth bund would leave the property far better protected from flooding.
- 5.205. The owner of 20 Arborfield Road makes a valid point that the bund might constrain the flow of surface water runoff away from his property after heavy rainfall on property and other land up slope of his property. The proposed solution already includes a swale on the west side of the earth bund for the conveyance of surface water runoff. Runoff could be further accommodated by the use of a ditch on the east side of the earth bund and a drainage pipe with a one way flap. There is no reason why WBC cannot directly involve the occupant of 20 in all matters of detailed design in respect of his property at the appropriate stage.
- 5.206. In addition, a very small part of the St Mary's Junior School playing field would experience increased flooding in the 1 in 100-year plus CC event. In simple terms, based on the results of the flood modelling the area concerned would be just 2 small grid cells with an area each of 16 sq. m. However, the pitches would already be largely flooded and out of use, with the additional area at the fringes of the already affected area. Thus, the small increase would have no material effect.
- 5.207. Other areas of increased flood in the 1 in 100-year plus CC event are mostly within 'dry islands' i.e. land areas in the floodplain that are surrounded already by floodwater, which would be inaccessible in any event and some small disconnected additional areas of land, each of 4 sq. m at the edges of the existing flooded area within a floodplain which is more than 700m wide.
- 5.208. In terms of the application of the policy in PPS25, what is proposed is a sensible and pragmatic solution that would enhance the situation and improve safety for a great proportion of the time. WBC and the EA have taken a pure policy based objection. But the whole reason why this flooding issue has emerged is simply to satisfy WBC's requirements that the ERR and the connection between the ERR and Shinfield along Arborfield Road are protected from flooding in all events up to 1 in 100+CC. The wider issue therefore is to recognise that without the ERR the whole CS is at risk. Thus, a pragmatic solution is required.

- i) whether any planning permission should be subject to any conditions and, if so, the form these should take; and j) whether any planning permission granted should be accompanied by any planning*



*obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable;*

- 5.209. It is accepted in the SOCG and in the UoR's evidence that it would be necessary for planning conditions to be imposed and for planning obligations to be given by way of a UU. The S106 Obligations are an important part of the proposals and required to implement this CS allocation.

## **Other Matters**

### Education Provision

- 5.210. The following matters are agreed:

- the Primary Pupil Model methodology for calculating the number of primary pupil places required;
- the indicative demand for primary pupil places expected to arise from the development;
- that no substantial capacity is likely to be available in existing primary schools;
- that the developer should provide a primary school for 420 pupils with Foundation 1 stage provision;
- that the school may be constructed in phases, and should be made available for use prior to occupation of 150 dwellings or 2 years from commencement whichever is the soonest;
- the site area requirements for the new school;
- the location is appropriate and the school site is suitable to meet the needs of the development;
- that provision for childcare be provided in the Community Building;
- that it is inappropriate to make secondary education provision on site;
- that secondary education provision will be made by providing financial contributions towards additional places elsewhere;
- that WBC's forecasts show secondary demand from existing housing exceeding available capacity by September 2014, and that about 1,600 additional secondary places will be required during the plan period;
- the principle of contributions towards secondary education places; and
- the principle of contributions towards special educational needs (SEN) places subject to proper linkage between housing development and demand being evident.

- 5.211. The matters that remain in dispute are the amount of the secondary education contribution; the amount of the SEN contribution; and the detailed wording of the planning obligations.

#### Primary Education

- 5.212. Shinfield West provides for a major new primary school within the development, which like the ERR is a crucial part of the social infrastructure for this urban extension. Few if any aspects of a new urban extension are more likely to create community cohesion and a sense of focus for many new residents. Not only would the UoR provide the land, but it will also ensure the construction and delivery of the school so that it can be transferred over to the provider as a completed school. The primary school would be built and equipped as a 2 form entry (2fe) school and handed over to the appropriate education provider as directed by WBC. A 2fe school therefore results in a total capacity of 420 children. WBC also wishes the new school to include a Foundation 1 stage provision with a capacity for 30 full time equivalent pupils. When combined with a 2fe entry school this gives rise to a primary school with a total capacity of 450 pupils. This is the preferred school size by WBC.
- 5.213. The actual requirement arising from the Shinfield West development is likely to be less than a 1½fe school, 315 pupils. In building a 2fe primary school the UoR is exceeding the capacity requirements for the SW development. The additional capacity to be constructed and delivered therefore provides significant scope for expansion beyond the requirements of Shinfield West, to include capacity for the requirements of children from both the Manor (126 dwellings) and Cutbush Lane (North) development (c125 dwellings). Both of these are on UoR owned land in the Shinfield area. Moreover, there is additional capacity to accommodate the primary school educational requirements for other development within the SDL, by expansion to a 3fe primary school.
- 5.214. SCs 64 to 66 secure the provision of the primary school prior to occupation of 150 dwellings or before 2 years of commencement whichever occurs first. The conditions also safeguard the primary school extension land until 31 March 2026, the end of the plan period. They further safeguard the infant school and junior school extension land in the event this is required for educational purposes for a period of 5 years beyond the practical completion of the new primary school. Whether any of this safeguarded land is taken up is for WBC but it is clear that the development enables further land to be used in the event that it is required to serve other development in the SDL.
- 5.215. Concerns have been expressly raised by Shinfield Infant and Nursery School and others (IP5). The suggestion is that it would represent competition in terms of existing children living in the south and west parts of the village. Notwithstanding this concern, the School welcomes the plan to set aside some land round the existing site of Shinfield Infant and Nursery school for school expansion. It should be noted however that whilst the UoR is willing to make such expansion land available and considers it desirable to do so, WBC has indicated that it is "*not desirable*

*from an educational viewpoint particularly when the better alternative of a new 2fe school within the development is available."* (CD8.37 page 7).

- 5.216. There is a suggestion that a more appropriate site for the school would be at Cutbush Lane. This area is at the extreme north-east of the residential area and would not be well-related to the majority of the new housing in the eastern part of the SDL. Moreover, the location of the school on the western edge of Shinfield West would mean the school is within comfortable walking distance for the development and thereby minimises the likelihood of vehicular trips. The location also provides a degree of separation from the existing schools (UR7/8).

#### Secondary Education and Special Education Needs

- 5.217. The UoR is willing in principle to make a contribution towards both the secondary and special education needs (SEN) of the Borough. There is however a dispute as to the appropriate sums involved.
- 5.218. In terms of secondary school provision, WBC agrees that on-site provision would not be appropriate. Therefore, the issue is the size of the necessary contribution. There are 2 key components. The first is the total number of additional pupils likely to arise in the Borough as a result of the new development.
- 5.219. There has been a significant amount of dialogue about meeting the education needs of Shinfield West and the requirements of the wider SDL in the preparation of the planning application and the appeal. WBC's secondary pupil projections confirmed that the CS development will lead to an increase of appropriately 873 secondary school pupils (excluding post 16 pupils) (CD19.1 page 58). This figure is based on an anticipated increase in the total number of dwellings arising from the CS of 12,254 (UR7.1 page 24 paragraphs 7.31-33). This is not some historic figure dating back to the time WBC decided to close Ryeish Green School. It is a figure set out in WBC's 12 May 2011 calculations. The dwelling mix is that assumed by WBC, which is 30% dwellings with 3-bedrooms and 40% with 4 or more bedrooms.
- 5.220. Based on an agreed stay-on rate of 59.3%, the UoR estimates that the appropriate figure for additional secondary school pupils (including post 16) arising from Shinfield West would be 98.1 pupils, or 96.6 pupils after the agreed percentage reduction for those requiring SEN places. WBC's figure is 205 or 201.8 pupils.
- 5.221. The provenance of the WBC figure, which is more than double that agreed in the SOCG is said to derive from recent household survey evidence. This is said to provide a more accurate figure of the number of secondary school children likely to be generated from dwellings with 3 or more bedrooms. However, WBC's survey only looked at those residents in relatively new dwellings at a particular point in time and did not provide information about the wider population changes, other than confirming that a proportion had moved from within the Borough. It is not an accurate reflection of the likely additional demand for secondary school places.

- 5.222. WBC's assumption that all secondary age pupils living in the development would be new and represent additional pupils requiring an additional school place is unreasonable. Such a conclusion can only be reached on the basis that the development would cater only for additional households, as a result of net migration into the Borough. This is also contrary to WBC's own previous assessments of the implications of new housing, including the assessment provided in May of this year.
- 5.223. WBC assumes that all households moving to Shinfield West would generate pupils on the basis of their formulae for 3-bedroom and 4 plus bedroom properties. WBC accepts<sup>57</sup> that some of the new residents will be moving from elsewhere in the Borough. These households always leave houses, which do not form part of the primary analysis of the numbers. But they will be occupied by a new individual or household and it is these that are called "back-fillers". These back-fillers will have themselves have moved from elsewhere. Where, no one can be certain, but WBC assumes it will be from outside the Borough and that they will have children that need educating in secondary schools in Wokingham. WBC's position is, that no matter how far back one goes, eventually all houses in Wokingham are occupied by people from outside the Borough.
- 5.224. This approach is completely absurd. It makes no allowance for indigenous growth in the number of households in Wokingham. It assumes that there are no people living longer, no increased numbers of single people and living single for longer, no increased divorce or separation rate and no newly forming households. In other words, there is no actual growth in the population or number of newly forming households in the Borough. This cannot be right. Indeed, the point is well illustrated with the example of the proposed affordable housing. The vast majority of the people taking up affordable homes at Shinfield West would be, by definition, Wokingham people. Those that have children would have them in Wokingham schools.
- 5.225. Subsequently WBC prevaricated and suggested that there would be indigenous growth. However, WBC cannot explain what account had been taken of that factor. This is a completely unsatisfactory state of affairs. It contradicts both the figures relied upon at the time the decision was made to close the Ryeish Green School and the figures in the SOCG. The survey of new homes does not answer the question because it does not look at all households in the Borough, and it identified numbers resident rather than a Borough-wide population change.
- 5.226. Given the flaws and serious inconsistencies in WBC's case, the UoR believes that its evidence is to be preferred. WBC's figure, which looks hugely inflated, appears in truth to be an attempt to use SDL development to pay for a huge proportion of the relocation of Emmbrook School to new buildings proposed at AG SDL. The costs suggested are in the region of £40m based on the costs of the Waingels College redevelopment. Whilst WBC is itself proposing to contribute to the cost of relocating Emmbrook School, the amount the SM4 SDL is being asked to pay is £11m in the ID&C SPD, and would be even more based on the higher cost per place

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<sup>57</sup> X-Examination of Mr Brockman.

from WBC's latest figures. This is completely disproportionate, being nearly half the costs of the entire ERR including the M4 motorway over bridge. The cost for the AG SDL is even more.

- 5.227. It is hard not to conclude that WBC has approached this on the basis of working out the costs of the new school and then worked backwards to calculate the costs of the AG proposal. WBC appears to have simply divided the costs of the new school by 1,500 places. There has been no analysis presented to the Inquiry of why that is a justified and proportionate amount or what other alternatives have been examined. But more particularly, it does not demonstrate why it is 205 additional pupil places that are expected to be generated from Shinfield West. It does however correlate on a pro-rata basis with what figures are required, when multiplied across the whole SDL, to justify a sum for the SM4 SDL of around £11m. This has very little to do with what is a reasonable and proportionate education contribution arising from Shinfield West.
- 5.228. Recognising that the SoS has been put in a difficult position by the stark contrast between the SOCG and WBC's new and constantly evolving evidence, the UoR suggests an alternative solution. The UoR believes that a figure of £2.575m is the correct one, albeit based on the indicative mid-point mix and subject to adjustment to reflect the actual housing mix. Moreover, the UoR firmly believes that WBC has not provided convincing evidence which shows the provenance of their much greater figure which amounts to £5.382 million. But since the actual number of additional places is a matter which, as a matter of fact, will ultimately be known, the UoR has agreed to resolve the issue by means of a review mechanism. Whilst the UoR understands that the principle of the review mechanism is accepted, WBC has refused to agree the mechanism in detail for reasons perhaps best known to it. WBC's concerns appear to relate to the Base School Population figures - which are WBC's own figures. These figures are completely independent of the "Cumulative LDF Pupils" figures which appear in the same table, and include the 873 secondary pupil figure that WBC now says is flawed.
- 5.229. For the mechanism to work, it has to examine the total increase in pupil numbers across the Borough as a whole during the CS period. That is the number that will show the actual increase in additional secondary school pupil numbers from a purely factual point of view. The Shinfield West component of that increase could then be calculated and that is what the review mechanism will achieve. In terms of the principle behind it, it is precisely what WBC agreed to in the SOCG. But it needs to be expressed to take account of the complications that WBC has brought into the calculation, which seeks to suggest additional demand from the CS would more than double the figure indicated by WBC's May 2011 analysis.
- 5.230. The following is a summary of how the mechanism would work including reference to the potential uplift in SEN contributions; the details are set out in the UU (UR B32). If the net increase in secondary pupils attributable to the proposed development proves to be higher than anticipated in the UoR's calculations, the review mechanism would provide additional secondary and SEN contributions. If WBC's calculations prove correct the review mechanism will provide the contributions up to the maximum level

of contribution sought by WBC. There would be 6 reviews throughout the construction of the development. To ensure that WBC has funds to mitigate any early impact on the demand for secondary school places, the UoR would pay a Secondary School Reserve Deposit of £300,000 before the occupation of 50 dwellings. This could be used by WBC to enable additional secondary school places to be provided to meet the needs arising from the development in advance of the Additional Secondary School Contribution.

5.231. The principles of the secondary and SEN contribution and review are as follows:

1. the UoR makes a base level Secondary School Contribution for each phase of housing that is built. There will be a formula to determine the precise amount actually payable, but for the illustrative mid-point mix these contributions would provide for 96.6 places (98.1 less the reduction for SEN double counting);
2. in the same way a phase by phase base level SEN Contribution would be paid;
3. in addition, a review process undertaken every 200 dwellings would determine whether any Additional Secondary Education Contribution would be paid. The review is a Borough wide exercise. The maximum amount payable (from both the base and additional contributions) would be the amount sought by WBC – i.e. for 201.8 places (205 less the reduction for SEN double counting);
4. as the base SEN contribution relies on the UoR's lower secondary pupil figure, additional SEN payments will be triggered when Additional Secondary Education Contributions are triggered. As for secondary school contributions the minimum and maximum amounts payable are the amounts proposed by the UoR and WBC respectively;
5. the review works by considering the total number of pupils on roll in Wokingham secondary schools. This will include the new free school, and all other state-maintained schools. The total number on roll is then compared with the number that would be expected on the basis of the assumptions underlying the base level contribution;
6. if there are more pupils on roll than expected, then an additional secondary contribution would be paid. The additional secondary contribution would be based on the relative impact of Shinfield West, compared to that of all new dwellings;
7. the expected number of pupils is determined with reference to the number of dwellings with 3 or more bedrooms that have been built and occupied in the Borough since April 2011, as these are the dwellings which are expected to be associated with secondary age pupils. The pupil factors which support the base contribution are used. There are separate factors for dwellings with 3-bedrooms and

for those with 4 or more, in common with the WBC's usual methodology. The resultant number of pupils is added to the Base School Population to obtain the "expected" number of pupils;

8. if the actual number is higher than the expected number then an additional secondary contribution is payable, although account will need to be taken of any payments already made
  9. when there are more pupils than expected the detailed wording refers to these as the "number of excess pupils". In order to work out Shinfield West's share of these pupils the pupil factors are applied to the dwellings built and occupied at Shinfield West. Taken as a proportion of the comparable figure for the Borough (see 6) above), this is the Shinfield West share;
  10. if any pupil places have been previously paid for then these are deducted from Shinfield West's share. If the result is a positive number then an additional secondary contribution is payable, on the basis of the defined cost per place, index linked.
  11. an adjustment is needed at the last review point, to provide for dwellings not occupied at that point. The dwelling mix may not be known, so it is assumed that their impact would be similar to the dwellings already occupied. A simple factoring up of the additional secondary contributions payable for the dwellings already occupied at Shinfield West is therefore used;
  12. each time the review process triggers an additional secondary contribution, an additional SEN contribution is also payable, so the amount of additional calculation involved is minimal.
- 5.232. The second main issue in respect of the secondary school contribution is the cost per pupil place. Appendix 7 of the CS indicates at paragraph A7.28 b) iii) (page 106) that SM4 SDL will be required to make "*Contributions towards new Secondary School to serve the development.*" It is important to record that the text does not specifically say that contributions should be directed towards a school at Arborfield Garrison. Moreover, even if that is now their intention, WBC does not actually have any plans for a new school. WBC's strategy for secondary education is to move an existing school Emmbrook School to the AG SDL. This would be relocation. The proposals which are taking form at the AG SDL may or may not involve the use of the existing building and facilities which already exist on the site. There is no guarantee whatsoever that they will take place or, even if they do eventually come to fruition the timescale in which that may take place. However, there is little, if any evidence to suggest with any confidence that the Emmbrook School can be relocated to a site within the AG SDL.
- 5.233. WBC previously proposed to move Emmbrook School in 2005, as part of a substantial investment programme for its secondary schools. There was however substantial opposition, including 78.9% of respondents to the WBC's questionnaire sent to all Emmbrook Ward residents who opposed moving the school to the south of the district. Subsequently, WBC issued a

statement confirming the school would not be moving. WBC has not challenged any aspect of the UoR's evidence on this issue (UR7). There is no reason to assume the situation would be any different today.

- 5.234. The situation affecting secondary school children in Shinfield is complicated further by the fact school catchments have recently changed. Following a review of secondary school admissions policy started in 2010, there is now a shared designation area for 4 schools which include the Emmbrook, Forest, Holt and St Crispin's schools. This will apply for admissions in September 2012 onwards<sup>58</sup>. It is understood that WBC anticipates expanding all of these schools. The SM4 SDL is within this shared designated area.
- 5.235. A further complication is that momentum is growing for the West of Wokingham (WoW) Free School. Whilst there remain further processes to be followed before the school can open, WBC is clear that the SoS for Education has approved the proposal in principle for opening in September 2012. The proposed location is the site of the former Ryeish Green School, which is well placed to serve the needs of Shinfield West and all such children living in the SM4 SDL, on the Manor site and existing residents.
- 5.236. If neither the AG SDL School nor the WOW school take place, then other opportunities exist for the expansion of existing secondary schools in Wokingham. Although WBC confirmed that some studies had been done to examine the feasibility of this, no information has been put in the public domain<sup>59</sup>. Certainly expansion of existing schools is being actively considered in respect in the other SDL's. WBC confirmed that the contribution to be made by the UoR would be used borough-wide, not restricted to a particular school<sup>60</sup>.
- 5.237. The above facts and all the various future possible scenarios led WBC to accept that the provision of secondary school education for pupils arising from the SM4 SDL is fluid. There is one very significant implication which arises from the acceptance of that point. This is the issue of how much the UoR should be paying WBC in terms of the cost per additional pupil place. As with the number of additional secondary school places to be generated, WBC provides scant evidence to justify its request for a sum of £26,667 per pupil place. The UoR considers that whilst the number would be significantly greater than the figure in the PAN (CD8.29), it is unlikely to be as high as WBC's current suggested figure. However, the UoR has decided to take a pragmatic position on this issue and accept WBC's figure.
- 5.238. The final area of dispute relates to the SEN payment. Again the UoR finds itself in the position of being asked to pay a very large sum of money with very little justifiable evidence. WBC originally wanted a sum as being something in the order of £1.5m. WBC reduced this to around £1.1m. Following further exchanges, WBC reconsidered its position and reduced the figure to £512,202 (WBC8/2). Such a dramatic change should immediately raise alarm bells about the provenance of the WBC's whole

<sup>58</sup> X-Examination of Mr Brockbank.

<sup>59</sup> X-Examination of Mr Brockbank.

<sup>60</sup> X-Examination of Mr Brockbank.



approach. The UoR has identified that the large costs per pupil should not apply to many children with special needs because their needs do not require capital costs. There are issues with the percentages with SEN needs used by WBC, relating to pupils who are not generated from within the Borough but who are educated in Borough schools, and double counting of SEN pupils. Despite serious concerns about whether WBC has produced cogent evidence to support what is the need for SEN contributions, the UoR has also conceded some points to try and narrow the issue. The UoR calculates the SEN figure as £474,536, taking into account revised percentages (UR7/9).

- 5.239. Through continued dialogue and WBC's agreement to abandon their aspirational stay on rates, the disagreement on SEN is now restricted to 2 issues. Firstly WBC wants SEN funding on a pro-rata basis for all primary school places at the new Shinfield West School. This is wrong because the number of primary school places is a local figure and not representative of the additional demand for primary school places in the Borough. This is the same point raised in respect of the impact of the development on secondary school pupil numbers, of course, WBC accepts that SEN provision will *"often be provided across a wider area than a single Borough"*. The second issue is the number of additional secondary school pupils to be generated by the development, from which a SEN figure is then derived. The expected ratio between the expected additional demand for secondary school places generated by the development and the "local figure" of resident secondary school pupils is used in the UoR's calculations for both the primary and secondary SEN contributions.
- 5.240. The dispute, both for primary SEN and secondary SEN, comes down to the same issue as the main dispute concerning the additional impact of the development on secondary pupil numbers and the ability of the review mechanism identified above to address. The review mechanism contained in the UU would provide for additional SEN contributions alongside any additional secondary education contributions shown to be necessary.

#### Utilities

- 5.241. WBC has made much of the utility issue although it is extremely unusual to suggest that these matters cannot be addressed, and even more unusual in the context of a site which WBC wishes to see developed for the purpose of achieving the important ambitions of its CS.
- 5.242. WBC accepted<sup>61</sup> that in respect of each utility there is no evidence of any insurmountable problems. That in itself is all that really needs to be said especially in respect of a site WBC promotes and is adopted in the CS. Of equal importance, the utility companies have suggested the matter can be addressed by Grampian style conditions. That is an entirely usual outcome. Indeed, it does not help WBC to suggest that there are insurmountable problems in respect of the SM4 SDL. Fortunately, that is not what the utility companies are saying.

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<sup>61</sup> X-Examination of Mr Cafferkey.

- 5.243. Thames Water (TW) did initially raise serious concerns about potable water provision. But that matter has been overcome by the letter of 10 May 2011 (WBC4/2 Appendix 1). It is also important to note that in terms of TW a significant proportion of the capital costs would be recovered and returned to the developer through the simple fact that utility companies charge customers for their services and that includes an element of capital cost.
- 5.244. With the principle addressed, WBC's point appears to be that permission can only be granted if the provision of utilities is done on an SDL wide basis. The Consortium has been trying to progress matters on that basis. For this appeal, especially when WBC raised this as a late point, those acting for the Consortium and the UoR focussed attention on Shinfield West. The matter was examined as a part of the ES. Electricity capacity can be created and done within 2 years. But Scottish and Southern Energy (SSE) will not do so unless there is a firm plan for a development in place, which requires an outline permission to be granted. TW has been commissioned to produce reports in respect of sewerage and potable water. There are several options for sewerage, both in the Reading area. There is no suggestion of the need for new water treatment plants or other such major works. There has been no suggestion that any problems will emerge with potable water as initial work on the SIP demonstrated. These are all issues which can be addressed and WBC is wrong to ignore the advice from the utility companies that all such matters can be addressed through Grampian style conditions.

#### Public Support and Opposition

- 5.245. SPC accepts that there will be significant development at Shinfield as established in the CS. The SPC has been unsuccessful at persuading the SoS that development should take place in other locations in the SDL such as Shinfield Glebe. The SPC<sup>62</sup> made clear that the delivery of ERR was supported. The ERR would remove a very significant amount of traffic from roads running through Shinfield which have been identified as an issue in documents such as the Shinfield Parish Plan. The extent of the benefits the community would enjoy if permission is granted is extensive. Few could doubt the value of having a supermarket in a settlement which is almost entirely devoid of modern shopping facilities. The community building would be a major new asset for the community. Shinfield West would deliver a building of 560 sq. m with room to expand with funding from the rest of the SDL when it is developed.
- 5.246. There is public opposition to aspects of the proposal. However, it is important to record that the SPC leaflet in February 2010 made assertions which have now been withdrawn (UR10/2 Appendix H). The misleading and damaging influence of such statement are matters upon which the SoS will form a view. But such statements often create opposition and momentum which is unfounded and can significantly distort the whole nature of how a proposal is perceived in a local community. SPC was unable to assist with the information about the leaflet and in particular the extent of its

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<sup>62</sup> X-Examination of Mr Hughes.

distribution. It should be noted that WBC shares the UoR's view that the leaflet was a misrepresentation.

## Conclusion

- 5.247. These proposals involve major infrastructure and plan led development that is urgently needed if WBC is to fulfil its objectives for the delivery of housing for the Borough. The proposals have been carefully planned and developed on a comprehensive and sustainable basis to ensure the early provision of much needed residential and other development as part of an integrated and inclusive extension to the existing settlement in accordance with the CS.
- 5.248. There is no sound reason why permission should be refused for this sustainable development and the appeals should be allowed. The UoR remains committed to ensuring the delivery of the CS proposals enabling the SDL to come forward as a whole. The UoR has no doubt over its continuing close and cooperative working with the other Consortium members, as reflected in the Vision and their letters to the Inquiry. While disappointed at and frustrated by the failure of WBC so far to engage in proactively promoting delivery of the SDL by working with the UoR, it would wish to make clear that, if planning permission is forthcoming, it would wish to take the project forward with WBC on a positive and hopefully collaborative basis.
- 5.249. If the appeal is dismissed, the UoR will have to look elsewhere, at least in the immediate future. It does not appear that WBC has any alternative for the delivery of the SDL, but regrettably that would be the position as the UoR has no choice consistent with its wider public responsibilities. That would be a regrettable conclusion to a process to which the UoR and its team has committed considerable resource and effort to seek to secure the public ambitions for this important part of the CS and the SDL in what is the overriding public interest.

## **6. The Case for Wokingham Borough Council**

The material points are: -

### Introduction

- 6.1. The evidence before the SoS has changed significantly since the appeals were submitted and WBC's consideration of the applications in July 2011. The UoR's response to the putative RfR, the submission of new material and WBC's engagement has meant that several of the putative RfR are no longer being pursued and on other issues differences have been narrowed (WBC A3, A4 & A15). WBC's case concentrates on the main issues that remain and the grounds on which planning permission should be refused.

The need for a coordinated approach to delivery of the SDL

- 6.2. CS Policy CP19 requires a coordinated approach to the development of the SDL to deliver the necessary infrastructure, facilities and services to meet the needs of the expanded community. WBC encouraged the formation of consortia in SM4 and other SDLs. The purpose and benefit of having a consortium is that it should enable the promotion of development in the SDL in concert rather than separately, and in a coordinated rather than piecemeal fashion. Apparently consistent with this objective, the SM4 SDL Consortium's representations to the CS EIP were made jointly and severally. The Inspector's finding that the CS was sound relied upon the coordinated and integrated approach embodied in Policy CP19 and the use of the Concept Statement in Appendix 7 to guide development proposals at Shinfield/Spencers Wood/Three Mile Cross (CD8.3 paragraph 5.30). The CS Inspector took into account evidence given by the SM4 Consortium and on viability (CD8.42 paragraph 3.8; CD8.36 paragraph 8.4.13). This evidence allowed the CS Inspector to express the view that because the Consortium controlled substantial land holdings within the SDL early delivery of housing could be achieved (CD8.3 paragraph 5.25).
- 6.3. In 2008 the Consortium members were indeed intending a joint application, embracing Shinfield/Spencers Wood/Three Mile Cross comprehensively (UR10/2 Appendix A). However, the application was made by the UoR alone, the reasons being that other land ownerships were complex, that the Consortium members were working to different timescales and because TWi and DWH did not have the appetite for putting significant resources into an SDL-wide application<sup>63</sup>. For these reasons the Consortium members have not been able to coordinate their planning applications or reach agreement on their sharing of the infrastructure costs. The result has been that the good intentions have not come to fruition and there is a lack of coordination in the approach taken, with consequent serious shortcomings in these proposals.

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<sup>63</sup> X-Examination of Mr Short

6.4. TWi and DWH have submitted letters to the Inquiry referring to:

- (a) The Vision Document (UR1/2 Appendix 1), signed by the UoR, TWi and DWH but this does not show commitment to joint delivery of development in the SDL. The Foreword states that they are *“collectively committed to the delivery of high quality strategic development at Shinfield, Spencers Wood, and Three Mile Cross.”* The strategic development presumably, and obviously, is housing and of course the 3 members have separate land interests at the 3 settlements. The document asserts that the Vision is capable of delivery on land controlled by the Consortium (page 6), that development could take place in 3 phases (page 24) and that separate planning applications are being promoted (page 25). The Vision is equally or more consistent with a piecemeal approach than with any overarching plan for the SDL as a whole, and there is nothing in it showing any binding or enforceable commitment to coordinated or integrated delivery of development.
- (b) The identical letters submitted by TWi and DWH (IP8 & IP9) and after completion of WBC’s evidence say:
- the 3 members have been acting as a collaborative consortium since 2006. However, that is history and the stark fact is that that 5 years later they still have not been able to reach agreement on a coordinated approach;
  - TWi and DWH have full knowledge of the UoR’s application and support the approach in seeking to achieve delivery. This indicates support for the piecemeal rather than integrated approach.
  - TWi and DWH agree that the Haslams (2009) Valuation Appraisal (CD8.36) was prepared on their joint instructions, and that it is continuously being updated and reviewed, but refuse to disclose the update lest it be seen by competitors and seriously complicate the process of land assembly. This confirms that the information exists but is being withheld from Inquiry and the claimed land control is not as secure as might have been previously suggested.
  - TWi and DWH claim to be progressing heads of terms<sup>64</sup> with the UoR to secure mutual contributions on a pro-rata basis. This only goes to confirm very clearly that such agreement had not been reached when the planning application was made, when the IDP was drafted, when the appeals were made, or even now to put in evidence at the Inquiry. Had there in reality been an effective coordinated approach between the Consortium members this would have been an essential step at an early stage, but they have been unable to achieve it.

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<sup>64</sup> Evidence of Mr Short

- there have been references by the UoR and in this letter to excluding the possibility of ransom, but no written agreement to that effect has been produced.
- TWi and DWH have “agreements in principle” on the costs of the use of the UoR’s land for open space and SANG: those agreements have not been disclosed and there has been no opportunity to see what they provide or to test them.

Accordingly, in demonstrating a coordinated approach these letters are of little or no assistance to the UoR or to the SoS and given their contents could not be tested, only very limited weight should be attached to them

- 6.5. Further letters from TWi and DWH (IP10 & IP11) confirm that the Consortium Members have been, and are, working “*closely and openly*” together. However, no evidence is provided that any agreement has been reached on the costs of the development, the proportionate contributions, or the phasing of common infrastructure. If it was the position that TWi and DWH are prepared to contribute at an agreed amount per dwelling or per hectare to the common infrastructure costs, and that they will commit to 35% affordable housing in their development schemes, they could have said so. The fact that they have not been prepared to give those assurances suggests that there is no agreement, and raises serious doubts that their planning applications will offer to complete the SDL-wide development as envisaged by the CS.
- 6.6. When the issue is whether planning permission should be granted, the disbenefits that flow from the lack of a coordinated and integrated approach need to be viewed from WBC’s perspective. If planning permission is granted, there is nothing in the SCs that is enforceable against other members of the Consortium. Exceeding the trigger limits in SCs 41 and 42 on TWi or DWH land would not be in breach of these conditions. Moreover, there is nothing in the UU that is enforceable against them. There is no contract or agreement in private law between UoR and TWi or DWH, and so nothing that the UoR can undertake to WBC that WBC can enforce against them. There is no up-to-date evidence of the total infrastructure costs to be shared or how it is intended that it should be provided on a fair share basis. There is no evidence from TWi or DWH that they have agreed to contribute at a specified level or at all to any items of SDL infrastructure.
- 6.7. In other SDLs, consortia are working towards collaboration/equalisation agreements before submitting their planning applications. This is the position of the AGLC at AG SDL and of Keephatch Beech Landowners Group at North Wokingham SDL (AGLC1/1 paragraph 2.3; WBC A7). These agreements show that the applications are being made in compliance with the requirement in CS Policies CP18 to CP21.
- 6.8. In contrast, the evidence and approach of the UoR shows non-compliance with this essential requirement of CS Policy CP19 and that it sees no need

to<sup>65</sup>, and to “go it alone” without ensuring that coordinated development can proceed throughout the SDL. There is a real risk that when WBC comes to consider further applications within the SDL, and agreement has not been reached within the Consortium on the costs of infrastructure and the basis for apportioning them, the other developers may claim that any amounts which WBC seek to collect by way of contributions are not agreed, are not affordable, and will make their developments unviable without some relaxation of say the affordable housing percentage.

- 6.9. Here, although the UoR can go further and offer more than could the appellant in the Glebe case, the conclusion must be similar to that case i.e. *“... the scheme does not follow the coordinated approach to the development of the SDL as required by CS Policy CP19. As a result there is a limited risk of setting back the plans to deliver strategic infrastructure ... Such a set-back could possibly have repercussion on other development in the SDL.”* (CD17.1 paragraph 11.56). With the UoR’s proposals there is increased risk because of the scale of the proposals.

The need for an effective delivery mechanism

- 6.10. The SM4 SPD at Section 6.1 says that to ensure the delivery of all the Policy CP19 and Appendix 7 infrastructure requirements, WBC seeks either an overarching infrastructure planning application or another relevant mechanism (CD 8.10A page 79). If there is not an overarching application, WBC will expect planning applications to be accompanied by an IDP for the whole SDL and for S106 Agreements to reflect this approach. The IDP should address SDL-wide needs, including the location, capacity and phasing of common infrastructure including primary routes, utilities and strategic flood prevention and protection measures. Any piecemeal applications will need to demonstrate how they will provide the infrastructure requirements laid down in the CS. An overarching utilities plan should form part of the overarching IDP. This should set out the strategy for the installation and delivery of services including electricity, water supply, waste/foul water and information technology.
- 6.11. Table 2 of the ID&C SPD identifies the infrastructure required for the successful delivery of the SM4 SDL (CD8.13A). Paragraph 6.4 advises that the best way of achieving delivery is through a legally constituted consortium able to show delivery of the entire required infrastructure. The ID&C SPD gives guidance similar to that in section 6 of the SM4 SPD including the expectation for an IDP, and what will be needed in the case of a piecemeal application. Potential forms of planning contributions are identified and include monetary contributions towards strategic and off-site community infrastructure normally derived through standard charges and formulae. The IDP is not intended to form part of the application, but to accompany it. The IDP is not the document that secures the infrastructure or the contributions but which the S106 Obligations then reflect and incorporate. It is the S106 Obligations together with planning conditions that secure and regulate the delivery and contributions (WBC A10).

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<sup>65</sup> Re-Examination Mr Tant.

- 6.12. No IDP was submitted with the application in July 2010. A draft IDP and UU were submitted in March 2011. The 2 documents, which together might have demonstrated an effective delivery mechanism for the SDL did not do so and in many respects were deficient and unacceptable. The UoR seeks to blame WBC for the deficiencies in the draft IDP. However, throughout 2010, WBC officers consistently advised the UoR what was required, but the UoR has consistently ignored that advice (UR10/2 Appendix D). Moreover, by lodging the appeals the UoR took the decision away from WBC and the application documents were thus restricted to those which had been submitted. The Committee Report and the deemed reasons for refusal made very clear that there were fundamental objections by reason of the lack of an effective delivery mechanism. WBC continued to advise the UoR as to why the delivery mechanism offered was not acceptable (CD5.5 to CD5.9).
- 6.13. No revised IDP was received until the exchange of evidence, when a further draft was included in the September 2011 Vision Document (UR9/2 Appendix 1). Notwithstanding the putative RfR and correspondence with the UoR, this version is not materially different from the first draft. In the circumstances, there is no reason to think that advice given earlier by WBC would have produced anything different. No revised UU was received until 4 October 2011 (UR B20), and this version maintained many of the unacceptable provisions of the March draft that had been criticised in the Trowers and Hamlins correspondence. The latest version (UR B32) was submitted only on 8 November, after the conclusion of all the evidence.
- 6.14. The Consortium's IDP, in contrast to the appraisal provided to the CS EIP, contains no evidence of the cost of the infrastructure or the contributions to be made by the 3 members save that they are to be proportionate, and save for Grazeley Road where planning permission has already been granted and the contributions fixed. No indication is given by area or dwelling numbers as to how those proportions should be calculated. The IDP therefore fails to show what infrastructure is required across the SDL, what it will cost, how it will be phased in an integrated scheme and how the costs will be shared. In the absence of a collaboration agreement, the IDP should be capable of translating into S106 Obligations that commit all of the relevant land interests to deliver it.
- 6.15. The Shinfield West UU does not ensure delivery. The UoR's position is commercially driven and intends to dispose of the whole of the residential development site once planning permission is obtained (UR9/1 paragraph 5.6). As a planning permission runs with the land, WBC's concern is that any planning permission granted should comply with the CS and its strategic objectives for the SDL. The planning permission sought and the UU together do not give assurance of that compliance.
- 6.16. The ERR is an essential element of the SDL infrastructure and neither the conditions nor the UU positively require its delivery by any specified date or indeed at all. There is a restriction on house numbers, which puts developers at risk if they want to exceed those limits before the road is in place, and may put WBC at risk of being unable to grant further permissions on sites outside the SDL that may rely on it e.g. at Arborfield,



and/or of a substantial funding gap should it wish to construct the road. This is a very real risk given the absence of agreement between Consortium members on costings and delivery and the refusal by the UoR to disclose those costs and how they should be apportioned. There is no agreement as to the impact that providing the ERR will have on the viability of Shinfield West. It may be the case that the Shinfield West/SDL developers conclude that the cost of providing the development with the ERR is not viable, such that development stops or pauses just beneath the trigger, whereas development elsewhere continues which requires the ERR. The UoR has repeatedly asserted that it is taking all the risk. However, it is hard to see how that can be since, the UoR will not be the developer of any housing site and has given no positive undertaking to build the balance of the ERR or to fund it and the other necessary highway improvements on the A327. This is to be contrasted with the impression given to the CS Inspector by the UoR regarding the SIP in March 2009 (AGLC1/2 Appendix 2). Here, the UoR indicated that it was considering financing the provision of early infrastructure and outlined that it was in a position to do so in the event that proposal does not proceed with an external funding partner.

- 6.17. The terms of the UU do not overcome the above concerns (UR B32). The conditional covenant at Schedule 3 clause 2.1 says *"to enter into a contract to construct phase 1a of the ERR before the occupation of more than 500 dwellings within the application site"* and SC 41 prevents occupation of more than 600 dwellings on the appeal site or 1000 in the SDL until Phase 1a is constructed and available for use. This condition imposes a restriction on house builders on the appeal site only and cannot restrict development on other sites within the SDL. Consequently, if development on the appeal site were to reach 500 and stop, this condition cannot restrict the development on other sites from exceeding 1000. Further, neither the UU nor the condition imposes a positive obligation on the UoR to construct Phase 1a by reference to timing or any specified date. Moreover the total STP contributions to be expected from 1000 units within the SDL would be some £11.6m, whereas the estimated cost of Phase 1a is £14m and of Phase 1b £3m (AGLC C4).
- 6.18. There is a critical gap in the terms and effect of the UU. Schedule 3 clause 2.1 applies only to the placing of the contract for Phase 1a. Clause 2.3 applies to the position when the remainder of the ERR has been constructed, but in respect of that remainder (Phases 1b and 2) imposes no obligation to place a contract or to construct the road. SC 42 is, again, a restriction on house numbers on the appeal site only, and if developers on it wish to continue above the trigger numbers, it would seem that they have no recourse against the UoR.
- 6.19. SCs 41 and 42 cannot restrict developers on other sites within the SDL because it is not enforceable by WBC except on the appeal site. If the appeal site is developed first and were to stop at 600, WBC could not, relying on this condition, prevent total numbers in the SDL exceeding 1,250. Further, even if sites were developed concurrently, having regard to Table 4.1 in the Public Transport Strategy (CD19.8), over a period of 4 years 499 units could be built on the appeal site, 126 at North of

Cutbush Lane, 250 at Three Mile Cross, 300 at Spencers Wood, and an unlimited number at AG all without breaching the thresholds.

- 6.20. Because the planning permission is for Shinfield West only there is no enforceable phasing plan for the SDL. This is a fundamental weakness and is in conflict with Policy CP19 and the SPDs. Thus, as this is a piecemeal application in the context of paragraph 6.4 of the ID&C SPD, none of the suggested conditions will ensure integration across the SDL. As an example, SC 2 can only require a phasing plan for the site; SCs 36 and 37, which are inappropriate for other reasons, can only require water and sewage solutions for the site without reference to any wider phasing for SDL development.
- 6.21. The permission and UU cannot control the position if development on other sites comes forward before that on the appeal site. This is illustrated in respect of the primary school requirement. The provision of a 2fe primary school, with land for potential expansion to a 3fe exceeds that required for Shinfield West alone, and the excess capacity is said to be available for the other development within the SDL (UR7/1 paragraphs 6.5-17). If other development comes forward first, however, it will not be available, leading to alternative provision having to be made. The danger of fragmentation then arises, with individual sites providing only for their own infrastructure requirements as opposed to coordinated provision. This is compounded by the fact that the UU seeks to reserve space in the Shinfield School to meet the requirements of The Manor and Cutbush Lane developments, as opposed to it being available for the SDL generally (UR B22 Schedule 2). This position needs to be compared to the October draft UU Schedule 2 paragraph 1.1 (UR B20).
- 6.22. Although the UU has changed very significantly from the previous versions, the UoR has not overcome the substantial objections to the proposal on the grounds that it fails to ensure a coordinated SDL-wide approach or to provide an effective and enforceable delivery mechanism. Since the more recent draft IDP contained in the September 2011 Vision Document deals no more with costs and contributions than did the March draft, WBC's evidence given on the first day of the Inquiry stands (WBC 1/1, paragraph 9.28 et seq) and has not been proved wrong by any other evidence given at the Inquiry:

*"The UoR has submitted a draft IDP -South of the M4 SDL Consortium Working Draft – 18 March 2011. This is essentially a schedule unsupported by any diagrammatic representation or plan depicting the identified infrastructure referred to within the schedule. It was submitted in order to assist with discussion but has unfortunately been overtaken by events. Significantly it is not associated with any formalised collaboration agreement between the consortium members and to that extent the funding mechanism is not underwritten by any legally binding arrangement between the principal land owning stakeholders within the SM4 SDL.*

*It is important to acknowledge at the outset that the social and physical infrastructure associated with the SM4 SDL is established on the basis of a single designation and that the common infrastructure costs and other*

*S106 requirements may well exceed those conventionally associated with single stand alone site developments. In other words the critical mass of developer and landowners' control associated with the consortium which was the subject of the viability assessment undertaken by Haslams (CD 8.36) in 2009, needs to be translated into a meaningful delivery vehicle, agreed and "signed up to". There being no collaboration agreement or commitment (via a S106 Agreement binding on the land) to a comprehensive outline infrastructure plan there is simply no basis upon which to demonstrate deliverability. Critically such an agreement would remove the risk of ransom, as mutual cooperation would enable cross land ownership boundary working and the use of a critical mass or economy of scale to spread the overall cost.*

*The schedule is considered to be inadequate for a number of reasons. First, it is absent of any agreed costs for the infrastructure items specified. By agreed costs, it is considered important to establish that the common social and physical infrastructure associated with the SDL is agreed by the consortium and WBC. These should be extended to include advanced provision of infrastructure and any necessary oversizing, utilities provision such as mains water supply, mains electricity, gas and waste water (sewage) disposal.*

*Second, and as a consequence of the above, there is no commitment to the costs of the common infrastructure itemised or other deemed necessary on the part of any other party in advance of this scheme being allowed on appeal. The consortium has not declared any acceptance to any total infrastructure costings for the delivery of the SDL or offered any pro rata cost sharing formula e.g. per dwelling or per developable hectare.*

*The basis for any S106 negotiations would therefore be in the absence of any comprehensive and mutually agreed apportionment of funding with each subsequent application being then the subject of negotiations regarding financial contributions, the extent of social and physical infrastructure provided etc and consequent risk that cumulatively, negotiations will fail to achieve a fully funded infrastructure package for the SDL. This would lead to a stalling of delivery should applications be refused or under funding of infrastructure with consequent unacceptable environmental and residential living conditions contrary to the Spatial Vision and CS's intention to secure the provision of "excellent infrastructure" to support the growth."*

Measures to maintain separation of settlements

- 6.23. CS Spatial Objective D is *"to maintain and enhance the separation and distinctiveness of the Borough's settlements."* (CD8.1 Table 2.1 page 21). Policy CP19 (5) requires the SDL development at Shinfield/Spencers Wood/Three Mile Cross to include, *"measures to maintain separation of these settlements"*. In Appendix 7, the Concept Rationale sets out the principles to be applied by which the new development should seek to balance the demand for new housing with the prevailing settlement configuration and setting. To achieve this, *"Development in a series of locations around the periphery of the 3 villages is required. This approach*

*should consider the relationship between the current built areas and the open countryside. Opportunities to form new edges to the existing villages exist, allowing a managed transition between urban and rural” (CD8.1 A7.17(b)).*

- 6.24. The strategic objective for the site is, *“To ensure the maintenance of meaningful open countryside between Shinfield and Spencers Wood, and the former gap between Spencers Wood and Three Mile Cross, in order to retain a sense of separation between settlements”* (CD 8.1 A7.19 (b)). The SM4 SPD Design Principle 1a(iv) advises that, *“Between the expanded residential developments of Spencers Wood and Shinfield the open area should be a minimum of 500m and between Ryeish Green and Shinfield it should be a minimum of 350m. These distances are considered appropriate to allow for a mixture of formal and informal open space provision and continuing agricultural use ...”* (CD8.10A page 40).
- 6.25. The SM4 SPD PSFP shows Area C with an indicative area of 30ha and an indicative capacity of 750 dwellings (CD8.10A Fig. 3.1). The UoR concedes that Shinfield West does not comply with the guidance in the SPD. The UoR submits that little weight should be given to this conflict and that any conflict with these policies is outweighed by other material considerations, including social and economic benefits<sup>66</sup> (UR3/5 paragraph 2.2.2).
- 6.26. This issue has history, and it is relevant to an understanding of the approach taken by the UoR. The UoR places considerable weight on the report of the Local Plan Inspector following the 1999 Inquiry (CD8.7) and his conclusions that the area to the west of Shinfield was where least harm to the landscape would result as, *“the landscape type is common ... and its quality unremarkable”* (UR3/1 paragraphs 1.2.4, 1.3.3; UR10/1 paragraphs 2.26-2.31; UR B1 paragraph 25). Whether the Inspector’s comments were justified, he was not addressing the function of the area in maintaining the separation of settlements as required by the more recent CS policies.
- 6.27. At the CS examination, the Consortium argued that the CS should allow for 3,500 dwellings in the SM4 SDL, and that the policy should not require separation of settlements (CD8.47 paragraphs at 1.1, 1.6 & 1.7). The CS Inspector rejected both of these points, and agreed with WBC that the policy should include the requirement for separation (CD8.3). Taking into account what was shown on the Consortium’s illustrative plan with a gap between Spencers Wood and Shinfield of just 300m and an even narrower gap to Ryeish Green he concluded that the capacity of the SDL could not be increased above 2,500 dwellings without harming the Plan’s important objective (CD8.3 paragraph 5.20-5.22). Although the UoR’s illustrative masterplan has reduced, in part, development at the extreme north and south of the development area, the location of the western edge and the relationship to Ryeish Green remains exactly as it was at the time of the CS examination (CD2.32).

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<sup>66</sup> X-Examination Mrs Hankinson.

- 6.28. In addition to maintaining a position that the CS Inspector rejected, the UoR's evidence on separation has to be regarded with caution. Insufficient weight has been given to the key CS policy requirement to maintain separation. Instead, the UoR's evidence, concentrates on separate identity rather than separation (UR3/5 paragraph 1.1.1(3), 3.1.1, & 3.2.1). Policy CP19(5) primarily requires separation and this point, against the UoR's evidence, is valid whether looking at Spencers Wood alone or Spencers Wood and Ryeish Green. The underlying error in the UoR's approach is exposed by the demotion of the strategic objective at CS paragraph A17.19(b) and an inability to agree to the importance of meaningful countryside in the CS policies for settlement separation (UR3/5 paragraph 9.2.1). This error of approach has coloured all the evidence.
- 6.29. By stressing the deletion of the Gap Policy from the CS, and describing the objectives as outdated, the UoR has failed to recognise that the CS Inspector, in recommending the deletion of that policy, did so on the basis that the protection of the settlements could be achieved in a different way and advised that critical gaps in the SDLs should be shown on the key diagram (CD8.3 paragraphs 7.3-7.6, UR3/1 paragraph 1.3.7). The UoR's descriptions of Ryeish Green play down its significance and are designed to support the arguments being pursued. It can be no accident that the UoR's identification in 2008 of Ryeish Green as a settlement has been changed to describing it as an example of scattered rural development and the denial that it is a village (UR10/2 Appendix A paragraph 4.22, UR3/1 paragraph 2.5.15; UR3/5 paragraph 9.4.2).
- 6.30. Whether the proposal complies with Policy, depends on professional judgment assisted by properly conducted visual appraisals. This process is better informed and more reliable if the conclusions follow from the application of accepted and relevant methodology. WBC uses a methodology derived from the Eastleigh Local Plan Inspector's Report and later adopted by ODPM (WBC 7/1 paragraphs 3.4 to 3.7). The UoR agrees that the considerations set out in the 2001 ODPM Strategic Gaps and Green Wedge Policies in Structure Plans – Main Report are helpful, save for intra-visibility, and asserts that an important factor is omitted namely the nature of the settlements (CD11.7). That omitted factor is obviously relevant to the issue of distinct identities on which the UoR concentrated but less so to the issue of separation with meaningful countryside.
- 6.31. The scheme conflicts with SM4 SPD Design Principle 1(a) (iv). Contrary to what the UoR suggests at UR3/1 paragraph 9.5.6, WBC's submissions are not based on policies for retaining boundaries or Gaps or Green Wedges (CD11.6 & CD11.10). WBC's reasoning behind the need for the 500m distance is based on an informed site assessment assisted by the guidance in the ODPM publication. In contrast, the UoR presents no criteria-based reasoning for identifying 300m as appropriate separation (CD19.5, Figure SOCG 3).
- 6.32. The area of proposed separation between Shinfield and Ryeish Green/Spencers Wood is insufficient to allow for a mixture of formal and informal open space provision and continuing agricultural use in the gap. The UoR does not properly address this issue, rather considers the wider

area of land uses between Shinfield/Spencers Wood/Three Mile Cross, though the width and content of the gap between Shinfield and Three Mile Cross is not in issue, and the uses in the narrowest and most sensitive area are not separately quantified (UR3/13 Table HDA 5). This assessment does not allow for agricultural use to be separately identified, since that is combined with woodland, wildlife habitats and other open spaces, and the built area of Ryeish Green is treated as existing rural development.

- 6.33. The UoR acknowledges<sup>67</sup> that a broader area would have more capacity to accommodate a wider range of uses, including retained agriculture (UR3/1 paragraph 8.6.63). However, the scheme does not allow for such a use in the area between Shinfield and Ryeish Green. Little weight can be given to the UoR's comparative exercise (UR3/1 Section 7). There is no planning application or other proposals to compare with. The main difference in visual terms would be in the appearance of the western edge of the new development. Contrary to the impression given in the photomontages there is no reason to assume that the form of built development and the treatment of the western edge would be materially different if the western boundary of the development was consistent with that shown on the SPD Spatial Framework figure. However, it would be further away resulting in very significant improvements in visual and tranquillity terms and in contributing to the sense of leaving a place.
- 6.34. The UoR suggests that the SPD policy with less development west of Shinfield and more on land at Cutbush Lane would be piecemeal development. However, the SDL is to be developed in 4 main locations and the UoR's identification of only a limited area for development to the north-east of Shinfield, with the balance reserved to be completed after 2026, is more piecemeal than that shown on the SPD Spatial Framework. In terms of the separation of settlements, Area D has no adverse impact, but the critical factor is the size and shape of Area C and the quantum of development to be permitted on it.

#### Density

- 6.35. The CS policy requirement is the achievement of an average development density of between 30–35dph calculated in accordance with PPS3 Annex B (CD8.1 A7.25). WBC's interpretation and application of PPS3 is to be preferred as it is confirmed and supported by much of the UoR's own evidence. WBC's plan (WBC2/2 Appendix. 2) takes the PPS3 residential areas that are consistent with those as shown as Residential including Incidental Public Open Space on the UoR's Land Use Parameters Plan SW07.S (CD2.19). The residential area is shown similarly on the Parameter Plans and on the illustrative Masterplan. WBC's calculation (WBC2/2 Appendix 3) is based on the UoR's illustrative layout (CD2.33). On any calculation the density figure is over 40dph. The Density Parameters Plan shows only 2 density ranges of medium (30-45dph) and high (45-60dph). With these ranges, there is an obvious difficulty in achieving an average figure below 35dph. The only drawing that suggests

<sup>67</sup> X-Examination of Mrs Hankinson.

a larger area to be used for the calculation is Figure 13.1 in the DAS (CD2.6) which does not form part of the application and which, by its broad brush approach, clearly includes areas that should be excluded on any interpretation of the PPS3 definition.

- 6.36. The illustrative Masterplan shows development of some 1,160 dwellings on the area for which the application seeks permission for up to 1,200 dwellings. The UoR's density figure at 35.7dph already exceeds the higher figure of the policy range. On this basis, the CS density limit would be exceeded if 1,200 dwellings were accommodated on the site.

#### Design

- 6.37. WBC considers several aspects of design to be unacceptable. These include: the layout and appearance of the Local Centre; the disposition of uses and the lack of street scene on entry from Hollow Lane; the adverse effects of the bus-gate on permeability and achieving the objective of reducing travel distance by private car; the indication, on CD2.21, of 3-storey development along the entire lengths of The Avenue and development of the rural edge. However, as a result of the evidence given and the suggested conditions, SCs 5 and 6, WBC accepts that if permission were granted these matters could be addressed at a subsequent stage.

#### Highways

- 6.38. The UoR has sought to address WBC's objections in respect of the design of junctions on the A327 by submitting revised drawings. Although the revised designs show improvements in capacity, they still do not represent acceptable solutions. At 2017 the junctions would still be experiencing stress and traffic would be subject to undue delay (CD19.8 paragraphs 2.7-2.27, Tables E, H, G(a) & I). Without a clear and enforceable phasing strategy or plan in place, there is no certainty as to the duration of that unsatisfactory position beyond 2017. This is because there is no positive commitment by the UoR to carry out the A327 works by reference to any development triggers or by any given date. The Consortium's draft IDP includes off-site highway works as an item of infrastructure to be provided, and shows the phasing to be as required to serve development and determined as part of S106/S278 Agreements. However, the UU does not follow this by including any provision to regulate the timing for the delivery of these works on the A327. The predicted satisfactory position as at 2026 relies on the whole of the ERR being built and open. For the reasons given above, that position is not secured by the planning conditions or the UU.

#### Utilities

- 6.39. The relevant CS policies are: Policy CP4 which requires appropriate arrangements for the improvement or provision of infrastructure and services to be agreed before planning permission is granted; Policy CP19(4) requires proposals to include physical infrastructure, and a coordinated approach to deliver the needs of the expanded (SDL) community. Appendix A7.23(a) specifically identifies the need for improvements to the sewage network capacity, and at Appendix A7.28(f)

developers are expected to enter into legal agreements to ensure the necessary infrastructure including water/drainage/sewerage.

- 6.40. In addition to the CS policies, Section 6 - Delivery in the SM4 SPD (CD8.10A) advises that: the IDP should address SDL-wide needs, including the location, capacity and phasing of common infrastructure including ... utilities (paragraph 6.1.2); any piecemeal applications will need to demonstrate how they will provide the infrastructure requirements laid down in the CS (paragraph 6.1.4); an overarching utilities plan should form part of the IDP, and should set out the strategy for the installation and delivery of services including electricity, gas, water supply, waste/foul water and information technology (paragraph 6.1.8).
- 6.41. The appeal proposals comply with none of the policies or guidance listed above. No arrangements have yet been made for the provision or improvement of the utilities for the appeal site, let alone for the SDL. The Consortium's IDP does not include any relevant detail and, despite the clear content of the SM4 SPD, no utilities infrastructure items are identified in the first column. The UoR has not entered into any legal agreements with the undertakers or offered undertakings to WBC to ensure the necessary infrastructure including water or sewerage is provided. No strategy has been prepared for the installation and delivery of services including electricity, gas, water supply, waste/foul water and information technology in relation to the site, even less for the SDL.
- 6.42. There is no evidence to show any detail of what will be required by way of improvement or new provision of essential infrastructure, how much it will cost, what contributions will or should be made to those costs. A fundamental shortcoming of the UoR's approach is that no real consideration appears to have been given to the timing and phasing of the necessary utility works so as to coordinate and integrate them with the housing development.
- 6.43. The UoR's only answer to these conflicts with policy and the obvious deficiencies is to rely, in the case of water and sewerage services on the offered Grampian conditions (SCs 36 & 37). In respect of electricity, no such condition is offered, although it is already known (WBC4/2) that there is potential requirement to install 2 new 11kV feeders. A plan provided by SSE gives an indicative scheme, but without showing how that could be implemented to allow for the concurrent development of the sites at Shinfield, Spencers Wood and Three Mile Cross sites shown as Phase 1 in the Consortium's Vision Document (UR1/2 Appendix 1 page 24). SC 3, relating to an Interim Phasing Master Plan, does not satisfy the above CS policy requirements. It is only by the submission of the strategy details before planning permission is granted can it be demonstrated that there is an underlying coordinated approach to the SDL, and a mechanism to secure integrated delivery.
- 6.44. Grampian conditions are not appropriate without knowing what is needed, the costs, and the mechanism for funding (WBC A1). SCs 36 and 37 apply only to the appeal site, and impose no obligation to address SDL-wide provision or coordination. SC 36, sewerage, requires future submission



and approval of a strategy, but with no indication at this stage of what solutions may be suggested to the present constraints or any requirement for it to address the requirements of the SDL. TWi have indicated in a letter of 10 May 2011 that an impact assessment will be required to determine potential options. This is not reflected in the condition and the assessment has not yet been produced. SC 37 does require the submission of impact studies in respect of water supplies that are to determine the magnitude of additional capacity required and a suitable connection point. However, this does not deal with the routes or phasing of the system that will be required on-site or its integration with the rest of the SDL.

- 6.45. Reference has been made to the advice in PINS Newsletter 9 (WBC A8) issued following the Arnold Whites Estates decision 2007 (UR B12) and is the most recent of relevance, post-dating Circular 11/95, the decision in the Merritt case (2000), and the Office of the Deputy Prime Minister letter of November 2002 (UR B13). In light of these references, SCs 36 and 37 show exactly the same lack of precision as is seen in a newsletter example. The example condition required the submission of a scheme with a timetable, but the SoS held that this failed the test of precision. The requirements in SCs 36 and 37 requiring submission of a strategy and of impact studies are not more, but arguably, less precise. Moreover, the test of precision is not met by the opening words "*no development shall commence ...*", which are also in the PINS example.
- 6.46. The UoR concentrates on the second point in the newsletter concerning the requirement to pay money and no taxation without support in law and drew attention to S99 of the Water Industry Act 1991 (WIA) as giving the support in law. This was not the principal point being made by reference to the newsletter but, since it was raised, needs a response. The WIA imposes a duty on the sewerage undertakers "*to provide, improve and extend such a system of public sewers .. as to ensure that their areas are and continue to be effectually drained*" (S94). Owners and occupiers have the right to connect to the public sewers and there are only limited grounds on which the undertakers can refuse to allow that connection (S106) (WBC A12). The undertakers cannot refuse the connection on the grounds that their system lacks sufficient capacity (*Barratt Homes v. Welsh Water* [2009] UKSC 13) (WBC A13). The result is that the undertakers cannot rely on the WIA to get the developers to pay and so, as here, seek to rely on the planning system to achieve that result. This was recognised by TWi in the final paragraph of their letter of 30 October 2008 to WBC (WBC4/2). It cannot therefore be concluded that the effect of the proposed conditions can be distinguished from the Hives appeal decision (UR B12), or the example condition, by reliance on S99 and following of the WIA. The result in the Hives case was that planning permission was granted only after the developers had entered into a S106 UU, making unnecessary the imposition of the unacceptable condition (UR B12: DL paragraph.5).

## Housing Mix and Affordable Housing

- 6.47. WBC no longer maintains objections on the following affordable housing issues.
- *Affordable Housing* - the UoR proposes 35% affordable housing in each phase of the development, SC 14. This is the minimum proportion in accordance with CS Policy CP5.
  - *Ownership Model* - the details of the shared ownership model, including the equity share and capped rent of unsold equity, are to be specified in an Affordable Housing Strategy to be approved by WBC before development can commence.
  - *Tenure Split* – this would comprise 70% social and/or affordable rented dwellings and 30% shared ownership dwellings, with the respective proportions of social and affordable rented dwellings to be approved by WBC as part of the Affordable Housing Strategy. WBC had initially suggested that the affordable rented provision should be taken out of the 30% shared ownership proportion. WBC is however content with the current proposal given WBC's approval is required to the social/affordable rented split. In particular WBC can ensure that there is sufficient social rented provision, for which the evidence of need is greatest (WBC9/2 section 1).
  - *Construction* - standards of construction of affordable dwellings are to be approved by WBC before occupation of more than 10% of the dwellings in any phase of the development, SC 15(ii)).
  - *Provider* - the Affordable Housing Strategy is to provide for arrangements for the transfer of the affordable housing to an affordable housing provider approved by WBC, SC 14(e). This proposal meets WBC's case that the affordable housing should be transferred to a provider whose quality of service provision is assured (WBC9/2 section 6).
- 6.48. The UoR's proposal remains unacceptable in relation to mix, use of public subsidy and the specialist housing.
- 6.49. In terms of mix, whilst the percentages for each size and type of dwelling are in accordance with WBC's case and the Affordable Housing SPD (WBC9/1 paragraph 3.2; CD8.22 page.5), SC 14b refers to the mix being a "target". Rather than being expressed as a target, WBC would prefer the condition to include the proviso "*unless otherwise agreed by WBC*".
- 6.50. The use of the word target, removes any certainty as to the dwelling mix, allowing the condition to be satisfied by mere evidence that the proposed mix has been targeted as opposed to realised, and allowing an actual mix that bears little relation to that targeted. WBC accepts that when the detailed design of the site is worked up during a period of over a decade, the proposed mix may need to be altered. However, the UoR is wrong in suggesting that WBC says the mix must meet, and cannot change from,

that proposed. The proviso of "*unless otherwise agreed by WBC*" provides flexibility, gives WBC an element of control to ensure that needs as to dwelling size and type are respected. This is in contrast with the essentially unfettered power to depart from the proposed mix which the UoR's suggested condition would give a developer.

- 6.51. Control over mix is important as the need is not evenly spread between dwelling types. By far the greatest need is for one-bedroom dwellings, as set out in WBC's Housing Strategy and accepted by the UoR<sup>68</sup> (CD13.10 pages 38-39). It is also common ground that the provision of affordable housing should reflect need in this way, as stated in PPS3 and the CS (CD6.4 paragraph 29; CD8.1 paragraph 4.30). The current proposal is inadequate to achieve this and unacceptable in terms of policy.
- 6.52. As to public subsidy, the UoR does not offer a provision requiring the affordable housing to be provided on a nil grant basis. This is unacceptable in policy terms. Paragraph 4.33 of the CS provides that an applicant must submit an open book appraisal of the development finances where it is suggested that the scheme would not be viable without a social housing grant. No such appraisal has been submitted. The expectation of the HCA is that affordable housing provided through S106 Obligations can be delivered without grant (CD13.17 paragraph 5.14). WBC's Affordable Housing Viability Study found that 35% affordable housing provision was viable in the SDLs without public subsidy (CD13.1 paragraph 11.1; paragraph 14.19-21). The UoR accepted that a social housing grant should only be used where necessary<sup>69</sup>. However, the UoR indicates that it does not wish, given possible future changes in policy or development's viability, to tie the development in this way. However, if the UoR's wish is for such flexibility, an "*unless otherwise agreed by WBC*" proviso would suffice.
- 6.53. As to specialist housing, the UoR proposes 150 units of which 75 are to be in Use Class C2 (residential institutions) and 75 in Use Class C3 (dwelling houses) (UR10/1 paragraph 2.3). Of the 75 in C3 units, 35% are proposed to be affordable housing (UR6/1 paragraph 2.12). This is acceptable to WBC. However, it is the type of that housing that remains in issue.
- 6.54. In the SOCG it was said that the C3 element is to include sheltered and extra care housing (CD19.1 paragraph 2.9). However, the UoR has stated in evidence that the 75 will be sheltered housing as opposed to extra care (UR6/1 paragraph 2.12). WBC's case is that the 75 should include: a 60 unit extra care housing scheme, which would provide accommodation for older people with low through to extreme frailty or dementia; and 3 fully wheelchair adapted 3-bedroom properties for social rent (WBC9/1 paragraph 2.13; WBC9/2 section 3). The 60 unit extra care figure is premised on that being the minimum required to make an extra care scheme workable<sup>70</sup>.

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<sup>68</sup> X-Examination of Mr Parker.

<sup>69</sup> X-examination of Mr Parker.

<sup>70</sup> Evidence-in-Chief Mrs Lovell.

- 6.55. The case for this mix of specialist housing is rooted in policy and guidance. CS Policy CP2 states that planning permission will be granted for proposals that address the requirements of an ageing population, particularly in terms of housing, health and wellbeing, and of people with special needs including a physical disability. CS paragraph 2.41 outlines an intended move away from the provision of conventional sheltered housing towards extra care housing. WBC's Strategy for Housing Older People 2008 sets out this approach and the evidence for it in more detail (CD13.6). The current provision of extra care is extremely limited, in contrast to a significant amount of various types of sheltered housing (CD13.6 Table 21A page 54). Policy and guidance supports a move towards extra care which better enables the changing needs and aspirations of older people to be met, in contrast to sheltered housing (CD13.6 paragraphs 4.2.6– 4.4.8 & paragraph 7.1.1 sub-paragraph 10). This is in the context of extremely limited housing options in Wokingham for older people coping with a measure of dementia, a projected significant increase in the number of such people, and an urgent requirement to provide suitable housing based models of care (CD13.6 paragraph 3.1.10). In respect of wheelchair adapted properties, WBC's Housing Strategy identifies that in a survey of vulnerable persons in housing need, 9% require such provision (CD13.10, page 41). The UoR is wrong to suggest that WBC lacks an evidence base for its position on these issues (UR6/1 paragraph 4.13). The absence of extra care provision in the UoR's proposals would compound the lack of extra care in the Borough and the oversupply of conventional sheltered housing, and the absence of wheelchair adapted properties fails to address an established need.

#### Education

- 6.56. Education provision is part of the infrastructure provision required by CS Policy CP4 and the ID&C SPD. Agreement exists on the following issues;
- *Primary Education* - the provision of one new 2fe primary school at Shinfield West would meet the needs arising from the development (CD19.1 paragraph 13.3-10). However, as explained above, there remains an issue about co-ordination of the provision of the school within the context of the SDL.
  - *Secondary Education* – provision by a financial contribution to additional secondary education places off-site is appropriate in this case (CD19.1 para 13.11). As this depends on the number of additional secondary places generated, and that the final number and size mix of dwellings is not known, this contribution must be calculated by way of a formula. The following inputs into the formula are agreed:
    - Cost per pupil place. This is £26,667, based on the cost of providing a 1,500 place secondary school (WBC8/2 para 1.1-2).
    - Sixth form stay-on rate. This is 59.3% (UR7/7 para 3.1-4).
    - Pupil yield per dwelling. The use of pupil yields from WBC's Pupil Product Ratio Research Study 2010, which follows the

methodology of a similar study in 2005 (CD16.3) of 0.17 for a 3-bedroom dwelling and 0.27 for a 4-bedroom dwelling is appropriate and accepted by the UoR<sup>71</sup> (WBC8/1 para 2.7);

- Reduction for mature properties. The pupil yields from the Pupil Product Ratio Research Studies are derived by surveying new housing. Pupil yields from new build properties exceed those from more mature developments, and therefore it is appropriate to reduce the total pupil figure generated by the formula by 8% (WBC8/1 para 2.9);
- *Special Educational Needs* (SEN) - provision by financial contribution to SEN places is also appropriate (UR7/1 para 5.1). This is again by way of a formula, for which the following inputs are agreed:
  - Cost per pupil place. This is £64,460 per special school place and 71% thereof for resource base provision (UR7/7 Substitute Appendix B).
  - Percentage of pupils requiring SEN provision. Pupils requiring resource base provision constitute 0.366% of total pupils. Pupils requiring special school provision constitutes 1.2% of total pupils (UR7/7 Substitute Appendix B. N.B. the figures in the table are correct. The figures in note (c) under the table were amended orally by UoR in evidence in chief to correspond to those in table). The percentages are the same for both primary and secondary SEN provision.

6.57. Disagreement remains on one issue: whether there should be a further discount for local moves and population changes. This relates to both secondary and SEN provision. The common ground is that: to calculate the net increase in secondary pupils produced by the development, one starts by applying the pupil yields per dwelling of 0.17 and 0.27, adjusted by the stay on rate of 59.3% and the 8% reduction for mature properties. The net increase in secondary SEN pupils is calculated by applying the agreed percentage of pupils requiring SEN provision to the net increase in secondary pupils produced by the development. The net increase in primary SEN pupils is calculated by applying the agreed percentage of pupils requiring SEN provision to the net increase in primary pupils produced by the development. This latter figure is calculated in the same way as net increase in secondary pupils, but using the pupil yield ratios applicable to primary pupils of 0.26 for 2-bedroom properties, 0.49 for 3-bedroom properties and 0.38 for 4-bedroom properties (WBC8/1 paragraph 2.17).

6.58. The dispute is whether a further reduction in the calculation of the net increase in primary and secondary pupils should be applied to take account of local moves and other wider population changes. The UoR's case is that it should, and by not applying such a reduction WBC is effectively

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<sup>71</sup> X-Examination of Mr Kinsman.

assuming that all school age residents at Shinfield West will be in-migrants to the area requiring additional school places (UR7/4 para 2.3). This approach is flawed and unsupported by evidence. WBC accepts that there is a national trend of an ageing population and people living longer in their own homes which, together with other factors, means that household size is generally decreasing. The number of pupils generated per dwelling decreases in line with that trend. WBC's approach, however, takes account of this. The UoR accepts<sup>72</sup> the Pupil Product Ratio Research Study 2010 from which the pupil yield ratios are derived. This involved surveying properties in the Borough and ascertaining an average pupil yield per dwelling type. This is up to date evidence based on trends in household size.

- 6.59. Reliance on this survey data is criticised by the UoR on the basis that it is only derived from new dwellings and therefore supplies only part of the picture. WBC accepts this, but it is remedied by the application of the agreed 8% reduction to take account of lower yields from mature properties. WBC's approach is complete; not partial.
  
- 6.60. The UoR also argues that a new dwelling may be filled by a household which has sub-divided from an existing household elsewhere in the Borough. Thus, for example a newly married couple may occupy a new dwelling having moved out of parental accommodation. Their parents continue to occupy their existing properties such that the effect of building the new dwelling is unlikely to result in any net increase in pupil numbers. This is essentially an argument that new housing will spread the existing population more thinly, such that the increase in housing will not result in a proportional increase in pupils.
  
- 6.61. WBC of course accepts that such sub-divisions will occur and does not assume that all school age residents at Shinfield West will be in-migrants to the area requiring additional school places. Some will come from outside the Borough, some from within, and some of those from within will come from sub-divided households such that the property they leave behind is not filled by a new household. But WBC contend that the construction of new housing is not likely to spread the population any noticeably more thinly, particularly given the trend of net in-migration in the Borough (WBC8/2 para 4.2). The pupil yields from the up to date Pupil Product Ratio Research Study 2010 can be relied on, together with the 8% reduction and 59.3% stay on rate, for the likely number of pupils generated per dwelling after the new housing is built.
  
- 6.62. The UoR has not explained how the suggested reduction is to be calculated but give a total figure of 98.1 secondary pupils and 138.4 primary pupils (UR7/7 Substitute Appendix B). The UoR acknowledges<sup>73</sup> that the 98.1 figure and the 138.4 figure, which is derived from the 98.1 figure (UR7/7 Substitute Appendix B, note (b)), are taken from pupil figures supplied by WBC in May 2011 and not created by applying the reduction (UR7/1

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<sup>72</sup> X-Examination of Mr Kinsman.

<sup>73</sup> X-Examination of Mr Kinsman.

paragraph 7.37-39). Since then WBC has informed the UoR that the model which produced those figures is unreliable and that they should not be used. Nevertheless the UoR maintains an outcome of “around” those figures could be expected if the method of discounting for local moves and population changes were to be applied. This is an inadequate basis on which to calculate the contribution.

- 6.63. The UU includes a review mechanism whereby the secondary and SEN education contribution is initially calculated in line with the UoR’s own pupil projections, but that additional secondary and SEN contributions would be made if actual pupil figures exceed the projections. Although WBC agrees in principle that a review mechanism would be an acceptable method of calculating the secondary and SEN contribution, it has not been possible to produce a review mechanism that would properly reflect the number of additional pupils.
- 6.64. The proposed review mechanisms in Appendices B and C of Schedule 2 of the UU use the ‘Base School Population’ as the floor from which to ascertain whether the development results in additional pupils (UR B32). The use of these Base School Population figures is inappropriate because they are a projection rather than actual figures and as such they are informed by past trends, which include a significant number of new homes per year. This results in an artificially high floor. A proper review mechanism would need to use a floor comprising the number of pupils in a no new housing scenario, and compare that with the number of pupils with the new housing, in order to work out how many additional pupils are being generated by the development. WBC has made its concerns known to UoR, but these have not been addressed (UR7/7 paragraph 1.5-1.6).
- 6.65. Thus, the review mechanism would result in an underestimate of the number of additional pupils and an insufficient education contribution, in respect of both secondary and SEN provision. As such it is unacceptable in policy terms. Moreover, the UoR cannot fall back on the education contribution as calculated in accordance with the case put forward in the education proof and rebuttal proof (UR7/1 7 7.4), given that this is also flawed and results in an insufficient contribution.

#### SANG and the need for SAMM

- 6.66. The UoR and WBC agree that the relevant development plan policies are RSS Policy NRM6 and CS Policy CP8. The agreed relevant considerations include the TBH SPA–DF (CD15.5), the ID&C SPD (CD8.13A) and Circular 06/2005<sup>74</sup>. It is also agreed that the correct approach to applying those policies is seen in the recent decision of the SoS on the Hurstleigh Park, appeal (CD17.23).
- 6.67. In the absence of SAMM contributions, when tested against the principles set out in RSS Policy NRM6 (iii & vi), the appeal scheme does not: include measures for strategic access management; does not allow WBC to collect

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<sup>74</sup> Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System.

access management contributions for access management and monitoring of the effects of mitigation measures across the SPA; the measures proposed have not been agreed with NE and do not comply with the mechanisms and the 3-prong approach set out in the DF.

- 6.68. The appeal scheme does not comply with CS Policy CP8 and the principles set out in paragraph 4.49, in that it does not provide contributions to on-site SAMM and monitoring in line with the DF. Tested against the ID&C SPD, the appeal scheme does not comply, in that it does not provide the contributions specified for SAMM (page 55). The correct test to apply in considering whether the development is likely to have a significant effect on the SPA is as set out in paragraph 13 of the Circular, which is derived from the Waddenzee judgement (CD17.18), and in the judgment in the Dilly Lane case (CD17.11).
- 6.69. If the SoS does not agree with the UoR's view as to the likely efficacy of the proposed mitigation measures, or is left in some doubt as to their efficacy, then it will require an AA because it will not have been able to exclude the risk of a significant effect on the basis of objective information. WBC submits there is no dissent from the view expressed by NE that *"That would be a challenging task in respect of the Thames Basin Heaths because to date I am not aware of any competent authority that has been able to compile an accurate and comprehensive list of all such plans and projects."* (WBC5/1 paragraph 3.15).
- 6.70. In the Hurstleigh Park decision the SoS, in dismissing the appeal, applied RSS Policy NRM6 directly in making the development control decision; gave weight to the DF; and took into account that the measures proposed had not been agreed with NE (CD17.23 paragraphs 6, 12, 13, 24 & 29). Against that consistent background, the UoR's evidence lacks credibility because of a disregard for the relevant policies.
- 6.71. The UoR submits that RSS Policy NRM6 and the DF are flawed and that the competent authority should not consider the policy/DF but concentrate on the Habitats Directive (UR4/1 paragraphs 2.9 & 5.119). The UoR's evidence makes only a passing reference to CS Policy CP8 and applies an interpretation to the Directive and the Regulations that is unsound (ER4/1 paragraph 4.19). When dealing with the terms "objective evidence", "likely", and "significant", the UoR relies on unpublished NE draft guidance. NE indicates that these definitions were incorrect and would not have survived to a final draft version (WBC5/4). In addition the UoR goes on to use a test not found in any of the policies or judgments.
- 6.72. To satisfy the UoR's own test an extensive exercise of survey and statistics are provided. From these the UoR concludes there would be no increase in recreational pressure on the SPA. However, it is this exercise rather than the policies that is flawed. The SANG would not be equivalent in attraction to the SPA, which is many times larger, of different character and provides a very different recreational experience, and visits by people from this area are not limited to just Bramshill but extend to other parts of the SPA. Human recreational patterns cannot be predicted with any precision. Distance and convenience are not the only considerations for people deciding on their choice of site to visit. People visit more than one site e.g.



locally for dog walking on weekdays, but further afield when they have more time at weekends/holidays. Present and future visit levels to the SPA reflect that it is being strategically managed, and there will be no system for measuring effect of increased population without monitoring. Consequently Shinfield West would make no contribution to any mechanism that could test the UoR's prediction that there would be fewer visits to the SPA.

- 6.73. It is clear that, in correspondence and submissions, the UoR was arguing that the proposed SANG had been designed such that, by its degree of overprovision, it would ensure no net increase of recreational press on the SPA (UR4/3 Appendix C1). This does not stand up to scrutiny, not least because the UoR's starting point has been by reference to the minimum standards set by policy. In terms of SANG maintenance, the UoR has abandoned a previous intention to collect maintenance funding from Rent Charges on the new properties, but has not replaced that with any other mechanism that complies with the stated requirement that "the funding must come with and from the developments that benefit from the consent" (UR 4/1 paragraph 2.28).
- 6.74. The ID&C SPD requires a Country Parks contribution, but ensuring against double counting with SANG provision. The attractions and facilities of the parks will not be provided on the SANG and it is inevitable, with the projected increases in the SDL population that there would be more visitors to WBC's parks (WBC6/1 paragraph 3.32). The appeal development should therefore make the Country Parks contribution.

#### Housing Land Supply

- 6.75. In April 2011 the estimate of available housing land amounted to a 4-year supply. However, for all the reasons shown by WBC's objections, the appeal scheme is not in line with, but prejudices, the spatial vision for the area and its shortcomings are such as to preclude the favourable treatment conferred by PPS3 paragraph 71. Similar conclusions were reached in the cases of the Glebe and Plough Lane appeals.
- 6.76. The UoR suggests that the lack of delivery rests with the failure of WBC to grant planning permissions within the SDLs and refers to the refusal of Crest Nicholson's application at Kentwood Farm (UR10/1 paragraph 3.24). However, there have been 3 refusals. In the case of The Glebe, the SM4 Consortium supported the WBC refusal, and the appeal was dismissed. At Plough Lane, again the appeal decision confirmed that refusal was justified. At Kentwood Farm, the KBLG Consortium has applied to be a Rule 6 party and, as objectors, support WBC (WBC A11).

#### Appeal A – Shinfield West

- 6.77. Subject to the imposition of appropriate conditions, WBC and the EA have no objection to the proposal on the grounds of flood risk (WBC3.1 paragraph 1.1, WBC3.2 Appendix 10.1 & WBC4/1 pages 4 & 5). SCs 31, 33 and 34 form part of a suite of conditions to deal with foul and surface water drainage and to mitigate flood risk.

## Appeal B - EASTERN RELIEF ROAD

- 6.78. The relevant development plan policies require a coordinated and integrated approach to the SDL, and for piecemeal applications to be supported by an SDL-wide delivery mechanism. The stand-alone ERR application does not comply with those policies. Detailed design matters have been largely addressed by the further material submitted, but remain unacceptable because of a failure to provide for the highway requirements of residential development indicated as Area D to the south of Cutbush Lane in the SM4 SPD (CD8.10A Figure 3.1 page 37).
- 6.79. The revised design solution does not overcome the EA's objection that the proposals are in conflict with national policy in PPS25 (CD6.17). The proposed solution is to introduce 12 sq. m of additional flow capacity under the eastern section of Arborfield Road by way of mitigation. Whilst the intention is to improve the conveyance of water elsewhere, it does not provide any compensation or additional flood storage for the loss of storage that results from constructing the ERR in the flood plain. By reference to Notes K and L, the UoR identifies the benefits that would follow from this mitigation and concludes that on balance it is acceptable (CD18.24). However, the Notes show that there will be adverse affects both on third party land (Note K), and on Arborfield Road (Note L).
- 6.80. Note K shows there would be increased flooding on third party land downstream (Tables Q1 and Q5), and upstream (Q100+CC), when there will be a similar reduction downstream but no overall betterment. Consequently, in those scenarios there would be no significant benefit for third party land, but some worsening. The solution is in conflict in 2 respects with policy in PPS25, which requires at Table D.1 that the development should be designed and constructed so as not to increase flood risk elsewhere, and to result in no net loss of floodplain storage.
- 6.81. Note L, the Q20 and Q100+CC scenarios, Figures 14 and 19 from the model show that flood waters would cross the Arborfield Road, in the latter with depths of 788mm and 722mm. Figures 15 and 21 cannot be relied to contradict the model results, since inputs are different. The model used LiDAR whereas the topographic survey does not. The flood water would not be static but moving and dynamic. No indications of velocity have been given, but it is conceded that cars can normally pass with care only through water up to 100mm deep and that the road becomes impassable to emergency vehicles if the depth exceeds 300mm. Moreover, if the water is flowing there is a risk of being swept away (Note L Introduction).

## Appeal C - LODDON SANG

- 6.82. Development plan policies require a coordinated and integrated approach to the SDL and for piecemeal applications to be supported by an SDL-wide delivery mechanism. The stand-alone SANG application does not comply with those policies. SANG is needed only when new housing is developed. If the Shinfield West appeal is dismissed, the Loddon SANG application is premature. SANG proposals should be considered in the context of, and

alongside, applications and permissions for residential development in the SDL so as to ensure integrated delivery. However, if, despite the WBC submissions, the Shinfield West appeal is allowed this objection cannot be maintained, and there would be no outstanding objections to the Loddon SANG proposal.

- 6.83. Subject to the imposition of appropriate conditions, WBC and the EA have no objection to the proposal on the grounds of flood risk (WBC3.1 paragraph 1.1, WBC3.2 Appendix 10.1 & WBC4/1 page 10. SCs 16 and 17 relate to surface water drainage and to the mitigation of flood risk.

#### THE SECRETARY OF STATE'S QUESTIONS

- 6.84. The above submissions have largely dealt with the matters on which the SoS stated he particularly wished to be informed. In summary, however, WBC's answers are as follows:
- A. The proposals do not comply with the development plan and would threaten the strategy underlying the CS for the reasons set out above.
  - B. The proposals are not capable of delivering sustainable development as a result of the inadequacies of the proposed delivery and provision of infrastructure associated with the SM4 SDL contained within the UU. The proposals are unacceptable in terms of layout so far as the separation of settlements is concerned, although most design concerns in respect of the development have now been resolved by suggested conditions. Matter iii) is largely for consideration at the reserved matters stage. The appeal proposals are premature as described above.
  - C. The strategic case for housing and development in this location is made out within the development plan, but the proposals fall short significantly in terms of local application. Although design issues are capable of being largely resolved by suggested conditions, the residential element of the development remains unacceptable in terms of its extent, density and affordable housing provision. Infrastructure issues also give rise to concerns regarding the residential elements of the proposals in terms of prematurity and prejudicing other residential sites in the SDL and AG SDL.
  - D. WBC acknowledges the economic benefits associated with the provision of the ERR, but maintains objections on the basis that the delivery mechanism associated with this element of infrastructure is flawed.
  - E. The development proposed is within a rural area but the location is acceptable given the identification of the SM4 SDL as part of a strategic growth strategy in the development plan. The development is not sustainable, however, for the reasons given above.
  - F. The proposals are unacceptable in terms of ecology and biodiversity, in particular in relation to SAMM, SANG maintenance and Country Park provision as detailed above.

- G. The development as presented in the application was not acceptable. It has been agreed that several remaining concerns as to movement and accessibility within the development could be resolved at a subsequent stage, although the proposal is unacceptable in respect of traffic impact, for the reasons set out above.
- H. The likely impact of traffic on local roads is unacceptable, both in terms of undue delay in traffic flows and uncertainty over the provision of the ERR.
- I. Any permission granted needs to be subject to conditions and lists of suggested conditions in respect of the three applications have been produced and agreed in part.
- J. S.106 Obligations would be necessary in respect of all 3 applications. There is agreement as to the ERR and SANG obligations but significant disagreement as to the Shinfield West obligation as set out above.

## **7. The Case for Arborfield Garrison Landowners Consortium (AGLC)**

The material points are:

- 7.1. The AGLC owns 165ha, which comprises more than half of the developable area lying within the AG SDL. The remainder of the SDL developable area is owned by the Marino Family Trust (MFT). The AG SDL will deliver some 3,500 dwellings, associated facilities and infrastructure by 2026.
- 7.2. The AGLC is close to signing a Collaboration Agreement, to determine how the Consortium's land is to be developed, including financial arrangements between the parties. The MFT is not part of this agreement, although the parties are working closely to ensure complementary schemes and a common approach to infrastructure delivery. AGLC will submit a planning application for some 2,000 houses and related development in late 2011, with the MFT submitting an application in early 2012.
- 7.3. AG SDL is the largest SDL in Wokingham and is located some 5km from the south of the SM4 SDL, and the 2 SDLs are linked by the A327 Reading/Eversley Road. Some traffic generated by the 2 SDLs would use the A327. Notwithstanding, the importance WBC places on the need for a comprehensive and binding approach to delivery of SDL related infrastructure its transportation evidence is silent on these strategic issues (WBC1/1 & WBC10/1).
- 7.4. It is common ground that there are functional synergies between the 2 SDLs, particularly in respect of the provision of transportation and education infrastructure. There is critical joint infrastructure that will require shared funding from the 2 SDLs, other SDL developers and WBC. AGLC has recognised that if this strategic infrastructure is to be provided in a comprehensive and timely manner, then a vital outcome from this Inquiry must be a mechanism and set of proposals that will not only properly serve the UoR's development, but would also support and not prejudice delivery of the AG SDL.
- 7.5. The AGLC has agreed 2 Joint Statements with the UoR (AGLC C3 & AGLC C4). The AGLC and the UoR have reached agreement on the delivery of: the proposed Arborfield secondary school; the Arborfield Cross Relief solution and the ERR, save for the issues of financial contributions towards Phase 1 of the road and the appropriateness of a rebate relating to future phases of the SIP in relation to Phase 2 of the road.  
  
Arborfield Cross Secondary School
- 7.6. There is a CS policy requirement for the provision of a secondary school within the AG SDL (CD8.1 Policy CP18). This school is intended to serve the needs of the AG and SM4 SDLs and pupils relocated from Emmbrook School. AGLC fully supports this policy requirement.
- 7.7. The UoR and WBC disagree on the methodology to estimate pupil yield. Whilst the UoR and WBC agree on the cost per pupil and that contributions would be paid on a phase by phase basis, they disagree on the likely number of pupils generated. The UoR's response is to propose the introduction of a review mechanism in its UU to allow for increased

contributions up to the maximum level of contribution sought by WBC should the actual pupil yield figures exceed its estimated pupil yield figures.

- 7.8. Notwithstanding the acceptance of the cost per pupil figure for secondary school place provision, the UoR and the AGLC have concerns over how that figure has been calculated. AGLC's primary concern is that WBC has not taken account of the cost of the land for the secondary school in the AG SDL. WBC has assumed a nil cost for a 10ha site it has identified as the minimum area necessary to accommodate a secondary school. In spite of this concern, the UoR includes a review mechanism in the S106 UU to enable the return of any unspent secondary school contributions.
- 7.9. WBC has been unable to fully consider the impact of the proposed Free Secondary School at Ryeish Green on the size of the secondary school required in the AG SDL. Given the disputed pupil yield figures, this uncertainty also makes planning for the early provision of AG SDL secondary school challenging and introduces an element of risk to delivery. Accordingly, the SoS is requested to consider carefully the cases of the UoR and WBC to ensure that the UoR's mechanism and financial offer contained in the UU provides enough certainty to deliver a secondary school in the AG SDL. This is important as the AG SDL will not be in a position to cover any shortfall in contributions.

#### Arborfield Cross Relief Solution

- 7.10. This matter is dealt with in the Transportation Joint Statement and in evidence (AGLC C4 paragraphs 3-37, AGLC2/1 paragraphs 5.1-5.45). WBC has not challenged this evidence. WBC makes several references to the Arborfield Cross Relief Solution and identifies the Arborfield Cross Relief Road (ACRR) as an "*infrastructure delivery item of concern*" (WBC10/1 paragraph 7.30 & 7.39, Tables 7.1 & 7.3). This concern relates to the UoR not demonstrating that the SDL infrastructure requirements, including the Arborfield Cross Relief Solution, would be delivered and including related activities such as the undertaking of a strategic transportation study and appropriate work on design, delivery and funding contributions.
- 7.11. This criticism predates AGLC's transportation evidence and the proposals set out in the Joint Statement (AGLC2/1 & AGLC C4). However, whilst WBC's transport evidence is silent on the evidence base and rationale for the ACRR, this bypass is WBC's preferred option to improve traffic capacity within this section of the A327 corridor. The ACRR would serve traffic from AG SDL and lower levels of traffic travelling south from Shinfield West and from other developments in SM4 SDL. WBC's position is that the ACRR should be funded by the developer and implemented by WBC/Developer (CD 8.13A). The AGLC and the UoR agree that there is no policy or technical case to underpin delivery of the ACRR, there is no designed route or agreed delivery mechanism and the SDL landowners do not have the necessary land acquisition powers (UR10/1).
- 7.12. Notwithstanding the weakness of WBC's arguments for the ACRR and in light of CS policy and guidance in the ID&C SPD (CD 8.13a), the AGLC and the UoR have agreed to fund a highway improvement scheme at Arborfield

Cross. This solution is deliverable and would provide a nil detriment outcome having regard to future traffic impacts arising from the AG & SM4 SDLs (AGLC C4 paragraphs 26-29 & 35). If WBC pursues the ACRR option, then the AGLC and the UoR are willing to make an equivalent financial contribution up to the total cost of the roundabout solution in line with the requirements of CIL Regulation 122. This flexible approach would enable WBC to pool these and other contributions in compliance with the advice in Circular 05/2005 and procure the project once WBC has confirmed the technical rationale and design of the ACRR. This is an entirely reasonable approach and would respond directly to the Shinfield West RfR No. 6.

#### ERR

- 7.13. The UoR refers to Phases 1a, 1b, and Phase 2 (UR2/2 Figure 15). Given that cumulative impacts from the AG SDL would only arise following construction of Phase 2, AGLC has assumed that Phase 1 includes Phases 1a and 1b.
- 7.14. AGLC and the UoR have differing views on the funding of the ERR (AGLC C4). The ERR enjoys support in the CS at Policy CP19 and Appendix A7.22. In relation to SM4 SDL, the ID&C SPD confirms that: *"Phase 1 of the Eastern Relief Road to be provided as part of the Science Park application at Cutbush Lane, this already has consent. Phase 2 of the ERR will serve the development within the SDL"* (CD8.13A Table 2, pages 43 and 44).
- 7.15. The ID&C SPD at Table 1, pages 28 and 29 indicates that the AG SDL should make a *"contribution to Shinfield ERR and any necessary flood attenuation methods"*. This reference confirms that Phase 1 of the ERR is consented in relation to the SIP and Phase 2 is required to access development within the SM4 SDL. Thus, WBC's position as regards the delivery responsibilities and function of the ERR is clear.
- 7.16. The Joint Statement clarifies the respective positions of AGLC and the UoR on matters of funding and the phased provision of the ERR, including implementation and timescales. Specific areas of agreement/disagreement between the 2 parties are addressed, including the estimated cost of ERR; the proposed method used to apportion the cost of ERR between the 2 SDLs, including identifying the parties to whom specific costs should reasonably be apportioned and the timing of S106 contributions.

#### The Estimated Cost of the ERR

- 7.17. WBC is concerned that the UoR's cost estimate for the ERR has risen significantly during the course of the Inquiry (WBC A/9). In September 2011, the UoR indicated that the cost of constructing the ERR was some £21m (UR2/1 paragraphs 3.17, 6.9 and 8.8). At the start of the Inquiry, the UoR presented a revised estimated cost of some £24.6m. The UoR asserts that this increase in cost is a risk for them given that it would be delivering the ERR. However, as a potential contributing party, AGLC is concerned about these rising costs. Paragraph 47 of the Joint Statement indicates that these costs will require independent verification prior to payment of any contributions (AGLC C4).

## Principle of Contributions and Apportionment Methodology Relating to the Cost of the ERR

- 7.18. Paragraphs 48 and 51 of the Joint Statement highlight 2 areas of disagreement between the UoR and AGLC on contributions towards the cost of the ERR. Firstly, as a matter of principle, there is an issue of whether the AG SDL should contribute towards Phases 1a & 1b of the road and, secondly the issue of whether as a matter of principle, those phases of the SIP beyond the previously consented Phases 1a and 1b, should contribute towards Phase 2 of the ERR. This is the rebate issue.
- 7.19. Given that these disagreements would potentially influence the ability of UoR to deliver the scheme and WBC to claw back the cost from the AGLC under the terms of the UU, the UoR and AGLC request the SoS to provide a view on the principles of apportionment. In addition, such a view would inform the level of contributions anticipated from the AGLC towards delivery of the ERR within the SM4 SDL. The AGLC view is that any contribution from AG SDL (including AGLC) should relate to Phase 2 of the ERR only, with the estimated contribution amounting to £0.923m falling to AG SDL, of which AGLC would fund £0.528 on a proportionate basis (AGLC C4 Table 2).
- 7.20. The UoR calculates that the AG SDL should contribute £4.05m towards Phases 1a and 1b of the ERR and an additional £1.136m towards Phase 2 (AGLC C4 Tables 1 & 2). The Phase 2 figure would be subject to a claw back mechanism, which would reduce the quantum of the AG SDL's contribution towards Phase 2 (AGLC C4 paragraph 51). The UoR contends that a total contribution of some £5.186m should be sought from AG SDL, of which £2.962m would come from the AGLC.
- 7.21. Should the SoS agree with the UoR in relation to the quantum of Phase 2 funding falling to the AG SDL i.e. £1.136m as opposed to £0.923m, then the UU must address the need for a claw back or rebate mechanism to be adopted by WBC as banker in favour of the AGLC should later phases of the SIP come forward and make a contribution towards Phase 2 of the ERR.
- 7.22. WBC's evidence is silent on these matters, in particular how the costs should be reasonably apportioned between the 2 SDLs. Review of the ID&C SPD shows that WBC estimates the cost for the ERR at some £13m (CD8.13A). However, there is no evidence to either justify this figure or show how it has been reached. Similarly, WBC has not provided any evidence to justify the proposed apportionment figure between the SDLs in the ID&C SPD (CD8.13A page 28). Therefore, the Joint Statement is the best available evidence on these matters.
- 7.23. In contrast, WBC's view on the role and function of Phases 1a, 1b and 2 of the ERR in the adopted ID&C SPD is very clear (CD 8.13A pages 43 & 44). This says in relation to the SM4 SDL that, *"Phase 1 of the ERR to be provided as part of the Science Park Application at Cutbush Lane, this already has consent. Phase 2 of the ERR will serve the development within the SDL"* (IDC SPD CD 8.13a pages 43 and 44). WBC's views then on the split between the functions of the 2 phases of the ERR are unequivocal.



- 7.24. AGLC's evidence highlights statements made by the UoR, where it confirmed a commitment to delivery of Phases 1a and 1b of the ERR as part and first parcel of the SIP (AGLC1/1 paragraphs 4.4 to 4.30). Whilst the AGLC recognises the UoR's desire to secure additional investment in Phases 1a and 1b of the road beyond its own, these earlier commitments relating to development of the SIP should not be ignored. It is not the role of the AGLC or the AG SDL as a whole to pump prime the UoR's SIP development or the UoR's residential development scheme. The role of the AGLC is to address its own impacts in a proportionate manner in accordance with relevant guidance.
- 7.25. AGLC's evidence is that: as a matter of principle Phases 1a and 1b of the ERR should be provided as part of the approved SIP; and the second phase of the ERR would essentially serve the wider area within SM4 SDL namely the SIP Phase 2 and subsequent phases, the Manor scheme and the SM4 SDL together with the AG SDL. Phases 1a and 1b of the ERR is an access road designed to enable development of the SIP and as such is infrastructure that should be funded by UoR in its role as promoter of the new SIP. This judgement derives from the phasing assumptions associated with allocation of the SIP in CS policy; guidance in the ID&C SPD and previous published commitments from the UoR in relation to implementation.
- 7.26. AGLC's evidence is entirely consistent with WBC's views on funding and delivery of the 3 phases of the ERR set out in CS policy and planning guidance in the ID&C SPD. The UoR agreed with this point during cross-examination<sup>75</sup> and other evidence (UR9/1) does nothing to dispel the weight of this evidence, especially when combined with the technical evidence.

Is the Impact of AG SDL Traffic Sufficient to Justify a Contribution towards Phases 1a and 1b of the ERR?

- 7.27. The UoR's evidence refers to the advice in ODPM Circular 05/05 on planning obligations and CIL Regulation 122. In particular, paragraphs B21 and B22 of Circular 05/05 were relied upon in the context of pooled contributions i.e. AG SDL should contribute towards Phases 1a, 1b and 2 of the ERR. However, the guidance refers to the fact that infrastructure should be secured in a "fair and equitable way" and "in line with the requirements for demonstrating need".
- 7.28. AGLC's evidence sets out an analysis of the likely traffic impacts resulting from development of AG SDL upon the A327 corridor through Shinfield (AGLC 2/1). This examines 4 scenarios includes a comprehensive spreadsheet analysis supporting the conclusions. The 4 scenarios covered are: only AG SDL is developed and both SM4 SDL and the SIP do not come forward; only the SIP is developed and both the SM4 SDL and AG SDL do not come forward; only the SM4 SDL is developed and both the AG SDL and the SIP do not come forward; and all 3 developments come forward.

<sup>75</sup> X-Examination of Mr Tant

- 7.29. AGLC'S evidence shows that there is no technical requirement for the AG SDL to provide any highway improvements within the A327 corridor within the Shinfield area were the AG SDL to come forward in the absence of both the SM4 SDL and the SIP being developed. In other words, traffic evidence confirms that the AG SDL in itself, would not trigger the need for Phases 1a, 1b or 2 of the ERR.
- 7.30. This judgement is reinforced by the UoR's evidence that shows that Phase 1a of the ERR would not be needed until 600 dwellings have been completed/occupied within SM4 SDL (UR2/1 paragraph 6.47). This 600 dwellings trigger for Phase 1a of the ERR is broadly equivalent in traffic impact terms to the traffic impact of the entire AG SDL coming forward. On this basis, which has not been challenged by either the UoR or WBC, there is no technical requirement or evidence base to justify AG SDL contributing towards Phase 1 of the ERR. The UoR's alternative trigger in the UU linked to the occupation 1,000 dwellings within the SM4 SDL further reinforces AGLC's analysis that there is no technical evidence to justify AG SDL contributing to Phase 1a of the ERR.
- 7.31. AGLC's analysis of traffic impacts following construction of Phase 2 of the ERR and development of SM4 SDL and SIP indicates that there would be some longer-term cumulative effects, which AG SDL should reasonably seek to mitigate. The methodology used to calculate AGLC's proposed fair share as part of the AG SDL contribution towards Phase 2 of the ERR is set out in paragraph 87 of the Joint Statement in (AGLC C4). AGLC and the UoR consider that, under this scenario, this approach would comprise a fair and equitable way of securing this infrastructure through pooled contributions and would also be compliant with CIL Regulation 122 (2) parts (a), (b) and (c).
- 7.32. Conversely, AGLC does not consider the principle of the UoR, through WBC, seeking a S106 contribution from the AG SDL towards Phase 1a and 1b of the ERR would comply with Regulation 122 of the CIL Regulations. The delivery of Phases 1a and 1b of the ERR is not necessary to make development in the AG SDL acceptable in planning terms. In these circumstances, Phases 1a and 1b of the ERR cannot be considered to be directly related to the development of the AG SDL and a contribution from the AG SDL of some £4m towards Phases 1a and 1b of the ERR as argued by the UoR cannot, in any sense, be considered as fairly and reasonably related in scale or kind to the development of the AG SDL. AGLC's evidence shows that contrary to the UoR's assertions, there is no technical basis for the AG SDL to provide any highway improvements within the Shinfield area that would trigger the need for Phase 1 of the ERR or indeed, in the absence of SM4 SDL or SIP, Phase 2 of the road. Nevertheless, AGLC recognises the Circular 05/05 pooled contributions argument and for this reason is willing to accept that a contribution should be made towards Phase 2 of the ERR.
- 7.33. However, as paragraph B21 of Circular 05/05 indicates it is still necessary to demonstrate that there is a "*fair and reasonable scale of contribution being sought*". On the evidence, the UoR's arguments as regards an AG SDL contribution towards Phases 1a and 1b of the ERR fail to meet this test.

### The Rebate Issue

- 7.34. The second area of disagreement between AGLC and the UoR relates to the position in relation to contributions towards Phase 2 of the ERR from the SIP (AGLC C4 paragraphs 51 & 52, Table 2). The UoR argues that because there is currently uncertainty relating to the timing and scale and hence traffic impacts of Phase 2 and subsequent phases of the SIP up to 2026, then no contribution should be assumed from this development for the purposes of apportionment of costs of Phase 2 of the ERR. Once planning permission is granted, the UoR, through WBC, would rebate contributions paid by non-UoR SDL developers and AGLC in excess of the revised proportionate contribution to be recalculated at the time of grant of the SIP Phase 2 permission.
- 7.35. AGLC does not accept this contention. The CS assumes that there is reasonable expectation that Phase 2 and later phases of the SIP will be brought forward by 2026 (CD 8.1 Policy CP16). AGLC does not believe that it is fair and reasonable for the AG SDL to loan financial support to the UoR to fill the gap left in contributions towards ERR that should be made up by the SIP. It is not the role of AGLC, to help forward fund UoR's contributions towards the ERR, beyond the need for the AG SDL to mitigate its direct impacts. The AGLC believes that this approach would fail to meet the CIL Regulation 122 tests. For these reasons, the rebate mechanism proposed by the UoR is unacceptable.

## **8. The Case for the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (WT)**

The material points are:

- 8.1. The WT's concerns relate to the UoR's attempt to unpick the linked SPA avoidance measures of SANG and SAMM without sufficient evidence to demonstrate that harm to the SPA can be avoided.
- 8.2. Although the SANG proposals represent a bespoke scheme, this does not justify a weaker approach to avoidance measures than is required by other residential developments across the SPA zone of influence. If an avoidance and mitigation strategy is not applied across the SPA in a consistent and robust manner, the ability to address the in-combination effects of disturbance to the Annex I birds would be compromised. This could undermine the substantial work that has been undertaken to develop a successful approach to allow development to proceed in the area whilst protecting the SPA.

### *No Net Effect Argument*

- 8.3. The issue is whether the proposed SANG without a contribution to SAMM can be relied upon to ensure that there is no net increase in visits to the SPA. It is not possible to prevent all visits to the SPA from new residents. Thus, the no net increase would need to be achieved by the SANG not only absorbing most visits that would arise from new residents of the proposed scheme but also by attracting some existing SPA users to the SANG to counter-balance the new residents' recreational activity.
- 8.4. There is no dispute between the parties that the correct approach to the question of whether there is a likely significant effect on the SPA is as set out in the judgment of the European Court in the Waddenzee judgment. This confirms that a plan or project must be subject to an AA not only when the project definitely has significant effects on the site concerned but also where there is "*a probability or a risk*" that a project will have a significant effect on the site concerned. The judgment goes on to state at paragraph 44 that: "*In light ... of the precautionary principle ... such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have significant effects on the site concerned*". This interpretation of the likely significant effect test is reiterated in paragraph 13 of Circular 06/05, with a decision on whether an AA is necessary made on the basis of the precautionary principle. An AA is required where there is a probability or a risk that the plan will have significant effects on a site.
- 8.5. The main difference between the parties on SPA grounds is whether, based on the objective evidence available, the risk of a significant effect has been excluded. Notwithstanding an acceptance<sup>76</sup> that there is no available data on the pattern of SANG use, given that as a concept SANG is still relatively new, the UoR's approach is that the SANG suite is likely to attract more current visitors away from using the SPA than the number of new visitors to the SPA resulting from the SDL developments. Thus, the UoR concludes

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<sup>76</sup> X-Examination of Mr Colebourne by BBOWT

that the risk of a significant effect is likely to have been excluded. However, this confidence relies upon theoretical mathematical calculations that contain elements of subjectivity. The UoR chose to revise the conclusions deduced from these calculations in the short time between preparing proofs of evidence and the Inquiry<sup>77</sup>.

- 8.6. The WT considers these calculations, in all their various forms, to be flawed due to the broad assumptions that are required to be made in order to reach such numerical conclusions. They are not a reliable and objective measure of how people will actually behave. The decision on which data to include and the subjective choice of assumptions, such as the decision to remove outlying points<sup>78</sup>, directly affects the numerical conclusions that can be drawn. The UoR accepted<sup>79</sup> that there was variability inherent in the data used by the calculations that were not reflected in the conclusions drawn statistically from those data. For example, as postcode data covers an area rather than a specific residential property, the UoR chose to estimate which 1km band residents resided within based on postcode centre points rather than the actual location of the properties.<sup>80</sup> This, in turn, affects the conclusions drawn from the analysis.
- 8.7. To conclude that there is likely to be no net increase in SPA visits from Shinfield West, the UoR relies on the 2005 Footprint Ecology surveys of the SPA<sup>81</sup> as supplemented by its own SPA surveys at Unit 1 of Bramshill SSSI and residents' surveys near the SDL. The WT set out in evidence<sup>82</sup> and evidence in chief the reasons why it is not possible to draw the conclusion of no net effect from this survey data.

*No acknowledgement of the link between SANG and SAMM*

- 8.8. The UoR's assumptions do not acknowledge that SANG and SAMM are linked components and by separating these established avoidance measures, the effectiveness of SANG would be reduced. The requirements for SANG, the minimum 8ha standard, and the characteristics of SANG have been established on the assumption that SAMM would be provided to support the effectiveness of SANG. Thus, if SAMM is not provided, then more rigorous standards would be required for the SANG package.

*No objective evidence to demonstrate the effect of SANG on recreational habits of SPA users*

- 8.9. The UoR argues that the 2005 Footprint Ecology surveys of the SPA as supplemented its own SPA surveys at the Bramshill SSSI and residents' surveys near the SDL form the objective evidence needed to satisfy the Waddenzee test. The surveys are most informative where they represent the actual recreational habits of people. Subjective predictions of what people might do in certain circumstances are less reliable. None of the surveys show how people actually act when a SANG is provided.

<sup>77</sup> UR 4/9

<sup>78</sup> UR 4/9, paragraph 2.1

<sup>79</sup> X-Examination of Mr Colebourne by BBOWT

<sup>80</sup> UR 4/9

<sup>81</sup> CD 15.12

<sup>82</sup> WT 1/5, paragraphs 3.1-3.15

- 8.10. There is no objective evidence to prove that proposed and existing visitors change their behaviour to use new SANG in preference to the SPA in the manner that the UoR estimates. The JSPB acknowledge that this is a key gap in the current evidence base that the SAMM project is seeking to answer. The outcome of monitoring on this issue is critical to the long term success of the DF. The JSPB have allowed development to go ahead around the SPA on the basis that SANG and SAMM, in the forms prescribed, allow a conclusion that there will be no likely significant effect on the SPA. This is based on the understanding that if monitoring is in place, it will be possible to ensure that arrangements can be adjusted to address any unforeseen issues before the site's integrity is adversely affected.
- 8.11. The UoR accepts that there is no available data on the pattern of use of SANG and as such relies on various assumptions and mathematical estimates. This approach does not satisfy the Waddenzee test that the risk of a significant effect must be excluded based on objective evidence. It does not sit comfortably with the UoR's acknowledgement that estimated changes in human recreational patterns cannot be predicted precisely<sup>83</sup>. The UoR also accepts<sup>84</sup> that if there was no SAMM payment and therefore no monitoring of the SPA, there would not be the machinery in place to determine whether the predictions on visits to the SPA are indeed correct.
- 8.12. The Footprint Ecology surveys (2005) were before the Assessor, the SoS and the JSPB when determining that a combination of SANG and SAMM is required to avoid effects on the SPA. The UoR submits tables of the outcomes of the Footprint Ecology surveys as compared to its own SPA visitor surveys and Shinfield residents' surveys<sup>85</sup>. The UoR agreed<sup>86</sup> that these tables demonstrated that the surveys reflected the same sort of pattern as the Footprint Ecology report and that the Footprint Ecology report was considered by the Assessor at the time of his report into the SPA. Notwithstanding this evidence, which the UoR's data supports, the Assessor concluded that while SANG was unlikely to mitigate all adverse affects arising from new development on its own, when combined with habitat and access management it would be likely to limit the growth of visitor pressure on the SPA.<sup>87</sup> The UoR acknowledges that this same evidence was before the SoS and the JSPB when they reached their conclusions on policy NRM6 of the RSS and DF.

*No acknowledgment in the No Net Effect calculations of the difference between the SPA and SANG experience which may affect visitor attraction.*

- 8.13. After the RSS examination, the Assessor, had concerns over whether alternative land could provide the same sort of experience as the SPA where some people found the sheer expanse of area particularly attractive.<sup>88</sup> The SPA covers some 8,275ha; Bramshill SSSI is some 672ha and Bramshill Plantation is 278ha. It does not stand up to scrutiny that

<sup>83</sup> UR 4/1, paragraph 4.97

<sup>84</sup> X-Examination by WBC

<sup>85</sup> UR 4/8

<sup>86</sup> X-Examination by BBOWT

<sup>87</sup> CD 15.28, paragraphs 4.6.3 and 4.6.4 and as set out in WT 1/5 paragraph 3.6

<sup>88</sup> WT 1/5, paragraph 3.6

this expanse of area with its distinct character and particularly its associated sense of wilderness will draw the same number of visitors or give the same experience as the 24.8ha of SANG provided by the Loddon and Ridge SANGs.

- 8.14. What the UoR does is assume that the pattern of visitor behaviour for the SANG would be the same as that for the SPA. The WT considers this assumption to be seriously flawed. The SPA and proposed SANG are not directly comparable in terms of their draw to visitors. It is not possible to simply rely on distances to local populations via catchment areas to determine where people will visit. This assumption, together with the lack of objective evidence to demonstrate how SANG are working in practice, falls far short of the Waddenzee test that the proposals must satisfy.
- 8.15. NE considers that for the SANG to be effective on its own, it would need to be substantially larger and the quality would need to be exceptional to be certain that the proposed 1,350 new dwellings would not increase recreational pressure on the SPA. This would require more open space similar to the SPA with a sense of scale, solitude and quietness. NE's witness compared a recent trip to Bramshill Plantation where he was able to walk for at least an hour without seeing another person to the scale of the proposed SANG and particularly the Ridge SANG where there would be views of industrial buildings and the background noise of the M4.

*No acknowledgment in the No Net Effect calculations that the character of the appeal site will change and this may affect visitor use*

- 8.16. Existing residents use a wide ranging footpath network in the area. The UoR reports that for residents surveyed in the Shinfield, Spencers Wood and Three Mile Cross areas, the most popular sites visited (36%)<sup>89</sup> were the Shinfield – Ryeish Green – High Copse Farm footpath network, as broadly illustrated on Map 4 of the IAMS<sup>90</sup>. However, a substantial part of this area would be developed for housing and where public access is retained, it is likely to be a more urban experience for existing residents as a result of 1,350 new dwellings and associated infrastructure. It is perfectly foreseeable that some of these existing residents could be displaced to the SPA due to the change in character of the area. This would alter the assumptions of the number of both existing and new residents from the development area that use the SPA. However, no account has been made in the no net effect calculations to address this possibility.

*No acknowledgment in the No Net Effect calculations that visitors to the SANG may also be visitors to the SPA*

- 8.17. The UoR's calculations for the no net effect argument appear to be based on the false premise that visitors to the SANG will not also visit the SPA.<sup>91</sup> This ignores the fact that many visitors use a range of sites and that while visitors may prefer to use local sites for weekly visits when time is short,

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<sup>89</sup> Paragraph 3.2.2 of Appendix 5 contained within Appendix 9.2 of CD 2.4: Shinfield West Thames Basin Heaths SPA Impact Avoidance and Mitigation Strategy ("IAMS")

<sup>90</sup> *Ibid*

<sup>91</sup> WT 1/5, paragraph 3.9

they often look for a different experience and are prepared to travel further afield on weekends when there is typically more time for recreation. The UoR accepted<sup>92</sup> that this change in patterns between weekday and weekend visits is a conclusion that could be drawn from the visitor and residents surveys and plans.<sup>93</sup>

*Consideration of Bramshill Plantation only in No Net Effect calculations*

- 8.18. The UoR's no net effect calculations appear to be based on the unsupported contention that the northern parts of Bramshill Plantation are the only part of the SPA that is visited by existing residents, and that the same will be true for new residents. The Footprint Ecology and UoR's own surveys show that visitors travel from beyond the 7km zone to reach the SPA.<sup>94</sup> It is assumed that visitors from Shinfield West will only travel to the north of Bramshill and will not travel beyond 7km linear distance despite the fact that between 23-30% of visitors do actually travel this distance, indicating that existing residents will travel considerable distances to enjoy different parts of the SPA experience.
- 8.19. The UoR appears to have moved from an initial assessment that Bramshill is the "*only relevant part of the SPA*"<sup>95</sup> and that the south-east car park of Bramshill is "*well beyond all notion of realistic driving distance from the SDL area*"<sup>96</sup>. The UoR appears to acknowledge that people from the Shinfield area may and do visit other areas of the SPA that are further away.<sup>97</sup> The UoR then concludes that there is no reason why the SANG would not also attract these visits although it does not include any alteration to the no net effect calculations to take account of this.

*No acknowledgment in the No Net Effect calculations that new residents may have different recreational patterns than existing residents*

- 8.20. The UoR assumes that new residents are directly comparable to existing residents. This fails to take into account that recreational patterns of existing residents may be well established and these may be difficult to alter even with new SANG becoming available. Also it is not clear whether new open space may itself generate additional trips and not simply divert trips from one area to another. No acknowledgement is made of these factors in the no net effect calculations.

*No acknowledgment in the No Net Effect calculations that grazing on the SANG may affect users*

- 8.21. The UoR fails to acknowledge that the management of the SANG may have implications for SANG users and influence the no net effect calculations. Dog owners, in particular, may be displaced from the SANG because of concerns over interactions between their pets and grazing cattle. The

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<sup>92</sup> X-examination by WBC

<sup>93</sup> UR 4/8

<sup>94</sup> WT 1/5, paragraph 3.13

<sup>95</sup> UR 4/1, paragraph 4.92

<sup>96</sup> UR 4/1, paragraph 5.168

<sup>97</sup> UR 4/5, paragraph 4.13



UoR's evidence on no conflicts between dogs and cattle<sup>98</sup> does not accord with the WT's direct experience on the sites it manages. The UoR seems to consider SPA users and therefore the SANG target audience to be a particularly robust user group.<sup>99</sup> However, neither the UoR nor its advisors manage any parts of the SPA and do not have the first hand experience of SPA users and the difficult relationship that does occur between visitors and grazing cattle.<sup>100</sup>

- 8.22. The WT, NE and WBC submit that it is impossible to conclude that the SANG alone will prevent a net increase in SPA visits, still less a net reduction in SPA visits. This is a position that has also been accepted by the Assessor, the SoS and the JSPB based on the Footprint Ecology SPA visitor surveys. It is not possible to exclude the risk of a significant effect on the SPA based on the evidence before the Inquiry.
- 8.23. As a risk of a significant effect cannot be excluded at the screening stage, an AA is required by the SoS as the competent authority under Regulation 61(1) of the Habitats Regulations<sup>101</sup>. The Waddenzee judgment is applicable in considering the second Habitats Regulations test of "*whether it can be ascertained that the project will not adversely affect the integrity of the SPA*". Paragraph 61 of the judgment states that: "*...The competent national authorities.....are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. This is the case where no reasonable scientific doubt remains as to the absence of such effects.*" Paragraph 21 of Circular 06/05 advises: "In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. *That is the case where no reasonable scientific doubt remains as to the absence of such effects*". Competent national authorities must be "convinced" that there will not be an adverse affect and where doubt remains as to the absence of adverse affects, the plan or project must not be authorised, subject to the procedure at Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest."
- 8.24. Based on the information before the SoS and the scientific doubt that remains in terms of the objective evidence base and UoR's assumptions on its no net effect argument, the WT does not consider that it is possible to be certain or convinced that there will be no adverse affect on the integrity of the SPA, either alone or in combination with other plans or projects, without a contribution towards SAMM.

#### LONG TERM SECURITY OF THE SANG AND SANG LINK

- 8.25. The SANG and SANG Link must be secured indefinitely in order to form part of an appropriate mitigation package for the proposed development.<sup>102</sup> Initially, the proposals listed a number of funding options for securing the long term management of the SANG and SANG Link. The WT raised

<sup>98</sup> UR 4/6, Appendix C3

<sup>99</sup> UR 4/1, paragraph 5.176

<sup>100</sup> WT1/2, paragraphs 1.3, 1.6 and 3.31-3.35

<sup>101</sup> Conservation of Habitats and Species Regulations 2010, CD 15.1

<sup>102</sup> WT 1/2, paragraph 3.46

concerns about the lack of certainty as to which options would be applied as well as issues with particular funding mechanisms such as rent charges.<sup>103</sup> The latest draft S106 Agreement and UU for the Loddon SANG and the Shinfield West schemes are silent on the issue of the funding mechanism to be applied, which therefore may or may not incorporate rent charges. Instead, reliance appears to be placed on step in rights for WBC to take over management of the SANG if the UoR fails. This is backed by a separate, index-linked, contingency sum to be agreed with WBC to cover the future costs of maintenance.

- 8.26. The WT accepts that some of the conditions of the UoR's offer have improved; there is now an index-linked contingency sum agreed with WBC. However, the details of the funding mechanism and the terms on which it will be secured remain unknown. The WT has concerns about whether the Waddenzee tests can be satisfied whilst these details are unknown at the point of decision by the competent authority. The SoS will need to assess whether the certainty needed under the Habitats Regulations can be achieved based on the current information.

#### SANG Overprovision

- 8.27. The WT contests many of the precautionary measures or surpluses claimed by the UoR.<sup>104</sup> While there appears to be a modest overprovision compared to the minimum required for the scheme, this is not sufficient to justify a claim of no net increase in recreational pressure on the SPA or a lack of SAMM payment. The UoR says that the aim has been to provide sufficient over provision of SANG to ensure that there was no under provision and that the precautionary elements were to ensure that the minimum standards of SANG in the DF and RSS Policy NRM6 were met. The UoR confirmed that it does not rely on an argument of over provision of SANG to demonstrate no net effect on the SPA.

#### Management of the Bramshill Plantation

- 8.28. The suggestion that SAMM is not required because of the Forestry Commission's (FC) existing management on Bramshill was a matter raised late in the Inquiry. The UoR acknowledged that it had not seen the Bramshill Management Plan<sup>105</sup> which the WT subsequently provided. The UoR inferred that management of Bramshill was predominantly in conifer rotation which would be subject to deer and rabbit fencing when clear felled. The UoR suggested that the FC did not consider that there was an adverse effect from current recreational pressure. Although the UoR's witness acknowledged that he had not visited the site recently, he claimed that he had not seen any dogs affecting Annex I birds and there was no reason to put a dog on a lead.
- 8.29. To pursue a line of argument which appears to suggest that Bramshill is a part of the SPA that is not subject to recreational pressure and that Annex I birds are not and would not be subject to disturbance is surprising. This

<sup>103</sup> WT 1/2, paragraphs 3.47 - 3.55

<sup>104</sup> WT 1/2, paragraphs 3.4 to 3.30

<sup>105</sup> WT 1/6

anecdotal information flies in the face of all other conclusions reached on the SPA, based on objective evidence, by the Assessor, the SoS and the JSPB, which includes the FC. If indeed there was no issue at Bramshill, it begs the question of why it has not been carved out from RSS Policy NRM6 and the DF in the many years of iteration of these policies.

- 8.30. The UoR's suggestion appears to be based on an undocumented and undated conversation with the Forestry Commission. No empirical data has been submitted including data on the location of the breeding populations of Annex I bird species on Bramshill SSSI to show how they are unaffected by recreational pressure. This anecdotal information should be given no weight as it falls significantly below the Waddenzee standards of certainty that the proposals are required to meet.

## CONCLUSION ON THE HABITATS REGULATIONS

### Shinfield West Appeal

- 8.31. The Shinfield West scheme without the Loddon SANG is likely to have a significant effect on the SPA when considered alone as the Ridge SANG would be insufficient to cater for the SANG needs of the development.
- 8.32. If only the Shinfield West scheme and the Loddon SANG scheme were considered, the SANG provided would mitigate some of the effects of the proposals. However, there would still be a significant effect on the SPA. Thus, without the appropriate SAMM contribution the UoR's no net effect argument does not comply with the Waddenzee tests.
- 8.33. Without a contribution to SAMM, the in-combination effects on the SPA from the appeal proposals together with all other relevant plans and projects are likely to be significant particularly considering the precedent effects on other plans and projects. This is not the approach endorsed by the Assessor, the SoS or the JSPB. It is a weaker package than that incorporated into the development plan and the DF.
- 8.34. Without a contribution to SAMM, an AA is necessary under the Habitats Regulations. Based on the information currently available and the mitigation package offered, it is not possible for the SoS to conclude that the Shinfield West scheme will not adversely affect the integrity of the SPA either alone or in combination with other plans or projects. Even where a SAMM contribution is legally secured, the SoS will need to assess whether the certainty needed under the Habitats Regulations can be achieved based on the information on the long term security of the SANG and SANG Link currently provided.

### Loddon SANG Appeal

- 8.35. On its own this scheme would not have a significant effect on the SPA. This does not however excuse the scheme from being considered in-combination with other plans or projects. Neither the Habitats Regulations nor Circular 06/2005 propose a sequential test whereby the competent authority only considers the in combination effects after some effects of a proposal alone are determined. By terming the site a SANG, which has a specific meaning, permission for this site would effectively enable other

residential development that is linked to it. The SoS will need to reach a conclusion on the long term security of the SANG, as set out above, before permission can be granted.

#### Skylarks

- 8.36. There is a need for off-site habitat to compensate for the adverse effects of the development on skylark populations (WT1/2 paragraph 4). Although, the UoR has agreed to provide measures to address this need, the details of the number of skylark plots to be provided, their location and the security that these plots will be provided in the long term is not available. However, subject to a planning condition requiring these details at the reserved matters stage, the WT could withdraw its objection.

#### CONCLUSIONS

- 8.37. Without an appropriate contribution to SAMM, the measures proposed by the UoR do not exclude the risk of a significant effect on the SPA. The SoS cannot be certain that the Shinfield West scheme will not adversely affect the integrity of the SPA in-combination with other plans and projects, as required by the Habitats Regulations. Even where a SAMM contribution can be legally secured, the SoS will need to assess whether the certainty needed under the Habitats Regulations can be achieved based on the information on the long term security of the SANG and SANG Link. Should the SoS be unable to reach this conclusion, both the Shinfield West and Loddon SANG appeals should be dismissed as not complying with the Habitats Regulations.

## 9. The Cases for Interested Persons

- 9.1. **Thames Valley Police (IP7).** Public safety and crime prevention are key features of national, regional and local policy. Shinfield West would increase the resident population and place extra demands on resources. Further to the Police Act 1996, TVP would need to recruit one Police Officer and one Police Community Support Officer (PCSO) to provide an efficient and effective service. High visibility neighbourhood policing and locating officers in the community is key to engaging and responding to their needs.
- 9.2. Infrastructure necessary to mitigate the impact of the development on the Police Service include: a cost free neighbourhood police office located within the community building (30-35 sq. m.); 4 parking spaces for police use; 2 police cycles, helmets and uniforms (£1,480); one marked police vehicle (£13,200); 2 body worn video cameras and associated kit (£1,948.); the capital costs of training, recruitment and uniforms for one Police Officer and one PCSO (£30,261).
- 9.3. The principle of securing developer contributions to Police infrastructure is established in national, regional and local planning policy. The above contributions are consistent with the SoS's tests in Circular 05/2005 and CIL Regulation 122. TVP's requirements are necessary to make the development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. This infrastructure and neighbourhood police facility are not required to resolve existing deficiencies in police infrastructure nor would they contribute to a higher level of police service.
- 9.4. **Shinfield Parish Council (IP1)** backed by a 700 signature petition, objects to the schemes as submitted.
- 9.5. Despite the intention to abolish the RSS, WBC has used RSS housing numbers as the basis for housing provision in the CS. In considering the scale of development the SDL could accommodate, the CS Inspector considered certain key issues (CD8.1 paragraphs 5.20-5.36). These were: to ensure the continued separation of Shinfield and Spencers Wood by maintaining a sufficiently wide gap between them; that the density of development should reflect the existing rural character and the proposed SANG should not be severed by a new highway. The Inspector specifically endorsed WBC's commitment to maintaining the separate identities of the 3 settlements. The CS contains 2 diagrams, one showing the boundary of the SDL and the other the overarching key diagram. Separation between existing settlements is shown in both diagrams. Shinfield West is inconsistent with these diagrams and conflicts with the CS in terms of its scale, location and density.
- 9.6. The scale of the UoR's scheme relates to an allocation in an early draft SPD. This showed too much development between Shinfield and Spencers Wood, and would result in coalescence (CD8.8). A common theme in local responses was the desire to ensure adequate separation between settlements, which resulted in WBC altering the SPD 3 times. Although SPC has reservations about some parts of the adopted SPD, it shows

greater separation between the settlements consistent with the views of the community and the CS Inspector.

- 9.7. Key to the Localism Act is the devolution of real power to local communities. It is only by involving local communities in the key decisions that affect them that there will be an acceptance of the need for change and new development. SPC has taken an active role in the SPD process and has sought to represent the views of the community. SPC's objective is to ensure that development is of an appropriate scale, that it is in the best location to contribute to a vibrant future for the village and located so as to enhance its countryside setting. To grant planning permission for a development so contrary to local views would be difficult for the community to understand.
- 9.8. SPC acknowledges that the wording of the consultation leaflet it circulated about Shinfield West could have been more precise. However, it does not accept that it misled the public or that without the leaflet the public would have supported the scheme. SPC and the UoR disagree fundamentally over the status of Ryeish Green. This difference of opinion is significant in terms of measuring distances between proposed and existing development. Ryeish Green is regarded as part of Spencers Wood. Indeed, the former Ryeish Green School has a Spencers Wood postal address. The UoR's plan shows a football pitch located in the proposed open space to the rear of the Ryeish Green settlement. A standard football pitch is 68m wide and this accounts for the measurement of 100 yards detailed in the PC's leaflet. Notwithstanding that the UoR had a duty and right to hold public exhibitions the SPC submits that the public was confused by the UoR running several exhibitions alongside WBC's consultation process.
- 9.9. The ID&C SPD provides detail on infrastructure requirements for the SDL and seeks a comprehensive delivery mechanism (CD 8.13A). Agreement on robust delivery mechanisms is an essential pre-requisite to the development being allowed. In the absence of an approved IDP setting out in full the contributions required and the mechanisms for delivery, SPC would expect the UoR to have provided a more detailed implementation plan that was tied in to a planning obligation. In particular, the lack of certainty over delivery of essential highway and community facilities raises concerns that the development could result in unacceptable pressure on the local community, the existing highway network, open space and community run facilities.
- 9.10. High densities in parts of the scheme and the extensive use of houses with an effective height of 3-storeys would result in a development that has more in keeping with a major urban area than the character of Shinfield Parish and village. Whilst there are some 3-storey houses within the village, the extensive use of 3-storey housing in corridors accompanied by high density 2-storey terraced housing would result in the development being seen as an addition to a major urban area. The CS Inspector considered it inappropriate to plan for densities significantly higher than the housing areas of the villages (CD8.1 paragraphs 5.20 and 5.21).
- 9.11. The scheme proposes 35% affordable housing on which SPC has 2 related concerns. The first is the proportion of social rented to the total affordable

provision and seeks assurances that there will be a suitable balance between the 2 types of housing and not a predominance of social housing alone. The second concern is that social housing should not be provided in houses that look materially different from other housing nor grouped into one large estate. It is important that all forms of housing be well integrated with the existing village and within the development itself. SPC is aware that new estates have been developed with inadequate private car parking. This has led to on-street car parking resulting in access and safety problems and should be avoided here.

- 9.12. The SIP is a commercial undertaking. There has never been a suggestion that the SIP is dependant on the housing scheme.
- 9.13. The revised plan shows the community facilities, retail provision and sheltered or specialised housing under one notation. It is not clear where the various activities are intended to be located. The more than doubling of the size of the village needs to be handled in a sensitive manner taking into account the impact such an increase in population will have on the existing community. The UoR, given its role as a local education provider, has a responsibility to work with the local community.
- 9.14. The bus-only link across the green space between Shinfield and Spencers Wood would reduce visual separation. SPC is not convinced that the public transport benefits outweigh the environmental harm. Bus routes should be accommodated within the existing highway network.
- 9.15. SPC is concerned that in dividing the SANG into 2 smaller areas that its value and role in providing opportunities for casual recreation outside the urban area would be reduced. The use of the green corridor for active recreation uses would limit its value as a wildlife corridor.
- 9.16. The Loddon SANG would be on part of the river flood plain and a valuable wetland area. Increased public access could have an adverse impact on this fragile environment. To ensure it was accessible all year round, the finished level of the path would always need to be above flood level. However, when the land is not flooded the footpath would appear alien and unduly prominent. Encouraging pedestrians to walk above flooded land raises concerns over public safety.
- 9.17. The ERR is an integral part of the whole scheme. However, the delivery mechanism is not finalised and there is a risk that the housing development would not be adequately served thus increasing the pressure on the local highway network. The ERR is proposed to take existing traffic off that part of the A327 through the village and to connect to the proposed SIP. However, the B3349, a narrow road in places, which also runs south, is also a significant part of the local highway network. Church Lane and Brookers Hill to the north-west are also significant parts of the local highway network and again are narrow in places.
- 9.18. Shinfield West is intended to be served through the existing highway network, not from the ERR. However, without the prior provision of the ERR there are doubts as to the capacity of the existing network to serve what is a doubling of the existing settlement. SPC is concerned that the visual and noise screening is inadequate to protect residents with

properties on the eastern edge of the village. A spur is shown to the roundabout to the north east of Shinfield, south of the SIP. If the intention in the future is to develop land from this spur for housing or employment purposes then this should be shown and taken account of in the traffic assessment.

- 9.19. SPC has taken a responsible attitude to new development; it has accepted the CS allocation, it has not sought to oppose all new development nor has it sought to persuade WBC to review the RSS housing figures. SPC's principal concern is for existing and prospective residents and to ensure a sustainable, well serviced and varied community set within distinct geographical boundaries based on the reasonable extension of existing settlements. Based on the areas identified in the SM4 SPD the existing settlements would almost double.
- 9.20. Given the strength of local feeling on the need to retain sufficient gaps between existing settlements, something which the UoR has been fully aware of and referred to by the CS Inspector, SPC does not understand why the UoR has not reduced Shinfield West and located some housing on land to the east of the village. This land is owned by the UoR and is well related to the ERR. Development here would provide an equal opportunity to meet the SM4 SDL housing allocation and allow a sufficient gap to be provided at Shinfield West to ensure separation of the existing settlements.
- 9.21. **Mr Young** (IP2) submits that proper provision should be made to minimise the risk of future flooding events in areas away from the floodplain of the River Loddon. When the area was predominantly rural in character field drains and ditch systems were installed to improve the agricultural quality of the land. Deterioration of drains and ditches over the years has increased the potential for flooding of lower lying land. The need to recognise the wider flood risks is highlighted in the Shinfield Community Plan 2011-2021. Developments that take no account of existing drainage systems may increase local flooding potential by disrupting established drains, with consequences for both existing properties and proposed developments. Once new drains are in place there should be a requirement for the landowner to maintain them in full working order.
- 9.22. **Mr Gulley**, who owns 20 Arborfield Road has concerns regarding the ERR and flood risk (IP3 & 12). Although the UoR flood risk report identifies an increased flood risk to No. 20 it does not consider this to be significant. However, having some 8 sq. m of garden under water is significant and unacceptable. The EA make clear that any increase in flood risk to No. 20 is unacceptable. Although a bund is proposed as a restraining provision, in the event of a failure the flood risk is increased by a significant amount. The bund is merely a restraining provision and not a satisfactory removal of the flooding threat. Moreover, whilst the bund may stop flood water entering the property it also prevents water that would have usually escaped, from No. 20 onto the existing floodplain, from doing so.
- 9.23. In places, No. 20 is up to 650mm below the adjoining finished ground level and considerably below the level of the road, which makes it a natural flow route for flood water. The risk of flooding makes the current escape route on the field of great importance. The RPS report at Document JER7522



Note B Figure 1 shows the areas level of susceptibility to ground water flooding. However, it seems to have been overlooked that there is a drainage ditch currently running into the back of No. 20, which creates a potential means of entry for water onto the plot.

- 9.24. The EA says there is no risk affecting No. 20 in the baseline 1 in 100year +20% pre ERR flood event. Post ERR, there would be an average depth of 114mm around the building at No. 20. That is an average, meaning that some points flooding are likely to be significantly deeper. The RPS report incorrectly says that the finished flood level at No. 20 is 150mm above ground level. Some of the floor and entrance levels are as low as 30mm above ground level. This means that parts of the interior of the house would be under water.
- 9.25. Figure 4 in Note D of the RPS report clearly shows that most of No. 20 is underwater with water right up to the back door. This will mean that the property will be labelled as a flood risk dwelling, thus blighting the property. There are 4 squares of 4 sq. m at the rear of the garden which are shown to be at risk of flooding at a depth of up to 800mm. However, other nearby areas of the garden which are at the same ground height level, and in some places lower, are shown to have no flood depth at all. This casts doubt over the accuracy of this data. RPS's latest proposed solution as contained in Note M, does not alter the fact that the ERR would increase the risk of Flooding at No. 20 and does not address the concerns regarding the validity of the data.
- 9.26. **Dr Waite** (IP4) is broadly in support of WBC's evidence regarding secondary school provision but would encourage it to support the community's wish for a Free School on the site of the former Ryeish Green School site.
- 9.27. **Mrs Bisset** (IP5). Residents feel strongly about maintaining and developing the existing schools. The Shinfield Community Plan has an aspiration that existing schools should be enhanced and expanded before any new provision is built. Given the Localism Act, which emphasises the role of local communities in decision-making, the UoR should be responding to local views on this issue.
- 9.28. A new primary school situated on the same side of the village as the existing Infant School would draw from families who would otherwise have gone to Shinfield Infant and Nursery School or the Junior School. Given the location of the school on the periphery of the development, more children would be taken to and from the new school by car adding to existing congestion, carbon emissions and lack of exercise. A more appropriate site for a new school would be on Cutbush Lane. Here, it would serve the north of the village with existing schools serving the south of the village. Each school would contain a mix of children from the new and existing houses adding to community cohesion.
- 9.29. If permitted, the housing scheme could take some time to start. By 2016 developers will be required to build to Code Level 6 (zero carbon) of the Code for Sustainable Homes. Many of the technologies employed to minimise carbon emissions require infrastructure such as ground source heat pumps and biomass boilers that can serve several buildings. Given

the move towards zero carbon building, the UoR and WBC should consider building to Code Level 6 from the outset. With the right level of commitment, this development could be a flagship for low or zero-carbon construction thus boosting the public image of both parties.

- 9.30. **Taylor Wimpey and David Wilson Homes** (IP8-11). TWi, DWH and the UoR are members of the South of the M4 Consortium. TWi and DWH confirm that they are progressing Heads of Terms with the UoR to secure mutual obligations/contributions on a pro-rata basis to key infrastructure elements such as the ERR, the community building, park and ride site and other elements of joint infrastructure. Both TWi and DWH confirm the UoR's proposals were prepared and submitted with the full knowledge of the other consortium members, all of whom have been party to and signed the 2009 and 2011 Vision documents and the masterplan and infrastructure delivery plan it contains. The UoR's public transport strategy is compatible with TWi and DWH proposals and an agreement in principle has been reached on the costs of the use of the UoR's land for open space and SANG provision.

## 10. Written Representations and Consultation Responses

Written Representations at the Appeal Stage.

- 10.1. Seventy four<sup>106</sup> individuals and organisations submitted written representations in response to the 3 appeals. The gist of the concerns relate to conflict with the CS, the SM4 SPD and residents aspirations for the area; the coalescence of Shinfield and Ryeish Green resulting in loss of local identity; the gap between Shinfield and Ryeish Green should not be used for playing fields; too much housing at too high a density based on RSS targets that are soon to be abolished, traffic congestion, poorer air quality and an adverse effect on the ecology of the area; there is insufficient infrastructure to support the existing village; the foodstore is unnecessary and would adversely affect local shops; the extent of the SANG provision is inadequate; the Loddon SANG is regularly flooded and would be inaccessible, the bus link across the gap to Spencers Wood is unnecessary; some of the land may be contaminated and the development, particularly the ERR, would exacerbate existing flood problems.
- 10.2. **Bracknell Forest Council** (BFC) supports the approach taken by WBC on TBH SPA avoidance and mitigation measures. In July 2011, BFC and 11 other local authorities signed the Strategic Access Management and Monitoring Legal Agreement with NE. BFC is committed to the strategic approach to access management and monitoring. This is so that access management in one part of the SPA does not displace visitors to another part. Allowing this development without adequate SPA avoidance and mitigation measures would have a significant effect on the SPA, in-combination with other plans and projects.
- 10.3. Acceptance of the UoR's approach could set a precedent for developers not to provide SPA avoidance and mitigation measures. This would affect delivery of the BFC's Core Strategy, particularly Policy CS14: TBH SPA and Policy CS15: Overall Housing Provision; the BFC TBH SPA Avoidance and Mitigation Strategy and the BFC Site Allocations DPD. In particular, most of the proposed development sites in the Site Allocations DPD rely on SPA Avoidance and Mitigation measures to enable housing to be delivered.
- 10.4. **Reading Borough Council** (RBC), in September 2010, RBC objected to the Shinfield West and ERR applications on the grounds of an adverse effect on the safety and free flow of traffic on the highway network. In October 2011, following consideration of further information provided by the UoR, the RBC Planning Applications Committee (PAC) was advised that that there was no longer an objection to the application on highways, traffic and transportation grounds, subject to the UoR entering into a S106 Agreement to contribute £355,122 towards infrastructure improvements on the A327 (IP6). Following consideration of officer's advice, the PAC resolved to continue to object to the development because of an adverse effect from the traffic generated. However, should the applications be allowed RBC requested a contribution of £355,122 towards transport

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<sup>106</sup> Shinfield Parish Council and Thames Valley Police also made written submissions and gave evidence at the Inquiry. Their submissions are dealt with in Section 9.

infrastructure improvements identified by the A327 corridor study within the Local Transport Plan as part of the Reading Urban Area Package:

- 10.5. RBC highlighted the absence of secondary schools in the east of Reading. The additional demand for school places generated by the development coupled with potential changes to catchment areas and proposed school closures within the WBC area would reduce the number of available pupil places to the south-east and east of Reading. As a result, families living in the south-east and east of Reading would have to travel long distances to the nearest school with places. RBC objects to the Shinfield West scheme on the grounds that, "*Insufficient measures are proposed to mitigate against the development's impact on secondary education infrastructure for Reading Borough contrary to Policies CP3 (General Principles for Development), CP4 (infrastructure Requirements) and CP9 (scale and Location of Development) of the adopted WBC Core Strategy (2010); and with national planning guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing)*".
- 10.6. **Royal Society for the Protection of Birds (RSPB)** objects to Shinfield West on the grounds that a likely significant effect would arise from the proposal in combination with other plans or projects, and that the measures proposed by the UoR to avoid impacts on the SPA are inadequate to prevent an adverse effect on its integrity.
- 10.7. The SPA is an exceptional area of international wildlife importance that has 3 Annex I, of the Birds Directive, species of particular importance (Dartford warbler, woodlark and nightjar). All 3 are considered rare, in danger of extinction and vulnerable to changes in their habitat. These 3 species are a high conservation priority and continue to warrant the highest level of protection to ensure the recovery of their breeding populations.
- 10.8. In response to these concerns, a coordinated and consistent approach was agreed and a robust policy was introduced into the RSS (Policy NRM6), including a specific requirement embedded into policy to monitor and review the effectiveness of the avoidance/mitigation measures. These policy principles were subsequently developed into more detailed guidance by the JSPB, formed of representatives of each of the local authorities concerned, SPA landowners, NE, the Forestry Commission and the RSPB. This non-statutory guidance was endorsed by the 11 core TBH local authorities in February 2009, and along with RSS Policy NRM6 has been used to guide the production mitigation and avoidance strategies by local authorities. The DF indicates that large residential developments between 5km and 7km from the SPA and proposals beyond 5km should be assessed on a case by case basis. Where appropriate a full AA may be required to ascertain whether the proposal could have an adverse effect on the SPA.
- 10.9. WBC's policy for the protection of the SPA is set out under Policy CP8 and more fully within the SPA Impact Avoidance Strategy (IAS) which reflect the key principles of RSS Policy NRM6 and DF. Whilst each SDL will include their own measures to avoid the significant impacts upon the SPA it is anticipated that major development schemes will provide their own SANG and contribute towards strategic access management and monitoring. The requirement for both forms of avoidance and mitigation is

stated more emphatically within the SPA IAS, which states the 4 SDLs will deliver bespoke mitigation solutions, which do not rely upon the SANG detailed in the IAS. They will however need to contribute towards appropriate access management and monitoring. The SM4 SPD emphasises this need for the SDL to contribute towards access management and monitoring. SANG should be provided in accordance with the requirements of the CS and take full account of the design criteria and specifications developed by NE. Regard should also be given to the SAMM project.

- 10.10. If the agreed avoidance and mitigation standards set out in regional and local policy are not applied across the SPA zone of influence in a consistent and robust manner, the ability to address the in-combination effects of disturbance to the Annex I birds could be compromised. Departures from the agreed approach could effectively undermine the substantial work that has been undertaken to develop a successful approach to allow development to proceed in the area, while ensuring the protection of a European Site from potentially irreversible damage.
- 10.11. The UoR promotes a bespoke scheme to address the risk of increased recreational pressure on the SPA. The UoR considers this provision would entirely avoid an impact either alone or in combination with other plans or projects on the SPA and as such the complementary SAMM payment is unnecessary. The RSPB submits that the proposed measures within the bespoke scheme do not comply with policy and guidance relating to the protection of the SPA, and consequently will not be adequate to ensure that there is no net increase in visitor numbers to the SPA, and hence to reach a conclusion of no adverse effect on the integrity of the SPA.
- 10.12. Given Shinfield West straddles the 5km zone, it is wrong to assume that the proportion of people who live in the 5-7km zone would behave significantly differently from those within the main part of the site falling within the 5km zone. The illustrative layout shows that even the furthest housing is located no more than 5.2km (linear distance) from the SPA, with the development immediately bordered to the north by the Shinfield settlement and the M4 beyond. This strongly suggests that people outside the 5km zone will behave in much the same way as the people within it in terms of recreational patterns. Therefore, the 8ha SANG standard is an appropriate baseline for the whole of the Shinfield West development.
- 10.13. The DF states that the average occupancy rate should be assumed to be 2.4 persons per dwelling unless robust local evidence demonstrates otherwise. The UoR's surveys suggest that the local occupancy rate is closer to 2.745 people per household. WBC policy states that, where SANG also meets the definition of public open space, at least 1ha per 1,000 population can also be counted towards public open space provision. Taking all these factors together, the proposed SANG does not exceed the baseline standards for the SPA, and would fall some way short of it.
- 10.14. Whilst generic SANG standards provide a useful benchmark for bespoke schemes, their rigid application or a modest overprovision is not enough to conclude that they will be sufficiently attractive to the new development to which they are linked. This approach is supported by the appeal decision

for the former TRL site (CD17.22). Here, the appellant relied on a bespoke SPA avoidance/mitigation scheme that exceeded the generic SANG size standards. The inspector in that case stated at paragraph 395 that *".... This scheme is put forward with a bespoke solution and so falls to be assessed on a case by case basis rather than by reference to a particular standard. It does not follow that a particular size will mean compliance with the Habitats Regulations. Issues of functionality, location and assessment of other mitigation measures remain of key importance."* Whilst standards can provide a guideline they do not mean that meeting them will pass the tests in the Regulations.

- 10.15. Other issues that remain unaddressed further reduce the actual available area of SANG provided and thus reduce the confidence that can be placed in their effectiveness. No discounting of capacity appears to have been carried out to take account of current visitor levels to parts of the proposed SANGs, including statutory, permissive or unofficial access, and any sensitive wildlife, notably including the need to accommodate a significant population of skylarks that would be displaced from farmland within the development site. Like nightjars and woodlarks, these birds nest on the ground and are susceptible to disturbance from people and dogs.
- 10.16. Livestock grazing may discourage some people from using a site. Accordingly, a suitably sized area of the SANG always needs to remain free of grazing animals. Inevitably this would result in part of the SANG being less attractive to some visitors, particularly those who want let their dogs off the lead and who may seek other sites. This matter must also be carefully considered in the capacity calculation of the SANGs. The principle of capacity discounting is embedded in the DF and in NE's SANG Guidelines.
- 10.17. There are several matters concerning the long-term provision of the proposed SANGs and the land linking the SANGs, including their ownership, funding, governance and monitoring, which compound concerns in respect of their ability to offset recreational pressures on the SPA for the lifetime of the development. Uncertainties remain as to the nature of the management body responsible for the delivery and ongoing management of the SANGs. Before a conclusion of no adverse effect on the integrity of the SPA can be made the competent authority, must obtain legal certainty in respect of these matters, including a contingency should the agreed management body cease to operate or otherwise forfeit its commitments.
- 10.18. The shortcomings of the SANG provision increases the need for complementary measures to ensure that the SPA is protected. Of critical concern is the lack of any contribution towards the SAMM project. This complementary measure is essential to the conclusion of no adverse effect of the appeal proposals, even if the present shortcomings of the Shinfield West SANG can be addressed.
- 10.19. A survey carried out in 2005 by The Footprint Ecology Survey for English Nature estimated that the SPA receives some 5 million visits per year. Surveys of the SPA and other similar areas also show that a high proportion of people regularly visit alternative sites in addition to the heaths. Research into site selection by dog-walkers shows that a range of

factors influence choice of location. These include, the weather, ground conditions, freedom to let dogs run off-lead and the time available. Thus, even where attractive alternative open space is available close by, a large proportion of people can be expected to continue to visit a number of other sites in the area including the SPA.

- 10.20. The purpose of a SANG is not to entirely remove the possibility of new and existing residents visiting the SPA, but to reduce the frequency and therefore overall number of those visits. Recognising that some people will still choose to visit the SPA, the strategic approach to the avoidance/mitigation of recreational pressure on the SPA, as set out under RSS Policy NRM6 and the DF, requires provision of access management of the SPA, in order to mitigate the cumulative effects of that additional use.
- 10.21. Given the untested nature of the DF approach to the avoidance and mitigation of recreational pressures on the SPA, it is critical that the approach is applied consistently across the 11 local authorities, and that the results are carefully monitored to allow ongoing assessment of the effectiveness of the approach, and to inform any necessary amendments. In view of this, the SAMM project also includes measures to monitor visitor numbers to the SPA and SANGs in a consistent and coordinated manner, in addition to contributing towards the monitoring of bird populations within the SPA. By failing to contribute towards SAMM, this proposal not only risks compromising the TBH local authorities' ability to address the in-combination effects of disturbance to the Annex I birds, but would impact on the results of the coordinated monitoring programme during this critical trial period.
- 10.22. The appeal proposals have not satisfactorily demonstrated that the proposed SANGs would be sufficient to wholly remove potential recreational impacts on the SPA. SANGs, particularly in the case of large developments, are a largely untested form of mitigation. A complementary programme of access management and monitoring of the SPA is critical to provide the necessary level of certainty required under the Habitats Regulations and allow review of the wider approach. This is in line with the DF, RSS Policy NRM6 and CS Policy CP8.
- 10.23. If the proposal is allowed to proceed without robust mitigation, including a SAMM contribution, this would set a weaker standard for other housing development around the SPA, including the 8,650 dwellings which comprise the remainder of WBC's SDL allocations. In combination, these bespoke schemes, including a further 1,150 dwellings allocated for the SM4 SDL, would place significant additional pressure on the SPA if they take the same approach to relying on one element of the agreed approach to avoidance and mitigation. Similarly, other TBH Council's would find it difficult to resist other bespoke schemes coming forward which take the same weakened approach.
- 10.24. Given the scale of the development, the outstanding matters concerning the proposed SANGs and the lack of any SAMM contributions, the RSPB considers that, following an AA, the competent authority would be unable to reach a conclusion of no adverse effect on the integrity of the SPA and planning permission for Shinfield West should be refused.

- 10.25. **Shinfield Parish Plan Steering Group** (SG) is independent of SPC and established to prepare a Parish Community Plan and Village Design Statements. The Parish Plan was adopted in September 2011 and Statements have been produced for Shinfield School Green, Spencers Wood, Ryeish Green, Grazeley and Three Mile Cross. Where development does take place priorities for local residents include: maintaining the identity of individual communities through retaining existing gaps and wedges; protecting and enhancing the built and natural environment and ensuring that housing development is accompanied by improvements to infrastructure and the provision of local employment opportunities.
- 10.26. Consultation with the community was inadequate. Despite residents concerns about preserving local identity through the preservation of green spaces, the UoR has persisted in proposing a small gap between Shinfield West and Ryeish Green. At its narrowest point the gap would be some 100m, less than half of what is shown in the SPD. Sports pitches within the open space would blur the separation between settlements rather than defining a clear limit to them. The existing gap is well used by residents for walks and it provides a valuable habitat for wildlife. This informal use is incompatible with its proposed use as playing fields and would encourage the use of more sensitive sites. The public transport link across the green area would detract from the amenity value of the green space and add to urban encroachment.
- 10.27. The proposed division of the SANG into 2 distinct areas would reduce the benefit of the provision as a resource for biodiversity and reduce its appeal to those seeking somewhere to walk and relax, encouraging the use of other more sensitive sites. The proposed Loddon SANG is particularly unsuited to this purpose as the land is prone to winter flooding. The proposed raised walkways would not allow people to roam freely and would act as a barrier in the summer.
- 10.28. The Parish Plan proposes the creation of a publicly owned community woodland in the area between Ryeish Green and the newer housing next to Shinfield Church, as part of a single SANG. This would enhance the visual separation of the communities providing a natural green corridor between settlements. A project on this nature and scale would bring the community together and provide an environment where the young could contribute to their community and develop new skills. Local schools could develop a distinctive character as forest schools and offer greater educational choice and social benefits to local families.
- 10.29. The extra 500 houses and very high densities in parts of the development would, conflict with the SM4 SPD and Village Statements, destroy the unique character of the villages and create a uniform suburban sprawl. Traffic congestion and school overcrowding are significant local concerns requiring, the ERR and primary school to be provided in the early stages of any development.
- 10.30. In addition to matters regarding conflict with the SM4 SPD, separation of the settlements, density, traffic generation, the bus link to Spencers Wood and flood risk, **Shinfield Infant and Nursery School** submits that a new school on the western edge of the development would be too close to the



existing infant/nursery and junior schools and the proposed school at Spencers Wood resulting in competition for pupils. A school on the western edge of the development would encourage greater use of the car for school journeys reducing the opportunity for exercise and adding to congestion and carbon emissions. A better location for a new school would be on Cutbush Lane.

#### Written Representations at the Application Stage

- 10.31. The Planning Officer's reports to the Planning Committee indicate there were 284 objections and 39 expressions of support/no objection received in relation to the Shinfield West application, 202 objections and 16 expressions of support for the ERR application and 199 objections and 48 expressions of support for the Loddon Sang Application.

#### Consultation Responses at the Application Stage

- 10.32. WBC internal responses and those of NE and WT on the 3 proposals, the EA in relation to the ERR, RSPB, SPC and TVP are reflected in their evidence to the Inquiry and elsewhere in this section.
- 10.33. In relation to the Shinfield West application; the *Woodland Trust* submits that the proposals would cause significant damage to existing biodiversity and irreplaceable woodland habitat; *CABE*, whilst supporting the principle of extending Shinfield, were unable to support the proposals in the form submitted. The *EA*, the *Highways Agency*, and *Berkshire Archaeology* have no objections. Despite earlier concerns in 2010, *English Heritage* in 2011 advised that the application should be determined in accordance with national and local policy guidance. *Sport England* felt the proposals were unclear. *Royal Berkshire Fire and Rescue* issued technical advice. *Thames Water* and Southern Gas Network identified constraints associated with the existing services.
- 10.34. In relation to the ERR application, the *Highways Agency*, *Network Rail*, *Thames Water*, *Royal Berkshire Fire and Rescue* and *Sport England* have no objections. Despite earlier concerns in 2010, *English Heritage* advised that the applications should be determined in accordance with national and local policy guidance. *Royal Berkshire Fire and Rescue* and *Southern Gas Network* provided technical guidance. In relation to the Loddon Sang application, *Natural England*, *Thames Water*, the *Highways Agency* and *Sport England*, had no objection. *Royal Berkshire Fire and Rescue* and *Southern Gas Network* issued technical advice.

## 11. Conditions and S106 Agreements/Undertakings

### Conditions

- 11.1. The lists of SCs for Shinfield West, the ERR and the Loddon SANG are listed as Documents UR B26, B27 and B29.

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- 11.2. SCs 1 and 1a<sup>107</sup> seek to define the permission. **SC 1** identifies the relevant plans and accords with guidance in the DCLG's "Greater Flexibility for Planning Permissions" (November 2009) regarding applications for minor material amendments to planning permissions which depend on the existence of a relevant condition which can be amended. **SC 1a** defines the maximum proportions of the primary land-uses. WBC seeks this condition to make it clear the proportions of development that would be permitted. The UoR considers the condition inflexible and unnecessary given that a Masterplan, which would identify the extent of the various land uses, would be submitted and agreed with WBC.
- 11.3. SCs 2, 3, 4, 5 and 6 are a suite of conditions relating to the agreement of various matters prior to and to guide the submission of the Reserved Matters Applications. **SC 2** relates to the submission for agreement of an Interim Stage Phasing Masterplan (ISPM) for the site. **SC 3** links the ISPM, the proposed Development Area Design Briefs for the Local Centre, the western edge of the development and the Primary School (SC 4) and proposed Design Codes for the remaining parts of the site (SC 5) to the principles outlined in the illustrative Masterplan (SW13 Rev M), the Parameter Plans, the RDAS (CD2.6) and the SM4 SDL SPD (CD8.10A). **SC 4** provides for the submission of detailed Development Area Briefs including the means of public engagement for the Local Centre, the western edge of the development and the Primary School.
- 11.4. SC 4a (xv) relates to the Local Centre Design Brief and Part XV refers to the provision of a Community Building of 560 sq. m on a site capable of accommodating a 1,000 sq.m building to serve the whole of the SDL. WBC objects to this part of SC4 on the grounds that it would conflict with the comprehensive objectives of the SDL. WBC submits that to accord with CS and SM4 SPD objectives, SCs 67, 68 and 69 are clearer and provide the necessary trigger to the provision of the Community Building. These conditions seek the submission of details of and a mechanism for securing a Community Building of 1,000 sq.m (SC68) and its provision before the occupation of the 101<sup>st</sup> dwelling (SC67). SC69 relates to the provision of a faith facility should it not be provided within the Community Building. The UoR objects to SCs 67, 68 and 69 on the basis that SC 4a (xv) would provide the appropriate vehicle to deliver the facilities necessary to serve the Shinfield West development and subsequently the SDL as a whole.
- 11.5. **SC 5** provides for detailed Design Codes to be submitted for all other areas of the site not covered by SC4. **SC 6** provides for the submission of other infrastructure detail i.e. drainage, highways or ground treatment in

<sup>107</sup> This is an unnumbered condition shown in italics on Page I1 of UR B26

advance of the production and agreement of the Development Area Briefs referred to in SC4.

- 11.6. **SCs 7, 8 and 9** provide for the submission of the reserved matters and appropriate timetables for submission of details and commencement of development. Reserved matters for the first phase of the development as defined by the ISPM are to be made within 3 years of the date of any permission with the reserved matters for the remaining phases to be submitted within 10 years. The differential in the timescale for the remainder of the development from the model outline condition is justified by the scale of the development and the likely lengthy nature of the implementation of the whole development i.e. up to 2026.
- 11.7. **SCs 10, 11, 12 and 13** are a suite of conditions to mitigate the impact of the development during construction on the area, existing residents and wildlife through controls over hours of operation for construction and delivery operations (SCs 10 & 13) and the implementation of a comprehensive Construction Environmental Management Plan and a Materials Management and Soil Resources Plan (SCs 10 & 12).
- 11.8. **SCs 14 and 15** provide for the provision of an Affordable Housing Strategy to achieve the provision of at least 35% affordable housing in each phase. Where the UoR and WBC disagree is in the wording of SC 14b which provides that the "target" for the affordable dwelling mix". WBC's concerns are set out at paragraph 6.53 above and suggest the word target could be substituted by "*unless otherwise agreed by the local planning authority*" which would provide the flexibility the UoR desires.
- 11.9. **SCs 16, 17, 18, 19, 20, 21, 22 and 23** are a comprehensive suite of conditions based on the model conditions in Circular 11/95 – The Use of Conditions in Planning Permissions relating to landscaping, tree planting and the protection of existing landscape features. **SCs 24 and 25** seek to protect prospective residents from noise generated within the Local Centre and on parts of the site affected by existing background noise events. **SCs 26, 27 and 28** are a suite of conditions relating to measures to mitigate the impact of any potential ground contamination within the site. **SC 29** provides for the submission of an Environmental Management Plan to preserve, enhance and create habitats. **SC 30** provides for an archaeological evaluation of each phase of the development and a scheme for the preservation of any important remains and the recording/evaluation of finds of lesser importance.
- 11.10. **SCs 31, 32, 33, 34, 35, 36 and 37** are a suite of comprehensive conditions to deal with foul and surface water drainage within the site, to mitigate the risk of the development on flooding and potable water supply. SCs 36 and 37 are in a Grampian form as suggested by the Utility Companies. Notwithstanding the suggestion by the utility operators, WBC is concerned that these conditions lack precision, particularly in relation to a strategy for utility provision throughout the SDL and the conflict with the objectives of the CS regarding the comprehensive delivery of SDL wide infrastructure. Moreover, WBC suggests that these conditions fail the test for Grampian conditions (WBC A8). The UoR considers the SCs are

sufficiently precise and capable of being met without prejudicing the delivery of SDL wide development.

- 11.11. **SCs 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52** are a suite of conditions relating to parking access and movement. These provide for the agreement of a Parking Management Strategy (SC44), a Walking and Cycling Strategy (SC45), a Public Transport Strategy (SC46) and Travel Plans relating to the residential, Primary School and food store developments (SCs 47, 48 & 49).
- 11.12. SCs 41 and 42 relate to the construction of the ERR and set development triggers for the various phases of the ERR. WBC has fundamental concerns that in the absence of a fully costed IDP and an SDL-wide S106 Agreement the conditions, because they would only apply to the Shinfield West site, would not provide an enforceable phasing plan to ensure completion of the ERR. WBC regards this issue as a fundamental weakness and fails to ensure a coordinated SDL-wide approach or to provide an effective and enforceable delivery mechanism. The UoR sets out the rational behind the proposed triggers at paragraph 5.173 to 5.175 above.
- 11.13. **SCs 53, 54, 55 and 56** are a suite of conditions to provide for sustainable design and construction. These include a requirement to achieve the BREEAM "Very Good" certification or an equivalent, to provide for rainwater storage, recycling storage space and ducting for broadband services. **SCs 57, 58, 59, 60, 61 and 62** provide for controls over the scale of non-residential development, hours of operation/deliveries, external lighting and mitigating potential noise from delivery vehicles. **SC 63** provides for the inclusion of 150 units of specialist housing within the development.
- 11.14. **SCs 64, 65 and 66** deal with the provision of the primary school before the occupation of 150 dwellings or 2 years from commencement of the development and protection from development of the primary and infant school extension sites. SCs 67, 68 and 69 are WBC's suggested conditions relating to the proposed community building and are dealt with at paragraph 11.4 above.
- 11.15. **SCs 70 to 77** relate to the phasing, layout and provision of the outdoor sport, play areas, allotments, the SANG, the Strategic Greenspace, the provision of skylark plots and advance woodland planting on the western and eastern boundaries of the Strategic Greenspace. **SC 78** provides for the provision of fire hydrants or an alternative throughout the development. In the interests of the appearance of the western edge of the development, **SC 79** removes permitted development rights from those dwellings with a common boundary to the Strategic Greenspace.

### **Appeal B – ERR (UR B27)**

- 11.16. Given the scale and likely phasing of both the ERR and associated developments the implementation period contained in the commencement condition (**SC 1**) is proposed as 5 years. **SC 2** identifies the relevant plans and accords with guidance in DCLG's "Greater Flexibility for Planning Permissions" (November 2009) regarding applications for minor material amendments to planning permissions which depend on the existence of a relevant condition which can be amended.

- 11.17. **SCs 3, 4, 5, 19, 20 and 21** relate to surface water drainage and the mitigation of potential flooding. SC19 seeks to address the concerns of the occupant of No. 20 Arborfield Road regarding potential flooding. **SC 6** provides for archaeological evaluations of each phase of the development.
- 11.18. **SCs 7, 8, 9, 10, 11, 12, 13 and 14** are based on the model conditions in Circular 11/95 – The Use of Conditions in Planning Permissions relating to landscaping, tree planting and the protection of existing landscape features. **SC 15** relates to the submission of details of surface treatments of the road, pedestrian and cycleways.
- 11.19. **SCs 16, 17, 18 and 23** are a suite of conditions relating to the control of construction operations and the protection of noise sensitive properties from potential noise from such operations and the subsequent operation of the road. These include the submission of a comprehensive Construction Environment Management Plan.
- 11.20. **SC 24** requires that road lighting details are submitted and agreed. **SC 25** requires that all buildings to be demolished are cleared from the site before commencement of the ERR. **SC 26** is suggested by WBC and requires the submission of details of any utilities, infrastructure and services associated with the ERR. The UoR submits that this condition is unnecessary as no utilities are envisaged other than those associated with the construction of the SIP which is already the subject of a planning permission.

#### **Appeal C – Loddon SANG (UR B28<sup>108</sup>)**

- 11.21. **SC 1** provides for the standard 3-year time limit for commencement. **SC 2** identifies the relevant plans and accords with guidance in DCLG's "Greater Flexibility for Planning Permissions" (November 2009) regarding applications for minor material amendments to planning permissions which depend on the existence of a relevant condition which can be amended.
- 11.22. **SCs 3, 16 and 17** relate to surface water drainage and the mitigation of potential flooding. **SC 4** provides for an archaeological evaluation of the site. **SCs 5 to 12** are a comprehensive suite of conditions based on the model conditions in Circular 11/95 – The Use of Conditions in Planning Permissions relating to landscaping, tree planting and the protection of existing landscape features. **SCs 13, 19, 20, 23, 24, 25 and 26** provide for details of the proposed car park and access in terms of finishing materials, visibility splays levels, drainage, cycle parking and lighting to be submitted and agreed.
- 11.23. **SCs 14 and 15** provide for control over hours and construction works and the provision of on-site facilities during construction. **SCs 21 and 22** provide for the development to be carried out in accordance with the approved Loddon SANG Management Plan and the submission and agreement of an Environmental Management Plan relating to habitat creation/maintenance.

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<sup>108</sup> Inspector's Note: No condition 18 was included in Document UR B28.

## **S106 Undertakings and Agreements**

### **S106 Agreements**

#### **Reading Borough Council S106 Agreement –Public Transport Improvements (UR B8)**

- 11.24. This Agreement provides that prior to the commencement of the residential element of the Shinfield West development, the sum of £355,122 would be paid to RBC as a contribution towards public transport infrastructure improvements included within RBC's Local Transport Plan as part of the Reading Urban Area Package on the A327 Corridor. These improvements may include public transport bus priority measures along the A327.

#### **Wokingham Borough Council S106 Agreement – Eastern Relief Road (UR B30 & B24)**

- 11.25. As part of the planning application for the SIP and that part of the ERR to serve it, WBC had concerns about the usability of Lane End Farmhouse for residential purposes. The S106 Agreement relating to the development of the SIP included provisions requiring the UoR to show that the building could be used for residential uses or if not to identify works necessary to enable an alternative use to be undertaken. Schedule 1 of the current S106 Agreement restates these provisions. In addition, the development of the ERR requires works to be carried out to an associated barn. The Agreement provides that no development associated with the ERR would take place until the details of the proposed works and a timetable for implementation are agreed.
- 11.26. The ERR is a strategic road proposal and Schedule 2 provides WBC, as Highway Authority, with the ability to exercise its powers to construct the road itself without any payment to the UoR. The UoR is required to enter into a dedication and adoption agreement under the Highways Act. With these provisions, WBC could, if it wishes, achieve delivery of the ERR without recourse to compulsory purchase measures. Schedule 3 provides for the UoR to maintain swales and/or balancing ponds that may be required by the ERR for land drainage purposes.

#### **Wokingham Borough Council S106 Agreement – Loddon SANG (UR B31 & B35)**

- 11.27. The UoR agrees to lay out the Loddon SANG on or before the commencement of development on the Shinfield West site or indeed the Cutbush Lane and Manor sites and to enter into an obligation not to permit occupation of any dwelling on these sites until the Loddon SANG is suitable for and made available for public use. If the SoS, in determining the Shinfield West application, decides that a SAMM contribution is required, the UoR will enter into an obligation to pay the appropriate contribution.
- 11.28. The UoR agrees to make the Loddon SANG land available for use by the public and to maintain/warden it in accordance with the Management Plan without a limit on time. Before implementing the laying out of the SANG, the UoR will set up a ring-fenced trust fund with a contingency sum of £1,482,300 to allow WBC to step in and take over maintenance of the

SANG should the UoR fail to carry out the necessary works. IF WBC had to step in, the contingency sum would be transferred to it.

### **Section 106 UU – Shinfield West (UR B32 & B23)**

- 11.29. The UU contains a mixture of undertakings and covenants so as to comply with Circular 05/2005 and CIL Regulation 122. The covenants are outside the scope of the Circular and CIL Regulations and not tested against the requirements that the contribution is necessary to make the development acceptable in planning terms, it is directly related to the proposed development, it is fairly and reasonably related in scale and kind to the proposed development and is reasonable in all other respects..
- 11.30. **Schedule 1** would bind the Residential Development Area and the Local Centre (Plan 2) and relates to affordable housing (UR B32 page 26). The requirement to provide the affordable housing is contained in the SCs and this Schedule is not dependant on a condition. The UoR undertakes that not more than 10% of the market dwellings in any phase would be built and occupied until an offer was made to a Preferred Registered Provider (PRP) to build and transfer the dwellings at a price that enables the PRP to provide the affordable dwellings. This offer would be made to up to 3 PRPs. At this stage, should none of the PRPs take up the offer, the UoR would build the affordable dwellings and make an offer to transfer the dwellings to a fourth PRP. If the fourth PRP did not take up the offer the dwellings would be deemed to be open market dwellings for sale.
- 11.31. WBC notes that the UoR has resisted including a specific level of affordable housing within the UU. Accordingly, WBC has concerns regarding future viability and provision within later phases. WBC has a concern that there is an absence of certainty that the 35% level sought on this site and across the SDL would be achieved. It is WBC's view that these matters, particularly viability should be dealt with before planning permission is granted. WBC also takes issue with the wording relating to Affordable Rented Dwellings in the Definitions and Interpretation section of the UU (UR B32 page 6). WBC indicated that the inclusion of the words "*when initially set*" do not occur in the definition contained at Annex B to PPS3. The PPS3 definition does refer to the inclusion of Service Charges where they would be applicable. WBC considers that the inclusion of "*when initially set*" means that such charges could be added subsequently. The UoR's view is that the inclusion of this is essential to allow the PPS3 definition to be applied.
- 11.32. **Schedule 2** would bind the Residential Development Area and the Local centre as defined on Plan 2 and relates to education provision (UR B32). Part 1 of Schedule 2 relates to the UoR undertaking to provide a 2fe Primary School in accordance with the defined Primary School Requirements and in a manner that would allow it to be extended to a 3fe school (UR B32 Schedule 2 Appendix A).
- 11.33. The UoR covenants that where WBC or an appropriate body procure a contract to extend the Primary School to transfer the Primary School extension land to WBC or an appropriate body. In the case of the Shinfield Infants School and the Shinfield Junior School, if WBC or an appropriate

body procure a contract for the extension of these schools UoR would transfer the extension lands.

- 11.34. In terms of the Circular 05/2005 and CIL Regulation 122 tests the UoR confirms that the requirement flows directly from the provision of the dwellings and is part of the proposed development. As such it meets the tests of being necessary and directly related. In terms of being proportionate, the UoR indicates that on a strict calculation of need generated by the development the provision should be that of a 1.5fe Primary School. However, practically such a school cannot be provided and provision needs to be at the 2fe level. Any practical overprovision is likely to be taken up by other developments i.e. The Manor and Cutbush Lane and as such over-provision is not disproportionate.
- 11.35. WBC reiterated that the construction of the UU reflects its fundamental concern about the lack of a comprehensive SDL-wide strategy. Whilst the proposed school would serve Shinfield West and other developments, WBC cannot reserve the spare capacity for named developments. Moreover, should other developments come forward in advance of Shinfield West and require that capacity, WBC has no ability to make the UoR bring forward the Primary School or have the ability to step in to provide the facility.
- 11.36. Part 2 of Schedule 2 relates to secondary school provision and provides for a contribution towards off-site provision. For 3-bedroom dwellings a contribution of £2,220.81 and for 4-bedroom plus dwellings a contribution of £3,844.82 would be paid before the occupation of 50% of the dwellings in each phase. Given that the provision of secondary education is acknowledged as fluid and concerns over the reliability of WBC's figures, the UoR seeks to ensure that the correct sum is based on a review of pupil numbers at every 200 dwelling stage.
- 11.37. The review would consider the total number of pupils on the roll in Wokingham Secondary Schools. The total number on the roll is then compared with the number that would be expected on the basis of the assumptions underlying the base level contribution. If it is found that there are more pupils on the roll than expected, then an Additional Secondary School Contribution would be paid. However, to ensure that WBC has funds to mitigate any early impact of Secondary School demand, the UoR undertakes to pay a Secondary School Reserve Deposit of £300,000 before the occupation of 50 dwellings. This could be used by WBC to enable additional Secondary Scholl places to be provided to meet the needs arising from the development in advance of the Additional Secondary School Contribution.
- 11.38. Part 3 of Schedule 2 relates to SEN Contributions. The same principal applies as to the Secondary School contributions. For 2-bedroom dwellings a contribution of £77, for 3-bedroom dwellings a contribution of £232.23 and for 4-bedroom plus dwellings a contribution of £261.21 would be paid before the occupation of 50% of the dwellings in each phase. As with the Secondary School provision a review, as set out in Appendix 3, at every 200 dwellings would be undertaken to determine whether an Additional SEN Contribution would be necessary.



- 11.39. Although WBC agrees in principle that a review mechanism would be an acceptable method of calculating the necessary Secondary and SEN contributions. However, WBC submits that it has not been possible to produce an agreed review mechanism that would properly reflect the number of additional pupils. The UoR's review mechanisms in Appendices B and C of Schedule 2 of the UU use the Base School Population as the floor from which to ascertain whether the development results in additional pupils (CD19.1 Table 13.1 page 56). The use of these Base School Population figures is inappropriate because they are a projection rather than actual figures and as such they are informed by past trends, which include significant number of new homes per year. This results in an artificially high floor. A proper review mechanism would need to use a floor comprising the number of pupils in a no new housing scenario, and compare that with the number of pupils with the new housing, in order to work out how many additional pupils are being generated by the development. UoR's position on the mechanism is set out at 5.231 above.
- 11.40. **Schedule 3** would bind the Residential Development Area and the Local centre (Plan 2) and relates to Transport provision. The UU identifies the Strategic Transport Provision for the SM4 SDL and the AG SDL comprising the Park and Ride Scheme at MereOak, the ERR and improvements to the A327/A33. Based on costings for each of these elements (UR B32 page 16) and using a mid-point estimate in terms of the number of dwellings for the SDL a "roof tax" for each dwelling is calculated at £11,622.
- 11.41. Before the commencement of each tranche of 50 dwellings, the UoR covenants to pay into a designated account, the Strategic Transport Provision (STP) contribution times 50. The purposes of the account is to fund the design and construction of the ERR either by the UoR or WBC. The UoR covenants that, subject to WBC agreeing to use reasonable endeavours to secure STP contributions in respect of other SM4 SDL developments and developments outside the SDL and subject to the SoS comments on the issue between the UoR and AGLC regarding contributions (paragraphs 7.27, it will enter into a contract to construct Phase 1a of the ERR before the construction of 500 dwellings on the Shinfield West site. On commencement of the SIP or the occupation of dwellings on The Manor, the UoR covenants to pay into the STP account an amount calculated in accordance with Tables 1 and 2 contained in the agreed Joint Statement prepared by AGLC and the UoR and attached to the UU. The level of contribution is dependant on the view expressed by the SoS on the issue between AGLC and the UoR.
- 11.42. STP Contributions will be reduced pro-rata by the amount of any contribution to the ERR from developments outside the SM4 SDL. In respect of other developments the contribution will be adjusted in accordance with the relevant planning obligations. Following completion of the ERR if there is any money remaining in the account it will be released to WBC for use for transportation measures in the SDL.
- 11.43. The UoR undertakes to pay WBC by 31 December 2014 the sum of £140,000 as a contribution to the improvement works at Arborfield Cross.

- 11.44. SC46 provides for the submission and agreement of Public Transport Strategy (PTS) before the first occupation of the development. The PTS would be based on the Third Statement of Common Ground (CD19.8). As part of the UU, the UoR undertakes to pay to WBC the subsidies as and when required to secure the provision of the bus service set out in the PTS on the basis that the liability to pay does not endure for more than 10 years from occupation of the first dwelling and the aggregate amount shall not exceed £2m.
- 11.45. SC47 provides for the implementation of the development in accordance with a Residential Travel Plan (CD19.7). The UoR undertakes to pay the annual sum of engaging a Travel Plan Officer or any penalty payable under the Residential Travel Plan. The UoR covenants that once the footway/cycleway/bus link linking Shinfield to Hyde End Road is constructed it will permit the roadway to be used by pedestrians, cyclists and buses and dedicate the route as a public footpath and if requested dedicate the route for public transport use.
- 11.46. Whilst WBC acknowledges the principle of it using its best endeavours, there is no clarification of what this entails and there is concern that it would have to go back to the UoR every time other developments were being considered. This is regarded as an important covenant and WBC does not want its actions to be hindered by uncertainty. Notwithstanding the acceptance of using best endeavours, WBC's primary concern regarding the arrangements for providing the ERR through the SCs and the UU is based on a perceived lack of coordination between the various documents and this key piece of infrastructure (WBC A9). The particular concern essentially relates to the potential for failure to achieve sufficient funds and the resultant non-delivery of the ERR which in turn would hold up delivery of housing in the SM4 and AG SDLs (WBC A9). AGLC is concerned that the Joint Statement is not properly reflected in the UU, particularly relating to the concerns regarding the abatement issue.
- 11.47. Dealing with the issue of best endeavours, the UoR's submission was that it was for WBC to consider and determine what that constituted and that WBC was entitled to raise any contribution. In relation to WBC's other concerns, the UoR's response is contained within its case at paragraphs 5.168 to 5.172 and in the construction of the triggers in SCs 41 and 42.
- 11.48. **Schedule 4** would bind the Residential Development Area and the Strategic Greenspace as defined on Plan 2 and relates to open space. SC76 provides for the submission of a Strategic Greenspace Strategy. The UoR undertakes not to develop the area other than as permitted by the Strategy, to maintain and manage it in accordance with the Strategy and to make it available for public use without any limit on time. In addition the UoR covenants to transfer any parcel of land within the Residential Area along with funds to maintain those areas for up to 20 years. Moreover, if WBC requires the UoR to make available part of the Strategic Greenspace that is not required by the Shinfield West development for outdoor sports provision to meet the demands of other SDL developments it will do so for a payment of £25,000 per acre and the cost of laying it out and a sum proportionate to the cost of providing outdoor sports facilities.

- 11.49. WBC expressed concern that there was insufficient Greenspace for the SDL as a whole and until the UoR develops its land there was a potential stop on other developments. The UoR considers that any requirements for other developments could be made through discussions or dealt with through other Agreements/Undertakings relating to specific applications.
- 11.50. **Schedule 5** would bind the Residential Development Area, the Local Centre and the Ridge SANG as defined on Plan 2 and relates to SANG provision. The UoR undertaking provides that no dwelling would be occupied on the Shinfield West site until the Loddon SANG has been laid out and made available for the public and to maintain the Ridge SANG in accordance with a Management Strategy as required by SC74.
- 11.51. In relation to the TBH SPA, the basis of the UoR's case is that the SANG provision is sufficient on its own to mitigate any adverse impact and as such a SAMM contribution is not required. However, the UU provides that the UoR would pay SAMM contributions unless the SoS determines that such an obligation would not satisfy the Tests in Circular 05/2005 and CIL Regulation 122. The UoR submits that the inclusion of a conditional clause in a S106 UU is appropriate and submitted various examples where Inspectors and the SoS had considered this approach acceptable (UR10/7).
- 11.52. Similar to the S106 Agreement relating to the Loddon Sang, before the occupation of 838 dwellings a ring-fenced trust fund with a contingency sum of up to £526,500 to allow WBC to step in and take over maintenance of the SANG should the UoR fail to carry out the necessary works would be set up. IF WBC did step in, the contingency sum would be transferred to it. The UoR further covenants that if WBC requires the UoR to make available part of the Ridge SANG that is not required by the Shinfield West development for the purposes of SANG provision for other SDL developments it will do so for a payment of £25,000 per acre and the cost of laying it out and a sum proportionate to the cost of providing outdoor sports facilities.
- 11.53. **Schedule 6** would bind the Residential Development Area and the Local Centre as defined on Plan 2 and relates to community provision. This schedule contains 2 undertakings to provide contributions to the provision of a burial ground and a multi-use games area. Shinfield West would provide 56% of the SDL development and the sums are offered on a pro-rata basis. In addition, the UoR covenants to construct and make available a Community Building to provide accommodation for a library, police facilities and other community uses. On request the UoR would transfer the completed building along with sufficient land to enable the remainder of the building to be constructed to WBC or a local community body.
- 11.54. WBC expressed the concern that no provision is made for any shortfall should other developments not come forward and without the detail of how the sums offered were calculated it was difficult to assess the appropriateness of the sums offered. As regards the community building, there is no indication of coordination between developers and no means to deliver before the UoR site. Although there is a trigger of 200 dwellings, this relates only the UoR site and there is no link to the wider SDL.

- 11.55. **Schedule 7** contains an undertaking and a covenant not to develop the land south of Cutbush Lane for residential purposes until March 2026 unless WBC invites a planning application. **Schedule 8** contains provisions relating to the transfer of land and does not contain any planning obligations.

## 12. Conclusions and Recommendations

[The numbers in brackets refer to earlier paragraphs in this report or relevant documents.]

- 12.1. The section headings in bold italics identify what I consider to be the key matters to be addressed in dealing with the matters raised by the SoS and the putative reasons for refusal outstanding at the close of the Inquiry.  
  
***Whether, in the absence of comprehensive arrangements for the delivery of infrastructure, facilities and services, to allow the development would prejudice the objectives of development plan policy.***
- 12.2. RSS Policy CC7 and CS Policy CP4 require development to include the provision of adequate infrastructure. CS Policy CP4 indicates that planning permission will not be granted unless appropriate arrangements are agreed for the improvement or provision of infrastructure, services, community and other facilities required for the development taking account of the cumulative impact of schemes. CS Policy requires a co-ordinated approach in the SDL to the delivery of the necessary infrastructure facilities and services to meet the needs of the community; Appendix A7.14 to A7.28 sets out the broad infrastructure requirements. Infrastructure requirements for the SDL are enlarged on in the ID&C SPD (CD8.13A) and the SM4 SDL SPD (CD8.10A). The ID&C SPD identifies infrastructure as highways, transport, community buildings, schools, open space and SANGS.
- 12.3. CS Paragraph 3.19 states that before granting planning permission for the development of the SDL, WBC should ensure that, amongst other things, a Development Brief SPD, incorporating a masterplan for each SDL and an Infrastructure Delivery SPD incorporating a roof levy for the 4 SDLs have been adopted. Although WBC has adopted a SM4 SPD as a guide to future development, it does not contain detailed proposals nor does it contain a Masterplan (5.11). Whilst the ID&C SPD has been adopted and identifies necessary infrastructure and initial details of phasing and funding, it does not set out details of a roof levy.
- 12.4. To ensure delivery of the infrastructure requirements of Policy CP19 and Appendix 7, the ID&C SPD at paragraph 6.4 seeks either an overarching planning application or another relevant mechanism such as an overarching Infrastructure Delivery Plan (IDP). The ID&C SPD indicates that the best way of achieving delivery is through a legally constituted consortium able to show delivery of the entire required infrastructure. If there is no overarching planning application, WBC expects planning applications to be accompanied by an IDP and for S106 Agreements to reflect this approach. All SDLs need to show how all the components of the SDL will come forward in the CS plan period before planning permission will be developed. Any piecemeal planning application will need to demonstrate how it will provide for the infrastructure requirements for the delivery of the SDL as a whole.
- 12.5. Although adopted at the same time, October 2011, as the ID&C SPD, the SM4 SPD, in terms of delivery has some significant differences in that it

refers to an overarching infrastructure planning application or other relevant mechanism such as an IDP and an overarching Masterplan for the SDL is required. If there is no overarching application, WBC expects planning applications to be accompanied by an IDP for the SDL as a whole and S106 Agreements to reflect this approach.

- 12.6. At the time of the Inquiry, the UoR identified itself as part of the SM4 Consortium, which includes Taylor Wimpey and David Wilson Homes. Although these 3 either own or have control over most of the developable land within the SDL there was no legally constituted Consortium in place (UR10/2 Appendix E, IP8 & IP9). The SM4 Consortium was explained as a collaborative consortium set up in mid-2006 and who has instructed consultants to, amongst other things, prepare proposals for the SDL. The 3 parties have signed a Vision Document which represents their shared vision and overriding concept guide to be realised through a sequence of planning applications (UR1/2 Appendix 1). The Vision document contains the Consortium's IDP and correspondence indicates that the parties were progressing Heads of Terms to secure mutual obligations/contributions on a pro-rata basis to key infrastructure elements as identified in the IDP (IP8). When the Inquiry closed there was no confirmation that the legal arrangements relating to the Heads of Terms had been completed.
- 12.7. There is no overarching planning application or overarching infrastructure planning application for the whole of the SDL. Whilst the need for these applications is referred to in the ID&C and SM4 SPDs, the SPDs are not part of the development plan and they do not contain policy. Rather the SPDs are for guidance and there is no requirement in CS policies for such overarching applications or wide ranging planning obligations. In this context, I do not regard the references to planning obligations at CS Appendix A7.28 to relate to an SDL-wide obligation. The nature of much, of the necessary infrastructure includes engineering works associated with built development that requires to be designed in the context of the wider built scheme. In this context, I agree with the UoR that an overarching infrastructure planning application, on its own, is not practical or realistic (UR10/1 paragraph 4.9). Moreover, I have significant reservations as to the realism of an overarching planning application. As a simple matter of practicality, although the boundary of the SDL has been drawn to exclude the main settlements, the area still includes a multiplicity of individual ownership that would have to be included within the application. However, given that a requirement for such applications is not contained in the development plan and WBC accepts alternative approaches, the absence of these overarching applications is not a fatal omission.
- 12.8. An SDL Masterplan has been produced and included within the Vision document (UR1/2 Appendix 1 pages 16 & 17 & CD1.2). Apart from the scale of development to the west of Shinfield and land to the south of Cutbush Lane, the Masterplan is consistent with Figure 3.1 - Preferred Spatial Framework Plan (PSFP) in the SM4 SPD. The Vision also includes an IDP. However, this is not fully costed, neither does it apportion shares to the various development sites<sup>109</sup> nor is it the subject of a planning

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<sup>109</sup> Other than land north of Grazeley Road, which has planning permission and subject to a S106 Agreement?

obligation signed by the Consortium members (6.14). In this regard the applications are in conflict with the delivery requirements of the ID&C and SM4 SPDs.

- 12.9. I fully understand the concerns expressed by WBC regarding a coordinated and binding approach to the development of the SDL and what it perceives as the certainty that could give (6.2 to 6.5). Ideally, it would be preferable for there to be detailed and up to date costs for the various infrastructure, service, community and other facilities set out in an IPD which was accompanied by planning obligations committing landowners/developers to proportionate shares before the issue of any planning permissions. However, I have severe reservations regarding the practicality of such an approach, particularly as it appears to ignore the commercial reality of progressing large scale developments (5.99). Moreover, in common with my colleague who reported on the planning application at Shinfield Glebe (CD17.1 paragraph 11.16) this objective needs to be balanced against the need to make progress with development of the SDL. WBC refers to a large development site at Didcot as an example of its preferred approach (WBC1/1 paragraph 9.23 & CD20.10). However, it appears to me that there are significant material differences between that situation and the SM4 SDL. There, 3 lpas were involved and a substantial number of key landowners involved. Here, the UoR as the largest single landowner can provide for delivery. Moreover, as I read the information, Didcot was for a single large urban extension whereas the SM4 SDL is the extension of 3 distinct settlements with limited physical and functional linkages. Moreover, it is clear that seeking to rely on an overarching planning application and S106 Agreement resulted in a significant delay between a resolution to grant permission and completion of the Agreement and almost no delivery of housing in that period (5.107 & UR10/4 paragraphs R2.102 & 2.103). Accordingly, I attach little weight to that evidence
- 12.10. Reading and its environs are a regional focus for development (4.4). The CS Spatial Vision is to deliver the development necessary to sustain economic growth and the needs of the community. Given that most of the CS housing requirement is contained within the 4 SDLs it is unsurprising that the SOCG acknowledges that the early delivery of housing within the SDLs is critical to the CS housing trajectory (CD19.1). It is common ground that at 1 April 2011, WBC did not have a 5-year supply of available housing land (CD19.1A). There is nothing in the evidence to suggest that that position has improved. In this context, the need for the SM4 SDL to start to deliver houses is a factor that needs to be given significant weight. Moreover, paragraph 72 of PPS3 – Housing indicates that where there is less than 5-year supply of deliverable sites the decision maker should consider favourably planning applications for housing, having regard to, amongst other things, the spatial vision for the area and that does not undermine wider policy objectives.
- 12.11. In my view, the planning obligations submitted by the UoR and the suggested planning conditions accord with the objectives of RSS Policy CC7 and CS Policy CP4 in that they make arrangements for the Shinfield West development to meet its own requirements (UR B30, 31 & 32, 5.4 & 5.101). The scheme provides for the ERR and other highway/public transport improvements, a Local Centre, a supermarket, a primary school,

a community centre, significant areas of open space and SANGs and the delivery of the necessary utilities.

- 12.12. In this context, the key question to answer is, does it do so in a way that would not prejudice the bringing forward the rest of the SDL development sites. In my view such a test is consistent with the objectives set out in PPS3 referred to above. Moreover, this is a similar approach taken by the Inspector in a case at Plough Lane in the North Wokingham SDL (CD17.12). On this basis, it is necessary to look at the key elements of infrastructure in the ID&C SPD and to assess whether the UoR's proposals would prejudice wider delivery.

#### Eastern Relief Road and Transport

- 12.13. A key piece of infrastructure required to facilitate the delivery of the SM4 SDL and the AG SDL is the ERR (5.171 & 6.16). This is a significant piece of infrastructure, currently estimated at some £24.6m. Most of this cost relates to Phase 1a, the provision of a new road bridge over the M4 (UR2/2 Figure 15<sup>110</sup>). Phase 1b would link Phase 1a to the UoR SIP to be developed on land to the east. Phase 2 is the remainder of the ERR to Arborfield Road. The SIP and Phases 1a and b have planning permission. There is no requirement in the S106 Agreement relating to the SIP for it to contribute to the cost of this part of the ERR, rather the SIP is subject to a Grampian condition preventing occupation until the road is provided (CD2.1 paragraph 6.7). Other than land required to provide the M4 bridge and highway improvements, all the land required for construction of the ERR is owned by the UoR. This single land ownership is of key importance to delivery.
- 12.14. The UoR submit that through the combination of the UU (B32) and conditions, SCs 41 and 42, the ERR would be completely forward funded (5.3 & 5.171). WBC adopts the contrary position and submits that the UU and the conditions do not ensure delivery (6.15–6.22). One of WBC's concerns is that developers could stop their schemes before the triggers set out in the UU and SCs are achieved thus preventing it taking action. Moreover, WBC submits that it could not prevent development on other sites because the conditions only bite in relation to the Shinfield West site.
- 12.15. Whilst I have some sympathy with WBC's submission, it appears to me that even with an SDL wide planning obligation, there is just as much a risk that development may not start or stall. The obligation would provide the mechanism, but would not guarantee that development would start. Moreover, given that highway capacity exists to allow some development to commence before the ERR is required, I would anticipate such a planning obligation would also contain triggers to allow for that initial development phase. In this situation there would also be a risk of the development stalling before the triggers are reached.
- 12.16. The risk of the triggers not being achieved has to be balanced against the pressing need to deliver housing, particularly affordable housing and the situation that WBC has no alternative mechanism for delivering the road

<sup>110</sup> Figure 15 replaces Figure 6 in UR2/2.



(5.249). WBC is right in that the UU only contains a requirement to place a contract relating to Phase 1a. However, the UU refers to it as a contract to construct phase 1a, which is then linked to the dwelling trigger in SC 41 to have Phase 1a in place before the occupation of the 600<sup>th</sup> dwelling. Whilst there is no subsequent requirement in the UU regarding requirements to place contracts for Phases 1b and 2, it is here where the remaining triggers in the conditions bite. Moreover, as Phase 1a is the most expensive phase of the ERR, there will be a commercial imperative to bring forward the remaining phases of the ERR.

- 12.17. The levels at which the triggers are set were not materially challenged. Based on these and taking account of the suggested phasing arrangements contained in the Public Transport Strategy the ERR could be in place within 10 years of the development commencing and potentially sooner if WBC uses its role as planning authority to ensure contributions from other SDL developments, particularly non-consortium developments (CD19.8 page 8). Whilst the trigger mechanism in the UU and the conditions are in the main linked to development on the Shinfield West site, is one of the largest and arguably one of the most attractive development parcels within the SDL. Whilst it is impossible to say that there would never be a situation where development may stall, I consider the risk is small and is outweighed by the benefits from the development coming on-stream.
- 12.18. In addition to the ERR, the ID&C SPD identifies that improvements to highway capacity along the routes to Reading are part of the SDL infrastructure requirements. Based on figures provided by RBC, the UoR has entered into a S106 Agreement with it to pay £355,122 as a contribution towards public transport infrastructure improvements on the A327 corridor. Whilst no doubt other developments in the SDL might generate a need for further works on the routes to Reading, there is no reason why these cannot be negotiated on a site by site basis. I see no reason why these initial arrangements by the UOR results in any prejudice the delivery of the SDL arrangements.
- 12.19. In terms of transport, other requirements of the ID&C SPD relate to public transport improvements. WBC and the UoR provided a 3<sup>rd</sup> SOCG on transport matters (CD19.8) which includes a Public Transport Strategy providing for contributions towards the delivery of bus services, public transport infrastructure provision and upgrades and a financial contribution towards the delivery of a Park and Ride facility at Mere oak. SC 46 provides for a Public Transport Strategy, based on that contained in the 3<sup>rd</sup> SOCG, to be submitted to and agreed by WBC along with SCs 47, 48 and 49 relating to travel plans for the primary school, food store and the residential development. The UoR's UU provides for a Strategic Transport Provision contribution per household to be used for works which include the Mere oak Park and Ride. Given that Shinfield and Spencers Wood/Three Mile Cross are distinct areas, and the development provides for a potential public transport link between Shinfield and Spencers Wood, this approach provides for the needs of the development and would not prejudice bringing forward the rest of the SDL.
- 12.20. As part of the improvements to transport capacity the CS, at Policies CP18 and CP19 and Appendix A7.8, and the ID&C SPD refer to highway

improvements at Arborfield Cross. The potential solutions listed are junction improvements or a new route. However, in relation to the AG and SM4 SDLs, the ID&C SPD sets out what I consider to be an inconsistent approach. For the SM4 SDL, the implementation and funding of the works are ascribed solely to the developers of the SM4 and AG SDLs. For the AG SDL, the provider is listed as the developers and highway authority with off-site works to be developer funded by the AG and SM4 SDLs and implemented by the highway authority/developer.

- 12.21. Putative RfR 6 specifically refers to the absence of a delivery mechanism for an Arborfield Cross Relief Road. Notwithstanding the putative reason for refusal and the ID&C indicating that junction improvements are a potential solution, WBC did not present a policy or technical case to underpin the elevation of the relief road from a potential solution to requirement. Moreover, there is no designed route or agreed delivery mechanism and neither the UoR nor the AG SDL own any of the land required for a relief road.
- 12.22. The UoR and the AGLC acknowledge that both SDLs would have a traffic impact at Arborfield Cross and that it would be reasonable to contribute to a nil detriment solution (AGLC1/2 Appendices C & D). An assessment carried out by the AGLC demonstrates that a roundabout improvement scheme could be undertaken using highway land that would acceptably mitigate the impacts of the AG and SM4 SDLs. The UoR includes within the UU an undertaking to pay WBC the sum of £140,000 towards the cost of improvements to or other works to relieve the Arborfield Cross roundabout (UR B32 page 44). In this context, I consider there would be no prejudice to the wider delivery of the SDL.

#### Utilities

- 12.23. Notwithstanding WBC's requirement for an overarching utilities plan, WBC acknowledged that with each of the utilities, gas, water, foul drainage, electricity and telecoms there was no evidence of insurmountable problems relating to the development of the site (5.241). The utility companies in responding to a consultation on the planning application suggested the imposition of Grampian conditions. Moreover, the evidence produced by the UoR indicates that the approaches to the utility providers had been on an SDL wide basis and there was no indication of insurmountable problems relating to the remainder of the SDL (UR8/2).
- 12.24. In my view, the approach of requiring an overarching utility strategy linked to obligations needs to be tailored to the particular nature of the SDL. Here, one of the key points is that the SDL development areas are located within independent topographic areas and that whilst there is some cross linking, there is no common spine of utility provision (WBC4/1 paragraph 7.9, UR8/1 paragraphs 3.2-3.4). As a generalisation, Spencers Wood and Three Mile Cross connect at separate points along the network that lies to the east along Basingstoke Road and Shinfield takes its supplies of networks provided along Hollow Lane and Arborfield Road. Moreover, a requirement for an overarching strategy backed up by binding obligations needs to be tempered with the practice adopted by most utility companies that they will not respond with the level of detail required by such a strategy until

firm plans are in place (5.244). It is my experience that, at a minimum, a planning permission is required so as to give landowners, developers and the utility companies some confidence to generate funds to carry out the required works.

- 12.25. In terms of gas supplies and telecommunications, the available evidence does not highlight any constraint regarding supplies to the Shinfield West site or the wider SDL (UR8.1 paragraphs 2.10-2.19, WBC4/1 paragraphs 7.20.1 & 7.20.2). For drinking water, foul drainage and electricity it is acknowledged that improvements would need to be made. However, the requirement or improvements need to be viewed in light of the evidence of a lack of any insurmountable problem and the topographic independence of the sites. In this context, I consider the use of a Grampian condition would be appropriate.
- 12.26. SC 2 provides for the submission of an Interim Stage Phasing Master Plan for the site, which would include a utilities strategy for foul and surface water drainage, electricity, gas, water and telecoms with, where necessary, details of linkages to the rest of the SDL and any oversizing of infrastructure to provide those linkages. SCs 36 and 37 relate to a drainage strategy for each phase of the development and impact studies relating to water supplies and details of any measures required. Given the nature of the evidence regarding the lack of insurmountable problems regarding utilities, I consider that to grant permission for Shinfield West would not prejudice the delivery of the remainder of the SDL.
- 12.27. As to the appropriateness of using Grampian conditions, one of the tests is whether there is no prospect of the works being carried out. Having reviewed all the information provided by the various utility companies, I am confident that the necessary works could be carried out within a reasonable time. Having reviewed the submissions by WBC and in particular references to the Planning Inspectorate's advice contained in a Newsletter article (WBC A8) and the Arnold White appeal decision (UR B11<sup>111</sup>), I consider there is a fundamental difference between the condition referred to in the above appeal case and SCs 36 and 37.
- 12.28. SCs 36 and 37 differ fundamentally from the revised condition suggested by the Inspector in the above case, and considered by the SoS to refer to a "*scheme for the provision of various benefits*", which given the nature of the particular elements i.e. recreational, educational, transportation and community infrastructure would end up at the same place i.e. a planning obligation. In my view, that is not the same here. SC 36 requires a foul and surface water drainage strategy detailing the necessary works with no discharges until the works had been completed and SC 37 requires an impact study on existing water supplies, an indication of what additional capacity is required and the carrying out of works contained in the study. These conditions would not, in my view, require the developer to separately enter into a planning obligation. Rather, as with many conditions, they seek to ensure that the developer carries out the necessary works or commissions those works before commencing a

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<sup>111</sup> APP/N0220/A/60/2030809, 2030810, 2030811, 2030812 & 2030770

planning permission. Given that the nature of the works required in each condition are clear, I consider the SCs do not fail the test of precision.

#### Education

- 12.29. The ID&C and SM4 SPDs identify the requirement for 2 new primary schools within the SDL and contributions towards SENs and secondary school provision. The SM4 SPD shows the preferred location of the primary schools on land in the Shinfield West scheme and at Spencers Wood (CD8.10A Fig 3.1). Notwithstanding the concerns raised by the Governors of the Infant School and a suggestion that the school should be located to the east of Shinfield (10.30, 9.28, 5.215 & 5.216), the location of the school on the western edge of the development accords with the WBC's requirements as education authority (5.210).
- 12.30. I note WBC's concerns regarding the risk of other development outside Shinfield West coming forward first. Whilst it is a risk, it is, in my view, a very small risk. I have come away from the Inquiry with the clear impression that, of all the development sites within the SDL, Shinfield West is the most advanced and likely to come forward quickly. Moreover, SC 64 provides for the provision of the school before the occupation of the 150<sup>th</sup> dwelling or within 2 years of commencement of the development. In terms of the phasing of the development, this is early in the overall scheme.
- 12.31. I consider WBC's concerns regarding the UU and the reference to the school being reserved for the Manor site and Cutbush Lane sites are misplaced. As the obligation is in the form of UU, it does not place any requirement on WBC as a planning or education authority to reserve school places for a particular development. The key requirements regarding delivery are in SC 64, which makes no reference to any development having first call on the school places.
- 12.32. In terms of the SEN and secondary school place contributions although the UoR and WBC agree on the cost per pupil and those contributions would be paid on a phase by phase basis (5.237), they disagree on the methodology to estimate pupil yield. The UoR estimates that the development would generate some 98 additional pupils and the initial contribution offered would be some £2.6m whilst WBC estimates an additional 205 pupils and seeks a contribution of some £5.4m (5.220). The dispute on the scale of SEN contributions revolves around the same issue (5.240).
- 12.33. The position regarding the number of school places and the level of contribution required by the development is affected by uncertainty (5.237). The high degree of uncertainty introduced by reasonable concerns over the nature of WBC's figures (5.221-5.227 & 6.62), the nature and provision of a school at AG (7.8), reasonable doubt over the potential closure and relocation of the Emmbrook School (5.233), changes to school catchment areas (5.234) and the recent approval for a "Free School" using the site/buildings of a former WBC secondary school at Ryeish Green makes a conclusion on the scale of the necessary contributions very difficult.
- 12.34. In an attempt to deal with this uncertainty and to provide WBC with appropriate contributions, the UoR proposes a Review Mechanism (5.230-

5.231). The review would consider the total number of pupils on the roll in Wokingham Secondary Schools compared with the number that would be expected on the basis of the assumptions underlying the base level contribution. A similar approach would be adopted in relation to the SEN contribution. If it is found that there are more pupils on the roll than expected, then an Additional Secondary School Contribution would be paid. However, to ensure that WBC has funds to mitigate any early impact on secondary school demand, the UoR undertakes to pay a Secondary School Reserve Deposit of £300,000 before the occupation of 50 dwellings. This could be used by WBC to enable additional Secondary School places to be provided to meet the needs arising from the development in advance of the Additional Secondary School Contribution.

- 12.35. WBC agrees that, in principle, a review mechanism would be an acceptable method of calculating the necessary secondary school and SEN contributions. However, by the close of the Inquiry WBC and the UoR had been unable to produce an agreed review mechanism that would properly reflect the number of additional pupils. WBC's concern relates to the use of the Base School Population Figures. Although these are WBC's own figures and are included in the SOCG, WBC now considers them to be flawed (6.62). Whilst WBC raised its concerns about this approach it did not provide an alternative model that could be tested during the Inquiry.
- 12.36. In these circumstances, I have no basis on which to conclude that the Review Mechanism proposed by the UoR is unacceptably flawed and would result in an under payment of contributions towards secondary school and SEN places. Accordingly my conclusion is based on the best information I have available i.e. a Review Mechanism based on the Base School Population figures used by WBC. Thus, whilst there is the potential risk of underpayment, given the fluidity over school places, I assess the level of risk to be small and outweighed by the benefits from the development coming on-stream.
- 12.37. In terms of other features, the development would provide for a Local Centre and a Community Building. The position and scale of the Local Centre would be consistent with the SM4 SPD and link with existing facilities to the west of School Green. Detailed issues taken by WBC relating to design and layout, whether vehicular access through the Local Centre should be restricted to buses only and the position of the car parking are matters that could be dealt with as part of reserved matters applications and the Development Area Briefs provided for by SC 4.
- 12.38. As to the Community Building, WBC seeks the provision of a 1,000 sq. m facility (SCs 67, 68 & 69) to serve not only the needs of the development but also the wider SDL. This facility would house the various elements set out in the ID&C SPD including provision for the police. The UoR has covenanted to provide a building of 560 sq. m in accordance with details to be agreed in the Local Centre Development Brief, SC 4, and to transfer the building along with sufficient land to allow for the extension of the Community Building to WBC or a local community body. Moreover, given that the development of Shinfield West and the other sites within the SDL are to be phased up to 2026, the phased construction of the Community Building does not strike me as unreasonable. The core of the necessary

facilities would be provided early on in the development. There is no suggestion that 560 sq. m is insufficient to meet the needs of the Shinfield West development. With the remainder of the land reserved for the future expansion of the building, WBC has available to it through its development control functions the ability to ensure that remaining developments within the SDL contribute to its completion. The nature of the scheme proposed by the UoR would accord with CP4 and CP19 of the CS and does not, in my view, prejudice the development of the remainder of the SDL.

#### Conclusion on prejudice to the delivery of the SDL

- 12.39. Without an overarching planning application and an agreed IDP with related planning obligations the applications conflict with the ID&C and SM4 SPDS. However, these matters are not a requirement of the development plan. In all the key infrastructure areas, the UoR scheme provides the infrastructure necessary to meet the needs generated by the development. These elements would be delivered by way of appropriate conditions coupled with the S106 Agreements and UU. Whilst this approach does not match the ideal profile espoused by WBC and there may be some risks, I consider that the absence of a 5-year housing supply and the critical importance of the SDL to the provision of housing and affordable housing to meet the CS allocations outweigh any risk to the delivery of the SM4 SDL.
- 12.40. I consider the proposals would not conflict with the objectives of RSS Policy CC7 and CS Policies CP4 and CP19. In coming to this conclusion, I have had regard for 2 recent appeal decisions relating to development in the SM4 SDL (CD17.1 & CD17.2) and the North Wokingham SDL (CD17.12). Both appeals dealt with and failed on issues relating to the comprehensive delivery mechanisms sought by WBC. However, I consider the key and fundamental material difference is the scale of those developments compared to that proposed by the UoR and the ability to provide critical elements of infrastructure that will kick start delivery of much needed development in this SDL.

#### ***Does the Shinfield West application provide for sufficient separation between the 3 settlements of Shinfield, Spencers Wood and Three Mile Cross.***

- 12.41. One key CS objective is to maintain and enhance the separation and distinctiveness of settlements (5.50 & 6.27). CS Policy CP19 (5) requires the SM4 SDL development at Shinfield/Spencers Wood/Three Mile Cross to include measures to maintain settlement separation. The strategic objective for the site is to ensure the maintenance of meaningful open countryside between Shinfield and Spencers Wood and the former gap between Spencers Wood and Three Mile Cross in order to retain a sense of separation between settlements (6.27).
- 12.42. Two key objectives of the SM4 SPD are to retain distinctive villages by ensuring village extensions do not lead to or generate a sense of coalescence between settlements and retain rural character through maintaining an area of open land running north-south through the SDL. The SPD identifies a series of Key Design Principles to guide the design of the SDL. Design Principle 1a (iv) advises that, between the expanded

residential developments of Spencers Wood and Shinfield the open area should be a minimum of 500m and between Ryeish Green and Shinfield it should be a minimum of 350m. These distances are considered appropriate to allow for a mixture of formal and informal open space provision and continuing agricultural use. The area should be protected from development in perpetuity to ensure the ongoing distinction of the individual settlements. (CD8.10A page 40). It is important to note that there is no equivalent requirement to maintain a specified distance between Spencers Wood and Ryeish Green.

- 12.43. There is no dispute that the layout for Shinfield West does not meet the minimum distances referred to in the SPD. At its narrowest the gap between the western edge of the development and Ryeish Green and Spencers Wood would be 173m and 362m respectively (CD19.5 SOCG 3). However, distance alone does not result in a perception of separation or the maintenance of identity. A good local example of this is the gap between Three Mile Cross and Spencers Wood (CD19.5 SOCG 1). Here although the gap between the settlements is some 107m, locally they are perceived to be physically separate with their own unique identities.
- 12.44. At this stage, it is important to look at the genesis of the SM4 SPD and the nature of Ryeish Green. Notwithstanding what were referred to as "mixed views on the preferred location for residential development with some concern over too much development on land west of Shinfield", WBC issued a draft SM4 SPD for consultation (CD8.8). This contained a Spatial Framework Plan broadly coincident with the UoR's proposals and which had the support of WBC's consultants, its officers and Members. WBC accepted that there has been no change in planning policy or other material factual or other circumstances that would require a change in the professional judgement that there would be no conflict with the relevant CS policies CP11, CP19 and Appendix 7 (5.63). WBC acknowledged that the changes to the spatial framework as shown in the adopted SM4 SPD were purely a reaction to local consultation.
- 12.45. Dealing with the nature of Ryeish Green, it has to be remembered that the SM4 SPD is not policy and that the Preferred Spatial Framework Plan is illustrative and subject to ongoing refinement as part of the master planning process. As such settlement separation is to be cemented in accordance with CS Policy CP19. Whether the Consortium called Ryeish Green a "village" in a 2008 request for a scoping opinion or it shares a postcode with Spencers Wood is not relevant (6.29). What is of relevance is how the issue of settlement separation and the nature of Ryeish Green are treated in the development plan. CS Appendix A7.19 under Strategic Objectives refers to the maintenance of meaningful open countryside between Shinfield and Spencers Wood, and the former gap between Spencers Wood and Three Mile Cross, in order to retain a sense of separation. There is no mention of Ryeish Green nor is there an explanation of what is meant by meaningful countryside. At paragraph A7.20 criterion b indicates that open countryside should have minimal intervention to ensure its existing character is retained.
- 12.46. Relative to the scale and nature of Shinfield, Spencers Wood and Three Mile Cross, Ryeish Green is a small linear group of houses set within a

wider rural landscape that is largely influenced and framed by those existing settlements. Thus, in assessing what the development plan seeks to achieve and whether the UoR's proposal meets those objectives it is necessary to look at the impact of the development on the land to the east and west of Ryeish Green as a whole. Moreover, as part of the baseline for this assessment it is necessary to recognise, as does the SM4 SPD, that the most appropriate location for the location of sports pitches for this development and for the SDL as a whole is the this central belt of open land (CD8.10A paragraph 3.1.6). Moreover, formal and informal recreational provision in a rural context is not in principle an unacceptable land uses. As the Preferred Spatial Framework Plan indicates, school playing fields, and thus by definition playing fields in general, can help to maintain separation. In this context the assessment of the impact of development on the nature and extent of land uses between Shinfield provided by the UoR is, in my view, particularly telling (UR3/13). These tables indicate that within the totality of the gap between Shinfield and Spencers Wood there would be a balance of land-uses ranging through agriculture to formal recreation proposals. In this situation, I consider the proposals would not conflict with the objectives of the development plan

- 12.47. There is conflict in that in the area between the proposed development and Ryeish Green, other than for grazing as a management tool, agricultural use of the land would not be retained. However, I consider that WBC has not considered whether this stance is realistic. This development because of its scale is required to provide formal recreation provision in the form of sports pitches. Similarly the remainder of the SDL development will generate a need to provide sports pitches. Even if WBC is flexible and allows the dual use of school playing field there will still need to be some provision of playing fields. It is recognised that the central belt of open space is the most appropriate location for these facilities. I do not disagree with that conclusion. These features coupled with the need for The Ridge SANG and the SANG link reduce the amount of land that potentially would be available for agriculture.
- 12.48. The UoR's submission that it would be unrealistic to use the balance of the land for agriculture was not challenged by WBC nor did it bring evidence to indicate that agricultural use was realistic in these circumstances (5.85). In my view, the UoR's proposal to provide for unrestricted public access across the whole of the green space between Shinfield, Spencers Wood and Three Mile Cross would have considerably more benefit to existing and proposed residents than the retention of some agricultural uses, which, in my judgement, would amount to no more than a token presence.
- 12.49. In terms of intervisibility, there is little or no intervisibility between Shinfield and land to the west of Hyde End Lane because of existing mature planting around the houses at Ryeish Green and along Hyde End Lane. This contributes to the perception of separation and the maintenance of the separate identities of Shinfield and Spencers Wood. The area where intervisibility is obtained is from the existing edge of Shinfield and from the public footpaths on the eastern edge where they run eastwards from Hyde End Lane. Whilst the gap would be narrower under the UoR scheme in my view there would still be meaningful physical separation. Despite being relatively narrow, the perception of the function



of the existing gap between Spencers Wood and Three Mile Cross supports that conclusion. Moreover, I am in no doubt that with the advance planting envisaged by SC 77 and the extensive landscape works envisaged under the conditions relating to the laying out of the SANG, SC 73, and the Strategic Greenspace, SC 76, this would add to the perception of separation by maintaining the limited degree of intervisibility. In this context, I consider the road link across the greenspace from Shinfield to Spencers Wood, if properly, designed and landscaped would not reduce the perception of separation.

- 12.50. In light of the above, I conclude that the nature and scale of the scheme advanced by the UoR would provide for sufficient separation between Shinfield and Spencers Wood such that the objectives of CS Policy CP19 and Appendix A7 would be achieved in terms of maintaining separation of and identities of the settlements.

***Whether the Shinfield West proposal would be likely to have a significant effect alone, or in combination, on the TBH SPA.***

- 12.51. The relevant development plan policies are RSS Policy NRM6 (4.8-4.11) and CS Policy CP8 (4.18). Other relevant documents include the TBH Delivery Framework (4.30), the ID&C SPD (4.22), the SM4 SPD (CD8.10A) and Circular 06/2005.
- 12.52. The TBH SPA was designated in 2005 to protect and manage the ecological structure and function of the SPA so as to sustain the nationally important breeding populations of the Nightjar, Woodlark and Dartford Warbler (6). The CS Appropriate Assessment (AA) notes that all the SDLs are within 7km of the SPA and concludes that they are likely to have significant effects on the integrity of the SPA. The AA goes on to conclude that where residential schemes include avoidance and mitigation measures the likely significant effects of development will be addressed. The strategic and local approach to avoidance and mitigation as set out in the RSS, the CS the TBH DF and the ID&C SPD is that residential schemes deliver SANGS and contribute to Strategic Access Monitoring and Management; the SAMM project or the scheme provides a bespoke solution that is agreed with NE. SAMM is the coordinated provision by NE of SPA wide access management and monitoring. NE will agree bespoke schemes where it is satisfied that the proposals will avoid the likelihood of a significant effect on the SPA either alone or in combination with other plans or projects. In these circumstances, no AA will be necessary.
- 12.53. The DF has been endorsed by the TBH Joint Strategic Partnership Board in February 2009. However, the DF does not form part of the development plan and it is not to be used directly for development control purposes (CD15.5 paragraph 1.3). However, the DF provides an SPA wide agreed basis for policy formulation and Ips are enjoined to refer to the DF in the preparation of their Local Development Framework (LDF) and supporting documents. RSS Policy NRM6, adopted in May 2009, identifies that the mechanism for the policy is set out in the DF and indicating that its principles should be incorporated into LDFs. CS Policy CP8, adopted in January 2010, adopts these principles. In 2011, the 11 Councils within which the SPA is contained, Hampshire County Council and NE signed an

Agreement to collect contributions to fund the SAMM project (WBC5/2 Appendix 4 & UR 4/3 Appendix E8).

- 12.54. Although SANG is defined in the DF as *"alternative open space similar in character to the SPA provided to attract new residents away from the SPA"*, NE indicates that a SANG need not replicate the heathland habitats of the SPA. NE recognises that other habitats and recreational landscapes are capable of drawing potential visitors away from the SPA (CD15.6). Access management is defined as *"measures to limit damage caused by visitors to the SPA. These can include "soft" measures, such as education, wardening, or "hard" measures such as limiting car parking, pathways, etc"*. Monitoring is integral to the avoidance and mitigation approach.
- 12.55. Whilst NE will normally look for a combination of SANG and SAMM, it acknowledges that a bespoke solution may be agreed on the basis of a SANG only provision. For this solution, NE has to be convinced that the SANG is so effective that its avoidance effect does not need either access management or monitoring (WBC5/1 paragraph 2.18). RSS Paragraph 9.36 indicates that bespoke solutions will be assessed on their own merits (CD7.1 page 15). Moreover, the scenario where a development may be permitted on the basis of a SANG only provision is confirmed by the SM4 SPD. Design Principle 1c (vii) refers to the provision of SANG and goes on to indicate that *"regard should be had to the TBH's SAMM project, for which a planning contribution may be sought"* (CD8.10A).
- 12.56. Most of the Shinfield West site lies within the 5km SPA zone of influence and the remainder lies within the 7km zone (linear distance). To avoid a likely significant effect on the SPA, the UoR proposes a bespoke scheme of SANG provision, which it intends to retain ownership of, based on the laying out of the Loddon Sang (18.3ha), the Ridge Sang (11.7ha) and although not forming a part of the SANG provision linked by the Strategic Green Space and a SANG link (5.126). Loddon SANG would be laid out before the commencement of development at Shinfield West and no dwellings would be occupied until the area was available for public use (11.27). The Ridge SANG would be provided before the occupation of the 837<sup>th</sup> dwelling. Public access to the SANGS would have no limit on time. I agree with the UoR that how it intends to fund the management and maintenance of the SANGS is not a material consideration (5.125 & 5.126). The SANGS would be implemented, maintained and their effectiveness monitored in accordance with management plans agreed with WBC (SCs 73 & 74). Security regarding long term maintenance of the SANGs would be achieved by the setting up of a ring fenced contingency sum together with step-in rights for WBC, thus securing maintenance without limit of time (5.126). I consider the provisions made by the UoR through the SCs and the planning obligations fully address concerns regarding public access and management and maintenance in perpetuity (8.25 & 8.26, 10.17).
- 12.57. In terms of scale of SANG provision, there is a proposed modest over-provision of SANG in relation to the standards set in the CS and DF and they would be provided in accordance with the relevant guidelines to include the creation of recreational and other provision together with habitat enhancement and specifically to include continuing management and monitoring, together with ecological survey (5.129). Detailed issues

relating to management and maintenance are more appropriately dealt with as part of a management plan (5.130).

- 12.58. Notwithstanding the acceptability of the scale and design of the SANGS (UR4/1 paragraphs 3.42, 4.63 to 4.81), WBC, NE and the WT, submit that the payment of a SAMM contribution is necessary to ensure there would be no net effect on the SPA for the purposes of the Directive and as a consequence no conflict with development plan policy (6.63 & 8.3). In light of the above, the key matter to be addressed is, in the absence of a SAMM contribution whether, based on the evidence available, the SoS is able to conclude that the proposed SANGS would ensure that there was no net effect, alone or in combination, on the SPA (5.124 & 8.3). The WT express the test as *"no net increase would need to be achieved by the SANG not only absorbing most visits that would arise from new residents of the proposed scheme but also by attracting some existing SPA users to the SANG to counter-balance the new residents' recreational activity"* (8.3).
- 12.59. Notwithstanding the UoR's position that the proposed SANG provision is, on its own, sufficient to ensure that the Shinfield West development would have no net effect on the SPA, the Loddon SANG S106 Agreement and the Shinfield West UU contains an undertaking to pay the SAMM contribution unless the SoS in his decision letter determines that such an obligation is not necessary (5.127).
- 12.60. In terms of assessing whether there would be no net effect it is important to identify what the potential effect residential development at Shinfield West could have on the SPA. I agree with the UoR that, given the distance from the SPA to Shinfield West, the likely impact would come from general recreation use (5.128). These activities include walkers with and without dogs, off-road cycling and horse riding (UR4/1 paragraph 4.22). This conclusion relating to potential effect is supported by NE (UR4/3 Appendix D18 and my own extensive walk through and around Bramshill Plantation, one of the nearest parts of the SPA to Shinfield).
- 12.61. Similarly, in assessing whether there would be no net effect it is also important to consider what type of area the SANGs would provide and its recreation potential in relation to the main target groups. Given that the scheme is put forward as a bespoke scheme, the fact that the provision offered is largely based on the minimum standards set out in the DF and elsewhere is not, in my view, significant. I agree with the Inspector in the TRL decision that the scheme as, *"a bespoke solution ...falls to be assessed on a case by case basis rather than by reference to a particular standard... Issues of functionality, location and assessment of other mitigation measures remain of key importance"* (CD17.22).
- 12.62. In these cases, having walked both areas of the proposed SANGs before and during the Inquiry and having regard to the contents of the Design and Access Statements, the proposals particularly the Loddon SANG, would, in my view, provide highly attractive and convenient areas for general recreation particularly for walkers, especially those with dogs who appear to make up a significant proportion of users of the SPA at Bramshill Plantation (CD4/8). The SANGs would provide for extensive walks, where

dogs could be unleashed. The Ridge Sang would provide extensive panoramic views to the north and south. The Loddon SANG would provide a variety of habitats including pasture woodlands, flood plain hay meadow and alluvial pasture. Both would have car parks to allow access from the wider area and the Strategic Greenspace/SANG Link would provide and link between the 2 areas opening up the availability of extensive and attractive walks. For existing and prospective residents of Shinfield, Spencers Wood and Three Mile Cross and the catchment area of the SANG as defined by the DF, the SANG provision would be a major public open space asset and attraction.

- 12.63. In assessing the effect of the proposed SANGs in terms of avoidance, I consider it is unnecessary to discount any of the provision to take account of concerns about grazing, flooding or existing public access. Whilst there may be some who are deterred by the presence of grazing animals, grazing is a recognised and increasingly used feature in ecological management particularly using breeds that are more docile and tolerant (UR4/3 Appendices C3-C9). In any event whether and what areas are grazed by cattle are matters that are more appropriately dealt with by the management plan. In terms of flooding, the evidence suggests that the extent of flooding in the area of the proposed Loddon SANG is limited both in its extent and duration such that the impact on public access would not be so severe as to justify a discount (UR4/1 pages 85 & 86). In terms of public access, currently there is no access to the land that would make up the Loddon SANG and although public footpaths cross the land to the west of Shinfield there is no public access to the surrounding land.
- 12.64. It is acknowledged that there is limited empirical data on the use or effectiveness of SANGS (8.5, 8.10 & 10.21). Whilst I accept that the SAMM project is one way of determining the efficacy or otherwise of SANGs, it is not the only way, otherwise large strategic housing schemes with bespoke solutions could not even be considered. To suggest otherwise would, in my view, contradict the position acknowledged by NE and WBC and the content of RSS Policy NRM6 regarding bespoke schemes (5.149). Neither can it be right, given the limited data on the effectiveness of a SANG, to say that if SANG is provided and a SAMM contribution is paid the development can proceed because there will be no net effect on the SPA. This is particularly so where a developer actively seeks to provide evidence to show that the bespoke scheme would not have a net effect.
- 12.65. To seek to demonstrate that there would be no net effect the UoR has carried out a series of surveys at Bramshill Plantation and household surveys in the Shinfield, Spencers Wood and Tree Mile Cross area (UR4/1 pages 37 to 53). These surveys have been correlated with surveys, which were acknowledged as being robust, carried out previously on the SPA (5.133). WBC accepts that the UoR has carried out "*an extensive exercise of survey and statistics*" (6.68). The nature of the surveys and the questionnaires were supplied to and discussed with NE in 2008 and apart from what appears to be suggested enhancements there does not appear to have been concerns regarding the nature and extent of the proposed exercise (5.138, CD4.7). The construction, implementation and analysis of the surveys have been carried out by consultants in the field of ecological planning and consumer analysis. In light of this and from my reading of

the submitted material, I have no reason to conclude that the work undertaken and the conclusions of the analysis were not professionally rigorous (5.137 to 5.147). During the life of the application (UR4/1 pages 77 & 78) or for the Inquiry (5.133), neither NE nor WBC produced any technical criticism of the work or its results or produced alternative empirical evidence to dispute the UoR's findings that the development would have no net effect on the value of the SPA (5.147).

- 12.66. The essence of the criticism of the UoR's work is that the assumptions behind it were flawed, that the SANG would not be equivalent in attraction to the SPA in terms of scale or character and that human behaviour cannot be predicted. In my experience all surveys and their analysis, particular of what people will do if a piece of infrastructure that is not there is put in have to be based on assumptions. That is the nature of seeking to predict behaviour. In this case, there is nothing before me to lead me to the conclusion that the UoR's assumptions are flawed and invalidate the basis of its conclusions. Moreover, given the extensive contact the UoR had with NE and WBC during the life of these applications before the Inquiry, it is surprising that these concerns were not raised earlier. Human behaviour is not absolutely predictable, if it were there would be no need for surveys or projects such as SAMM to assess the impact of introducing SANGS. What has to be done is, as NE agreed (5.124), and what I consider has been done, is to assess the empirical information on a proportionate application of the precautionary principle (5.124 & 8.4).
- 12.67. Given that the SPA covers an area of some 8,725 ha and Bramshill Plantation has an area of some 278 ha it is unrealistic to expect that an equivalent area could be provided as a part of any new development. Indeed, NE recognises that a SANG need not replicate the SPA and that other habitats and recreational landscapes are capable of drawing potential visitors away from the SPA (CD15.6). Currently the area proposed for the Loddon SANG comprises a variety of habitats that are largely isolated from urban intrusion and it is a tranquil area. With the proposed works and where appropriate additional planting the very limited views of urban features would be screened out providing a substantial and attractive walk in a tranquil and ecologically rich and varied area (UR4/1 pages 17 to 22). The Ridge SANG would be landscaped and its ecological value enhanced (UR4/1 paragraph 3.45). It was clear from my visits to that area that the footpath crossing the area is popular with existing residents. Although it would retain views to the north of the urban area, the additional landscaping of the area as envisaged in the Design and Access Statement and the opening up of the surrounding area to public access and the ability for walkers and their dogs to roam freely across this area would provide a substantial and attractive walk. Whilst it would not be part of the SANG provision, the Strategic Greenspace and SANG link would further enhance the attractiveness and value of the SANGS as mitigation and avoidance measures.
- 12.68. The UoR does not suggest that the SANGS would prevent all visits from new residents of Shinfield West from visiting the SPA. However, given the significant usage of the Bramshill Plantation for walkers with and without dogs, the proposed SANGS would, in my view, attract a very substantial

element of existing and proposed users away from the SPA resulting in a no net effect. (This conclusion reflects the analysis provided by the UoR.)

- 12.69. I recognise that monitoring of the use of SANGS is very important to determine the effect of development on the SPA. An analysis of visitor trends will form part of the SAMM project and NE would wish this to be done on a strategic basis (UR4/3 Appendix C18 page 2, 2<sup>nd</sup> bullet point). Here, the UoR, as part of the management of the SANG, is proposing to monitor its use, which would indicate whether it was achieving the no net effect result predicted by the survey/analysis. Whilst I understand NE's preference that all monitoring should be carried out strategically, I consider if monitoring is carried out by the UoR to a common specification then it would legitimately form part of the overall monitoring of the SPA.
- 12.70. In light of the above, I consider that there is sufficient objective evidence to conclude that with the provision of the Loddon SANG and Ridge SANG that the proposed residential development at Shinfield West would have no net effect on the SPA. Similarly, if on its own the proposed SANGS result in no net effect then I consider there would be no reason to conclude that there would be an in-combination effect. This is on the basis that the avoidance measures proposed have mitigated the impact of the proposed scheme. On this basis it can be concluded that the risk or the probability of a risk of significant effect on the SPA can be excluded. In this context, I conclude that, notwithstanding the absence of a SAMM contribution, the proposed scheme would not conflict with the Habitats Directive. The conclusion that a SAMM contribution is not necessary in this case does not set a precedent (5.149, 10.3). The DF provides for such an assessment and outcome in relation to bespoke schemes. Any other development that was submitted on the basis of a non-payment of the SAMM contribution would have to demonstrate, as the UoR has done, with objective evidence that there would be no net effect on the SPA.
- 12.71. Notwithstanding my conclusion above, the proposal would not accord with RSS Policy NRM6 in that the measures proposed to avoid or mitigate any potential adverse effects on the SPA "*must be agreed with Natural England*". CS Policy CP8 does not include any equivalent requirement. In this case, because of the absence of a SAMM contribution, NE does not agree with the avoidance and mitigation measures proposed by the UoR. I recognise that, as the Government's statutory advisor on ecology issues, NE's advice should carry considerable weight. Clearly, this is the intention of RSS Policy NRM6.
- 12.72. Here, the position adopted by NE has to be tempered by its response to the UoR's bespoke scheme, in particular the response to the UoR's submission of survey and analysis work to demonstrate no net effect. Notwithstanding what appears to be NE's early agreement to the nature of the proposed surveys, the UoR's unchallenged submissions are that despite attempts to engage NE and WBC on the outcome of the surveys/analysis, no technical engagement was forthcoming. Thus, whilst RSS policy requires NE's approval to be given to bespoke schemes, given the lack of engagement with the UoR on this issue, I consider limited weight should be attached to its objection. Thus, notwithstanding NE's objection, I conclude

that the proposed Shinfield West scheme would not conflict with the objectives of RSS Policy NRM6 or CS Policy CP8.

***Impact on Local Roads.***

- 12.73. It is common ground between the UoR and WBC that at the end of the plan period with the ERR in place that the development of the SM4 and AG SDLs and the SIP would not have an adverse impact on the local highway network (5.178). I have no reason to disagree with that assessment.
- 12.74. The ERR would be phased as part of the SDL and the issue to be addressed is the impact of the development on the local network during this period. For the purposes of the assessment, WBC and the UoR assessed the effect of the development in 2017 on the Arborfield Road/Hollow Lane/Hyde Road and the Hollow Lane/Church Lane roundabouts based on the proposed alterations to the junctions as part of the planning application and pending construction of Phase 2 of the ERR (CD19.8 Appendices 18 & 19). The traffic forecasts are based on actual and demand flows as provided by WBC from the Wokingham Strategic Transport Model (WSTM).
- 12.75. In assessing impact, the UoR has used actual flows, which is the level of traffic flowing through a junction during a specific period. Demand flows are the level of traffic that wants to flow through a junction during a specific period but may be prevented from doing so by queuing at the approach to that junction. WBC considers this to be a more robust representation. In assessing whether a junction is under stress WBC adopts the position that RFC values should be 0.85 and below.
- 12.76. The RFC is an indicator of the likely performance of a junction under future traffic conditions. TA 23/81 Volume 6 Section 2 Chapter 6 indicates that an RFC ratio of 0.85 indicates that queuing would be avoided in 5 out of 6 cases. However, the achievement of an RFC of 0.85 is not an inflexible requirement and that higher or lower values may be adopted depending on the circumstances of the particular case i.e. a balanced assessment of the RFC values.
- 12.77. In many instances at 2017 using either actual or demand flows, the predicted RFCs are below 0.85 (5.179 & SOCG 19.8 Tables E & I). Using the demand flow method, at the Hollow Lane/Church Lane roundabout only the Hollow Lane North approach shows an RFC of 0.88 with a queue length of 7 vehicles in the p.m. peak (SOCG 19.8 Table I). At the Arborfield Road/Hollow Lane/Hyde Road using actual flows the RFCs of 0.86 and 0.90 are achieved on the Hollow Lane and Arborfield Road approaches in the a.m. peak with queue lengths of 6 and 8 vehicles respectively. Using demand flows in the a.m. peak the RFCs at the Hollow Lane and Arborfield Road approaches are 0.88 and 0.92 with queue lengths of 7 and 10 vehicles respectively and a RFC of 0.94 on the Hollow Lane approach with a queue length of 12 vehicles in the p.m. peak. A more detailed assessment of impact during the peak hours shows that the longer queues and delay are restricted to a relatively short duration between 0800 to 0830 hours in the a.m. peak at the Hollow Lane and Arborfield Road approaches and 1730 to 1800 hours in the p.m. peak on the Hollow Lane approach (SOCG 19.8 Tables H (a) & (b)).

- 12.78. Taking the demand flow scenario as the worst case, these impacts are, in my view, modest and would only occur for an interim period until Phase 2 of the ERR was completed. Moreover, the limited adverse impact is, in my view, outweighed by the absence of a 5-year supply of housing and the need to deliver development within the SDL. Whilst further junction improvements could increase capacity and reduce potential delay, given the modest and temporary nature of the impact, I consider further works would be disproportionate. In light of the above, I conclude that the proposed development at Shinfield West would not have an unacceptable impact on the local highway network.

***Flood Risk.***

- 12.79. In relation to the Shinfield West and Loddon Sang applications neither WBC nor the EA, subject to the imposition of conditions, maintain an objection of the grounds of flood risk (6.77, 11.10 & 11.22). I have no reason to disagree with those conclusions. SC 33 relating to measurement of flows within watercourses in and around the application site and the monitoring of groundwater levels would, in my view, meet the concerns raised by interested persons regarding flood risks away from the flood plain of the River Loddon (9.21).
- 12.80. With the Loddon Sang, to allow continuous public access, a path would need to be maintained above flood level. However, whilst the path would have to be raised, careful design and landscaping could ensure that during non-flood periods it would not be an obtrusive or alien feature (9.16). As to public safety, I am not aware that the area is subject to flash flooding and as such walkers would be aware that the area was flooded and if concerned could avoid the area. The extent of open space available for use i.e. High Copse Common, the SANG Link and the Ridge SANG would, in my view, provide adequate and alternative areas for walking during those times that parts of the Loddon SANG would be flooded. Moreover, those users who continued to use the area during flood events would be expected to exercise common sense and caution.
- 12.81. In light of the above, there is nothing in the evidence before the SoS to suggest that in terms of flood risk Appeals A and C would conflict with development plan or national planning policy.
- 12.82. The ERR lies at the edge of the flood plain for the River Loddon. Whilst the northern part of the ERR crosses an area identified as Flood Zone (FZ) 1 (low risk) and FZ 2 (medium risk), the southern part of the ERR crosses areas classified as FZ 3a (high risk) and FZ 3b (functional flood plain). PPS25 advises that in areas of risk of flooding preference should be given to locating development in FZ 1. If there are no reasonably available sites in FZ 1, the flood vulnerability of the proposed development can be taken into account in locating development in FZ 2 and the FZ 3: this is the Sequential Test (PPS25 paragraphs 16 and 17).
- 12.83. Both the EA and WBC accept that the ERR is Essential Infrastructure as defined by Table D2 in Annex D of PPS25 and its route and the proposed location within FZs 2 and 3 is the most appropriate thus meeting the Sequential Test. I have no reason to disagree with that assessment.



- 12.84. WBC's position is that the ERR and its link along Arborfield Road to Shinfield should be flood free in the extreme 1 in 100-year event, with climate change allowance. In terms of flood risk mitigation, although the elevated section of the ERR reduces the flood plain capacity the UoR does not propose a compensatory flood water storage scheme. What is proposed is to supplement the existing culverts under Arborfield Road to provide an additional flow capacity of some 12 sq. m providing a flow path for floodwater conveyance (5.191).
- 12.85. Tables D.1 and D.3 of Annex D to PPS25 provide an indication of appropriate uses within each FZ along with a description of the policy aim. In FZ 1 all uses are considered appropriate and in FZ 2, Essential Infrastructure is listed as appropriate. In both zones the policy objective is to seek opportunities to reduce the overall level of flood risk in the area, through the layout and form of the development. In FZ 3a Essential Infrastructure should only be permitted if the Exception Test is passed (Table D.2 of Annex D to PPS25). In FZ 3a, the policy aim is to reduce the overall level of flood risk in the area, through the layout and form of the development, to create space for flooding to occur by restoring functional flood plain and flood flow pathways and by identifying, allocating and safeguarding open space for flood storage. In FZ 3b Essential Infrastructure that has to be permitted is considered appropriate. In addition to passing the Exception Test the infrastructure should be designed to remain operational and safe during times of flood, result in no net loss of flood plain storage, not impede water flows and not increase flood risk elsewhere. The policy objective is to seek opportunities to reduce the overall level of flood risk in the area, through the layout and form of the development.
- 12.86. Paragraph D9 of Annex D to PPS25 indicates that for the Exception Test to be passed:
  - a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. If the DPD has reached the 'submission' stage – see Figure 4 of PPS12: Local Development Frameworks – the benefits of the development should contribute to the Core Strategy's Sustainability Appraisal;
  - b) the development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land; and
  - c) a Flood Risk Assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 12.87. For a proposal to avoid conflict with national policy in PPS25 all of the criteria contained in the Exception Test and that linked to Essential Infrastructure in FZ 3b have to be met. Although the ERR would be raised above flood levels and could operate safely, it would result in a net loss of flood plain storage. The UoR undertook a comprehensive assessment of the impact of the ERR with the proposed mitigation measures for 5 potential

flood events. These were, 1 in 1-year (the event occurring annually), 1 in 5-years (the event with a 20% chance occurring each year), 1 in 10-years (the event with a 10% chance occurring each year), 1 in 20-years (the event with a 5% chance occurring each year) and 1 in 100-years plus climate change (the event with a 1% chance occurring each year) and compared these to the baseline situation without the ERR or raised section of Arborfield Road. In the 1 in 1-year, 1 in 5-year, and 1 in 100-year plus climate change events there would be an increase in flooding, particularly on third-party land. Thus, taking a literal interpretation of the guidance in PPS25, the UoR acknowledges that in strict policy terms the scheme would be contrary to the policy set out in PPS25 (5.192, 6.75 & CD18.24).

- 12.88. However, I agree with the UoR's submission that the impact of the ERR on flooding events needs to be looked at "in the round". Indeed, the policy objectives linked to each of the FZ categories includes, "...opportunities: to reduce the *overall*<sup>112</sup> level of flood risk..." and criterion (c) of the Exception Test includes a reference to "...will reduce flood risk overall". Significant flooding events that have occurred elsewhere have increased the level of fear amongst those living close to rivers that are prone to flooding. However, these were extreme events where the level of probability of such event happening in any one year is low. In particular I am acutely aware of the concerns raised by the owner of No. 20 Arborfield Road (9.22-9.25). The 1 in 100-years event is one where there is a 1% chance occurring each year. These rarer events need to be balanced against the impact of events that take place on a statistically more frequent basis i.e. 1 in 5-years, 1 in 10-years, 1 in 20-years (5.193).
- 12.89. Looking at the results for each of the flood events, in nearly every instance the UoR's mitigation scheme would deliver a material benefit (5.194-5.199, CD18/24 Note J). In the 1 in 1-year event, there would be an overall reduction of 26,448 sq. m of upstream and downstream land flooded with an increase of 96 sq. m of third-party land flooded. In the 1 in 5-year event, there would be an overall reduction of 25,984 sq. m of upstream and downstream land flooded with an increase of 448 sq. m of third-party land flooded. In the 1 in 10-year and 1 in 20-year events, there would be overall reductions of 27,760 sq. m and 20,592 sq. m respectively of upstream and downstream land flooded with no impacts on third-party land. In the 1 in 100 year plus climate change event, whilst there would be an increase of 6,272 sq. m of land flooded and 3,200 sq. m of third-party land there would be significant decreases in the area of land flooded downstream, 26,304 sq. m in total and 3,312 sq. m of third party land (UR5/4 Note K Table Q100+CC). In the events where the probability of flooding is more significant, the increase in flooding of third-party land is modest and largely confined to the margins of agricultural areas that are already flooded or dry islands within flooded areas that are already inaccessible (5.207). Thus, the impact on the use of land would be minimal.
- 12.90. In terms of the impact on properties, in the 1 in 5-year event when flooding does occur on Arborfield Road, at Parrot Farm and the Magpie and

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<sup>112</sup> My emphasis.

Parrot Public House, the mitigation measures would result in the total removal of flooding at the Farm and Public House (5.196). Both these properties have a residential use and the outcome would be a significant improvement. In the 1 in 10-year event, there is total removal of flooding at Parrot Farm and a notable reduction in flooding at the Public House, together with a material reduction in the extent of flooding on Arborfield Road, which without the ERR and mitigation measures, is currently nearly 0.5m deep (5.197). In the 1 in 20-year event, there is also a material reduction in the extent of the flooding at the Public House and Arborfield Road remains passable. Currently there is flooding on Arborfield Road and at the occupied properties in the 1 in 20-year event, but again it is materially decreased and removed entirely from Parrot Farm (5.198). In the 1 in 100-year plus climate change event, the effect on Arborfield Road is neutral as the Parrot Farm and the Public House would remain affected by flooding (5.200). In relation to the concerns raised by the owner of No. 20 Arborfield Road, a specific solution has been designed and agreed with the EA, which would acceptably mitigate the risk to the property and its garden (UR5/5).

- 12.91. The UoR provided the Arborfield Road Overtopping and Flood Risk Note L (CD18/24 Appendix 3). WBC in submissions to the Inquiry continued to raise concerns, regarding overtopping (6.78). However, a letter from WBC's Community Resilience Manager in response to the UoR's Note L indicated that he is *"...satisfied that the potential flood risk to the area has been improved to a level which will satisfy my previous objections. The post development and mitigation measures if accurate will have a positive impact on the flooding that the area usually suffers from."* (WBC4/4). Moreover, whilst the note does indicate that in the more extreme event the road would continue to flood, the introduction of the additional culverts under Arborfield Road would reduce the duration of flooding and the amount of time the road would be potentially inaccessible to emergency vehicles (CD18/24 pages 19-21).
- 12.92. In light of the above, notwithstanding the conflict with the guidance contained in PPS25 and the consequent conflict with development plan policy, the ERR with the mitigation measures proposed would, overall, result in material benefits in terms of flood risk (5.201). Accordingly, these benefits should carry significant weight in the overall planning balance regarding the acceptability of these schemes.

### ***Density.***

- 12.93. CS paragraph A7.25 indicates that the average development density will be between 30 to 35 dwellings per hectare (dph) calculated in accordance with guidance contained in PPS3 at Annex B. PPS3 indicates that net dwelling density is calculated by including only those site areas which will be developed for housing and directly associated uses, including access roads, private garden space, car parking areas, incidental open space and landscaping and children's play areas, where these are provided. The UoR indicate that the average density would be some 35.7 dph and WBC submits that it would be in excess of 41 dph. The difference is largely down to the approach taken on green corridors and green squares, which, in some parts of the development, would include plays areas.

- 12.94. PPS3 does not provide a definition of the terms “incidental open space, landscaping and children’s play areas”. As to the scale of these particular elements, open space is the only one that has a qualification i.e. incidental, which are minor or secondary area of space designed as part of a detailed residential layout. The UoR’s Land Use Parameters Plan (SW07 Rev S) lists these areas as being included within the residential areas. For landscaping and children’s play areas there is no qualification in PPS3 in terms of scale (5.44). Moreover, in relation to function, PPS3 does not contain any qualification in relation to the function of landscape areas within a residential development.
- 12.95. Regarding the provision of children’s play space, WBC seeks provision in accordance with the Fields in Trust<sup>113</sup> standards. For large developments such as Shinfield West these require Neighbourhood Equipped Areas for Play with a minimum area of 100 sq. m and Local Equipped Areas for Play with a minimum area of 400 sq. m. Thus, although they are large areas, given the absence of a qualification on scale within PPS3, they fall squarely to be included as part of the residential areas for calculating density.
- 12.96. In my view the same approach has to be applied to the green corridors. Whilst as open areas they are more significant than incidental areas of open space it is clear that they provide a landscape function within the residential area and are clearly separate features from the Strategic Open Space. Thus, given the absence of any qualification in PPS3 in relation to size or function, I consider that, in this case, the proposed green corridors and green squares fall fairly to be included within the equation relating to net density.
- 12.97. In light of the above, I consider that the UoR’s calculation of density i.e. 35.7 dph is the more reasonable calculation consistent with PPS3 and despite being slightly over the top end of the scale would not materially conflict with the objectives of SM4 SPD and is not, on its own, a reason to refuse the grant of planning permission.

***Affordable and Specialist Housing.***

- 12.98. In relation to affordable housing there is a considerable measure of agreement between the UoR and WBC on the percentage of affordable housing in each phase, which achieves the minimum percentage sought in SDLs, ownership models, tenure split, standards of construction and the transfer provisions (CD8.22 Section 5, 5.108 & 6.47). SCs 14 and 15 and Schedule 1 of the UU provide for the transfer provisions. The outstanding issues relate to dwelling mix, the use of public subsidy and the nature of the specialist housing.
- 12.99. The issue relating to mix is, in my view, a very narrow point. The UoR and WBC have agreed the percentages for each size and type of dwelling in accord with the Affordable Housing SPD (5.110 & 6.49). Where the parties differ is expressing this in the relevant planning condition. To allow for flexibility throughout the life of the development the UoR suggest that the mix should be referred to as a target. On this matter, I agree with WBC

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<sup>113</sup> Formerly the National Playing Fields Association.

that the condition should seek to provide some certainty at the outset regarding the mix of dwellings (5.110 & 6.49-6.51). The necessary flexibility to cope with changing circumstances throughout the life of the development can be accommodated by a condition containing the proviso, "unless otherwise agreed in writing by the local planning authority".

- 12.100. On the issue of public subsidy, again I consider the matter to be very narrow and peripheral to the key issues surrounding these appeals. Whilst CS Policy CP5 does refer to public subsidy, WBC's Affordable Housing SPD assumes "that affordable housing will be delivered without recourse to public subsidy" which neither the SCs nor the UU provide for (CD8.22 Section 9, 6.52). Essentially, the UoR's position is that in the context of an outline planning application for a development that will be phased over more than a decade nothing should be ruled out (5.112).
- 12.101. Public subsidy for affordable housing comes via the Homes and Community Agency. However, as I understand it the provision of grants for the provision of affordable housing required as a direct consequence of a development is something that is highly unlikely. At this stage, there is no indication that the provision of affordable housing as part of the development is not viable. In any event the CS and the SC allows for this scenario subject to the developers demonstrating a lack of viability through an open-book appraisal system. Notwithstanding this situation, at some stage policy could change and public subsidy might become available for private developments such as this. In this context, I agree with the UoR that given the period over which the scheme is to be phased that as a matter of principle it is unreasonable to rule out access to such funds particularly if it becomes Government policy that such developments can access them (5.112).
- 12.102. As to specialist housing, the proposed development would provide 150 units of which 75 would be within Use Class C2 – Residential Institutions, which includes residential care and nursing homes. The other 75 sheltered housing would be within Use Class C3 – Dwelling Houses of which 35% would be provided as affordable homes (5.116 & 6.53). Based on data contained in the CS (CD8.1 paragraph 2.41 and the Strategy for Housing Older People (CD13.6) WBC submits that this housing should include a 60 unit extra care housing scheme and 3 fully wheelchair accessible 3-bedroom units for social rent (6.54).
- 12.103. On the evidence before me, in such a large development, the provision of private sheltered housing close to the Local Centre and existing community facilities at School Green and the provision of extra care housing both have considerable merit in meeting an increasing need in both sectors. It is recognised that the area around the proposed Local Centre is a suitable location to meets the needs of the elderly (UR10/1 paragraph 2.3.). In this context, although the UoR and WBC have issues over the exact nature of the provision, it is a matter of detail that could be dealt with in the context of agreeing the Design Brief for the Local Centre. SC 4a (iv) and (x) dealing with the Local Centre Design Brief provides for the housing mix in terms of density, size, type and tenure to be agreed. SC 63 provides for the 150 specialist units and sets parameters for occupation to ensure that it is available for those who require it. In this context, I conclude that the

outstanding issue around affordable and specialist housing are matters that would not preclude the granting of planning permission and can be dealt with by imposing relevant planning conditions.

***Design.***

- 12.104. Although appearance layout and scale are reserved matters, the Revised Design and Access Statement (CD2.6) and the Illustrative Layout Plans provide a significant amount of information on the potential form of the development. What is clear from the RDAS is the potential for the development to provide for a high quality design and layout that would be consistent with the general principles set out in the SM4 SPD. Although WBC takes issue with the suggested design solutions particularly, the Local Centre, the western edge and the nature of development along The Avenue, it recognises that these are detailed matters that could be dealt with by imposing planning conditions and through the submission of reserved matters (6.37). SCs 2, 3, 4 and 5 along with the reserved matters conditions, SCs 6, 7, 8 and 9 are a suite of comprehensive conditions that would ensure the delivery of a high quality and sustainable development.

***Biodiversity.***

- 12.105. Other concerns regarding the impact of the proposed Shinfield West development have been raised. These are the potential impact on skylarks, the need for contributions towards biodiversity mitigation and Country Parks and the impact on ancient woodlands.
- 12.106. WBC's Planning Advice Note (PAN), which is not a SPD nor is there any indication that it has been the subject of public consultation (5.152), indicates in relation to biodiversity that *"if there are no significant biodiversity improvements delivered as a result of the development a contribution... will be requested."* (CD8.29). The ID&C SPD only indicates that *"with regard to... biodiversity the Council will ensure there is no double counting."* (CD8.13A).
- 12.107. The UoR's assessment identified some impact on the skylark population that could be mitigated as part of the SANG proposals and through the provision of skylark plots off-site on land owned and managed by the UoR (5.151). I agree with the UoR and WT that with the imposition of an appropriate condition, SC 75, the development would not have an unacceptable impact on skylark populations. Moreover, having regard to the nature of the proposals for the enhancement of acid grasslands on the Ridge SANG (UR4/1 paragraph 3.45), the significant and ecologically varied proposals for the Loddon SANG (UR4/1 paragraphs 3.46 to 3.66) along with the provision of Strategic Greenspace and the SANG link these would amount to a significant enhancement of local biodiversity. In these circumstances, I consider that WBC's requirement for a financial contribution of £75,600 towards biodiversity is not supported by the evidence and is unnecessary. As such it fails the tests set out in Circular 05/2005 and CIL Regulation 122.
- 12.108. In relation to Country Parks, WBC seek a contribution of £469,000. The only reference to Country Parks in the ID&C SPD is *"the Council will ensure*

*there is no double counting with SANG provision".* WBC's evidence regarding the need for a contribution refers to a "*few more visitors to the Borough's Country Parks and Public Rights of Way*" and the potential for cumulative effects. There is no evidence to indicate whether WBC has carried out an assessment relating to the potential for double counting. Moreover, having regard to the requirements of Circular 05/2005 and the CIL Regulation 122, the assertions by WBC as to the likely number of visitors do not, in my view, amount to the evidence required to justify a contribution of £469,000.

- 12.109. The proposed scheme does not involve the removal of any woodland (UR4/1 paragraph 6.82). Moreover, SC 10 relating to the management of construction would ensure that existing woodland areas are protected.

***Access to land to the South of Cutbush Lane.***

- 12.110. Putative RfR No. 6 between the ERR relates to access to the land south of Cutbush Lane. In the first draft version of the SPD dated February 2010 this land was not identified for development. In the October 2010 and May 2011 draft SPDs the land was identified for residential development with the Preferred Spatial Framework Plan showing 2 potential vehicle accesses from the ERR. Paragraph 5a (iv) of both documents indicated that vehicular access *would be*<sup>114</sup> from Cutbush Lane and the ERR. The adopted SM4 SPD dated October 2011 continues to show land on the north-east edge of Shinfield and south of Cutbush Lane as being suitable for residential development. However, the Preferred Spatial Framework Plan shows only access from Cutbush Lane and paragraph 5a (iv) refers to potential access from the ERR.
- 12.111. Despite the changing emphasis in the draft and adopted SPDs, WBC confirmed that the potential for access from the ERR is, subject to detailed design considerations, regarded as desirable. Before the start of the Inquiry, the UoR provided WBC with a plan showing the potential for an access from the ERR to the land to the south of Cutbush Lane (UR15.5 & UR2/4 Appendix 18). The provision of such an access if and when it was required does not, in my view, require a fundamental amendment to the design of the ERR. Thus, the absence of such an access on the application drawing is not a reason to refuse planning permission.

***Thames Valley Police Requirements.***

- 12.112. CS paragraph A7.28 d (viii) under the heading Planning Obligations seeks the provision of necessary facilities, which includes "appropriate requirements for the emergency services". The ID&C SPD expands this identifying that the proposed community building could include a Neighbourhood Police Office. In addition, TVP seek a contribution from the UoR of £43,461 to cover, equipment, a vehicle and the training of one Police Officer and one Police Community Support Officer (9.1-9.3).
- 12.113. SC 4 a (xv) controlling the timing and provision of the community building includes the provision of not less than 35 sq. m for a Neighbourhood Police

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<sup>114</sup> My emphasis.

Office. As part of the UU, the UoR has included a covenant to provide a community building with accommodation for the police and if required transfer the community building to WBC, the SPC or a local community body. As a covenant, the proposed construction of the building and its transfer to the community is outside the scope of the Circular and CIL Regulations tests. However, the request by TVP is subject to all the key tests as set out in Circular 05/2005 and the CIL Regulations. These are that the contribution is necessary to make the development acceptable in planning terms, it is directly related to the proposed development, it is fairly and reasonably related in scale and kind to the proposed development and is reasonable in all other respects.

- 12.114. Under the heading of necessary to make the development acceptable, the representations submitted by the TVP says, "*There is no existing funding source to support this from central or local taxation.*" (IP7 paragraph 5.10). However, from the evidence presented to the Inquiry and not contradicted by TVP it would appear that the Police Grant formulae takes full account of population growth areas such as Shinfield West (UR B7). Given that the SM4 SDL and others within the WBC area are longstanding proposals of the development plan process the level of local population growth should have been accounted for in the budget for the TVP area and as such, in principle, there must be an existing funding source. In addition the prospective Council Tax revenue from both the residential and commercial developments within Shinfield West and the wider SDL provide a revenue source for the provision of a police service. The sum requested is provided as global figures and there is no indication of how they are arrived at in terms of the cost to TVP. In this context it is not possible to conclude whether they are fairly and reasonably related in scale and kind to the proposed development and are reasonable in all other respects. In light of the above, I consider the request for funding by the TVP fails the tests set out in Circular 5/2005 and CIL Regulation 122. The lack of a contribution does not justify the refusal of planning permission.

***Principle of Contributions and Apportionment Methodology relating to the ERR.***

- 12.115. There is a disagreement between the UoR and the AGLC relating to contributions towards the ERR. The dispute relates firstly, to whether the AG SDL should contribute towards Phases 1a and 1b of the ERR and, secondly whether those phases of the SIP beyond Phase 1, should contribute towards Phase 2 of the ERR; this is the rebate issue (7.18). Both the UoR and the AGLC signed a joint statement in connection with the apportionment of costs relating to the ERR (AGLC C4). To assist in future negotiations, both the UoR and the AGLC request that the SoS expresses a view on the principles of apportionment.
- 12.116. As I understand it, the Joint Statement is not a legal document and its contents cannot be enforced against either party. I indicated to both parties that I considered this matter to be beyond the remit of the Inquiry and was a matter for the UoR and the AGLC to settle amongst themselves. In coming to my conclusions on these proposals and my recommendations, I have not attached weight to the Joint Statement where it relates to the ERR. Moreover, should the SoS express a view on the apportionment of



costs I consider that view would not be binding on the UoR and the AGLC. The following is my consideration of the submissions made by the UoR and the AGLC to assist the SoS should he decide to express a view. WBC made no submissions on the Joint Statement or the issue of apportionment.

- 12.117. CS Policy CP19 (7) relating to the SM4 SDL refers to improvements to the highway capacity of the A327 (on routes to Reading and the NM3, including the ERR. CS paragraph A7.22 indicates that the above improvements could include a variety of measures such as an ERR. CS Policy CP18 relates to the AG SDL and although CP18 (7) refers to improvements to transport capacity along the A327 (to both the M3 and Reading) and routes towards Bracknell and Wokingham there is no specific reference to the ERR. Although CS paragraph A7.7a indicates that consideration should be given to ensuring strategic car movements from AG to the M3 and M4 are accommodated and avoid loading further traffic on existing routes through Shinfield again there is no specific reference to the ERR.
- 12.118. The ID&C SPD refers to the ERR in relation to both the SM4 and AG SDLs. However, in relation to the ERR, it appears to me that the ID&C SPD is internally inconsistent and gives a misleading impression of the relationship between the SIP and the ERR. For the SM4 SDL, the ERR is referred to as Developer funded as it will act as a distributor for the development. It goes on to say *"Phase 1<sup>115</sup> of the ERR to be provided as a part of the SIP application at Cutbush Lane, this already has consent. Phase 2 of the ERR will serve the development within the SDL"*. In relation to the AG SDL the ID&C SPD refers to a *"contribution to the ERR"* and goes on to say, *"Phase 1 of the ERR is consented in relation to the SIP and Phase 2 is required to access proposed development within the SM4 SDL"*.
- 12.119. Phases 1a and 1b of the ERR have planning permission as part of the SIP project. As I understand it, a condition of the SIP planning permission is that the M4 over bridge (Phase 1a) is to be available for use before the first occupation of any of the SIP units and that a S106 Agreement indicates that none of the SIP units would be occupied until Phases 1a and 1b are provided. Thus, the permission and the S106 Agreement do not require the road to be funded as part of the SIP scheme; rather the first phases of the ERR have to be in place before the SIP is occupied. This is a fundamental and important difference.
- 12.120. Highway Assessments carried out for the AGLC acknowledge that there would be cumulative traffic impacts from the SDLs/SIP development proposals on the Shinfield area and that it is reasonable that the AG SDL makes a proportionate contribution to the ERR (7.31, AGLC2/1 paragraph 5.1.2). However, the AGLC submits that that the contribution should be restricted to Phase 2 of the ERR i.e. that part of the road from the SIP roundabout to Arborfield Road.
- 12.121. The inconsistent references in the ID&C SPD and the implication that Phases 1a and 1B are to be provided by the SIP would appear to drive the AGLC's position on the apportionment of costs. My understanding is that the ERR in total is fundamental to ensuring the full delivery of the SM4 and

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<sup>115</sup> In the planning permission Phase 1 is the same as Phases 1a and 1b as shown on UR2/2 Fig 15

to a lesser extent the AG SDLs and it is therefore appropriate that both SDLs should make proportionate contributions. In my view, the SIP, which is located outside the SM4 SDL, makes no difference to that position, other than it also could make proportionate contributions towards the cost of the ERR. The CS at Policy CP16 refers to the development of the SIP being carried forward in 2 phases, some 20,000 sq.m in the period up to 2016 and the remainder up to some 55,000 sq. m would be completed by the end of the plan period in 2026. In my view, the SIP is conceived as one CS allocation. I consider that as one allocation the SIP should make proportionate contributions to the ERR. I consider contributions based on these principles would not conflict with the tests set out in Circular 05/2005 and CIL Regulation 122.

### ***Local Opposition.***

- 12.122. At this point it is appropriate to deal with the SPC's submission relating to "Localism" and local opposition. One of the key threads of the Localism Agenda is involving local communities in key decisions that affect them. The SPC's submission is that to grant planning permission for a development that would be contrary to local views would be difficult for the community to understand. The UoR considers that the public response to the first draft SPD was heavily influenced by misleading information, which said that the proposed settlement gap would be some 100 yards (5.61, UR10/2 Appendix H). WBC acknowledged that the information was a misrepresentation and the SPC considered the leaflet could have been worded better. However, what impact this approach had on the overall judgement of WBC to change the SPD is difficult to estimate. All I can conclude is that the initial consultation process was tainted by misrepresentation; that the first draft Spatial Framework Plan was broadly coincident with the UoR's proposals and had the support of WBC's consultants, its officers and Members and that there has been no change in planning policy or other material factual or other circumstances that would require a change in the professional judgement that there would be no conflict with the relevant CS policies CP11, CP19 and Appendix 7 (5.63).
- 12.123. What is, in my view, much more important is that the SM4 SPD is for guidance only and the Preferred Spatial Framework Plan is not a Masterplan. The notation attached to the plan says "*exact development areas to be agreed through ongoing discussions with the lpa*" and at paragraph 3.1.15 it says "*the accompanying illustrative... plan highlights the anticipated configuration... it will be subject to ongoing refinement as the master planning of the SDL progresses through the outline and reserved matters stages...*". I have concluded that the scale and location of development would not conflict with the objectives of the SPD in terms of its content, its potential to achieve a high quality of design and that it would provide a sufficient gap to maintain separation and identities of the Shinfield, Spencers Wood and Three Mile Cross. In these circumstances, local opposition is not, on its own, a reason to dismiss these appeals.

## Conditions

- 12.124. In these paragraphs the term SCs refer to the condition numbers in documents UR B26, B27 and B28. Annexes F, G and H contain the planning conditions that should be imposed if the applications are allowed. The emboldened numbers in square brackets refer to the relevant condition in the annexes.

### Appeal A – Shinfield West (UR B 26 & Annex F)

- 12.125. *SC1* identifies the relevant plans and accords with DCLG guidance which depend on the existence of a relevant condition which can be amended [**1**]. *SC1a* seeks to define the maximum proportions of the various land uses. I consider this condition is unnecessary given that an Interim Stage Phasing Master Plan, which would identify the proportion of the principal land uses, is to be submitted to and agreed with WBC under *SC2*, [**2**].
- 12.126. *SCs 2 to 6* relate to the submission of various matters prior to the submission of reserved matters. Agreement on these matters will set the scene for detailed submissions in relation to the key areas of development within the site in terms of phasing, Design Briefs and Design Codes [**2 to 6**]. Although these are highly detailed conditions and require a considerable amount of pre-reserved matters work, I consider they are reasonable and necessary to provide a context for subsequent reserved matters submissions and to achieve the objective and securing a high quality and sustainable development. In *Sc 4a*, I consider it appropriate to include reference to the scale of the community building in terms of provision to meet the needs of the Shinfield West development and to allow for its expansion *SC4a* (xv). The provision of land for expansion and careful initial design would not prejudice expansion. For the reasons I set out earlier, I consider *SCs 67, 68 and 69* are unnecessary.
- 12.127. *SCs 7 to 9* relate to the submission of the various reserved matters. For the later phases, it is reasonable and necessary to increase the timetable for reserved matters submission to allow for the phasing of what is a substantial development [**7 to 10**]. *SCs 10 to 13* are a suite of conditions necessary to mitigate the impact of the development during construction on the area, on existing residents and on wildlife [**11 to 14**]. *SCs 14 and 15* are necessary to make provision for the Affordable Housing required by the CS. In *Sc 14* (b), I consider the use of the words “unless otherwise agreed in writing by the local planning authority” rather than the use of a “target” would provide the appropriate level of flexibility [**15 & 16**].
- 12.128. *SCs 16 to 23* are reasonable and necessary to provide for landscaping, tree planting and the protection of existing landscape features [**17 to 24**]. *SCs 24 and 25* are reasonable and necessary to protect prospective residents from noise generated within the Local Centre and on parts of the site affected by existing high background noise events [**25 & 26**]. *SCs 26 to 28* are a suite of conditions reasonable and necessary to mitigate the impact of any potential ground contamination within the site [**27 to 29**]. *SC29* provides for the submission of an Environmental Management Plan necessary to preserve, enhance and create habitats [**30**]. *SC30* is necessary and reasonable to provide for an archaeological evaluation of each phase of

the development and a scheme for the preservation of any important remains and the recording/evaluation of finds of lesser importance [31].

- 12.129. SCs 31 to 37 are a suite of comprehensive conditions necessary to deal with foul and surface water drainage within the site, to mitigate the risk of the development on flooding and potable water supply [32 to 38]. SCs 36 and 37 are in a Grampian form as suggested by the Utility Companies. For the reason set out earlier, I consider the conditions are clear and precise.
- 12.130. SCs 38 to 52 are a suite of conditions reasonable and necessary relating to the provision of parking, access and movement within and outwith the proposed development. These provide for the agreement of a Parking Management Strategy, a Walking and Cycling Strategy, a Public Transport Strategy and Travel Plans relating to the residential, Primary School and food store elements of the developments [39 to 53].
- 12.131. SCs 53 to 56 are a suite of conditions reasonable and necessary to provide for sustainable design and construction [54 to 57]. These include a requirement to achieve the BREEAM "Very Good" certification or an equivalent, to provide for rainwater storage, recycling storage space and ducting for broadband services. SCs 57 to 62 are necessary to provide for controls over the scale of non-residential development, hours of operation/deliveries, external lighting and mitigating potential noise from delivery vehicles [58 to 63]. SC63 provides for the inclusion of 150 units of specialist housing within the development [64].
- 12.132. SCs 64 to 66 deal with the provision of the primary school and protecting the primary and infant school extension sites from development [65 to 67]. SCs 70 to 77 provide for reasonable and necessary control over the phasing, layout and provision of the outdoor sport, play areas, allotments, the SANG, the Strategic Greenspace, the provision of skylark plots and advance woodland planting on the western and eastern boundaries of the Strategic Greenspace [69 to 76]. SC 78 provides for the provision of fire hydrants or an alternative throughout the development [77]. In the interests of the appearance of the sensitive western edge of the development, SC 79 removes permitted development rights from those dwellings with a common boundary to the Strategic Greenspace [78].

#### Appeal B - Eastern Relief Road (UR B27 & Annex G)

- 12.133. SC1, given the scale and likely phasing of both the ERR and associated developments, is reasonable to increase the implementation time from 3 years to 5 years [1]. SC2 identifies the relevant plans and accords with guidance in DCLG's "Greater Flexibility for Planning Permissions" (November 2009) regarding applications for minor material amendments to planning permissions which depend on the existence of a relevant condition which can be amended [2].
- 12.134. SCs 3, 4, 5, 19, 20 and 21 are reasonable and necessary to deal with surface water drainage and the mitigation of potential flooding including addressing the concerns of the occupant of No. 20 Arborfield Road regarding potential flooding [3 to 8]. SC6 is necessary to provide for archaeological evaluations of each phase of the development [9].

- 12.135. SCs 7 to 14 are reasonable and necessary to control landscaping, tree planting and the protection of existing landscape features [10 to 17]. SCs 15 and 24, which relate to the submission of details of surface treatments of the road, pedestrian and cycleways and street lighting, are necessary in the interest of the appearance of the area [18 & 19].
- 12.136. SCs 16 to 18, 20 and 23 are necessary to control construction operations to protect noise sensitive properties from potential noise from such operations and the subsequent operation of the road and to provide mitigation of any impact on wildlife. These include the submission of a comprehensive Construction Environment Management Plan [20 to 24]. SC 25 is necessary to ensure that all buildings to be demolished are cleared from the site before commencement of the ERR [25].

#### Appeal C – Loddon SANG (UR B28 & Annex H)

- 12.137. SC1 is the standard 3-year commencement condition [1]. SC2 identifies the relevant plans and accords with DCLG guidance regarding applications for minor material amendments to planning permissions which depend on the existence of a relevant condition which can be amended [2].
- 12.138. SCs 3, 16 and 17 are necessary to ensure control over surface water drainage and the mitigation of potential flooding [3 to 5]. SC4 is necessary to ensure an archaeological evaluation of the site [6]. SCs 5 to 12 are a comprehensive suite of conditions based on the model conditions in Circular 11/95 – The Use of Conditions in Planning Permissions necessary to ensure appropriate landscaping, tree planting and the protection of existing landscape features [7 to 14].
- 12.139. SCs 13, 19, 20, 23 to 26 are necessary in the interest of the appearance of the area and to provide for details of the car park, its finish, vehicular access, the road crossing and lighting [15 to 21].
- 12.140. SCs 14 and 15 provide are necessary in the interests of residents living conditions and highway safety to control over hours and construction works and provision on-site facilities during construction [22 & 23]. SCs 21 and 22 are necessary to ensure that the development is carried out in accordance with the approved Loddon SANG Management Plan and the submission and agreement of an Environmental Management Plan relating to habitat creation/maintenance [24 & 25].
- 12.141. Where necessary and in the interest of precision and enforceability the conditions listed in Annexes F, G and H have been reworded.

### Section 106 Agreements and Unilateral Undertakings

- 12.142. Elsewhere in my conclusions, I have referred to the S106 Agreements and Undertakings. CIL Regulation 122 provides that it would be unlawful for a planning obligation to be taken into account in a planning decision if the obligation does not meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. In each of these cases, the undertakings are necessary, directly related to the development and fairly and reasonably related in scale and kind to the developments. I consider the submitted Agreements

and UU accord with the tests set out in Circular 05/2005 and CIL Regulation 122 and as such weight can be attached to their provisions.

## **Overall Conclusions**

- 12.143. Shinfield West, the ERR and the Loddon SANG are significant elements of the SM4 SDL, which is one of 4 key allocations in the CS. The CS housing delivery strategy anticipated the SM4 SDL delivering houses during the whole of the plan period of 2006 to 2026 with the bulk being delivered between 2011 and 2021. So far this objective has not been achieved. Moreover, WBC cannot demonstrate a 5-year deliverable housing supply. In this context and subject to the caveats expressed in paragraph 69 of PPS3, there is a presumption in favour of granting planning permission.
- 12.144. Whilst the CS requires a co-ordinated approach to development and provision of infrastructure within the SDLs, it does not, as a part of CS policy, require the overarching outline planning applications or IDPs set out in the ID&C and SM4 SPDs. In this case, the UoR has, in my view, demonstrated that, given the scale of its land ownership and commitment to key elements of the SM4 SDL, the developments it proposes would make a significant contribution to providing the strategic housing requirement including Affordable Housing in a manner that would be consistent with the objectives of CS policy and SM4 SPD guidance and provide impetus for the development of the remaining SDL sites in a manner that would not prejudice their delivery.
- 12.145. With the provision of the Ridge SANG and the Loddon SANG, both substantial areas of open space that have considerable potential for ecological enhancement and which would be linked by a significant area of open space, I have conclude that this bespoke provision would ensure no net effect on the TBH SPA. As such I consider the payment of a SAMM contribution is unnecessary. However, should the SoS disagree with my conclusion on this element of the schemes, the UU does include provision for the UoR to make provision for a contribution towards the SAMM project.
- 12.146. In terms of flood risk, although in strict terms, the ERR proposal would conflict with the policy set out in PPS25, the mitigation measures proposed would, overall, result in acknowledged material benefits in terms of flood risk and I attach substantial weight to these benefits.
- 12.147. Whilst the scale of the Shinfield West development would not be consistent with the SM4 SPD, I consider the proposed development would meet the key objectives of inclusive, sustainable and high quality development at a density consistent with the surrounding area without a materially adverse effect on the local highway network. Moreover, the development would achieve adequate separation between Shinfield, Spencers Wood and Three Mile Cross maintaining their separate identities.

## **Recommendations**

### **Appeal A – Shinfield West**

- 12.148. I recommend that the appeal be allowed and planning permission be granted subject to the conditions as set out in Annex F.

**Appeal B – Eastern Relief Road**

- 12.149. I recommend that the appeal be allowed and planning permission be granted subject to conditions as set out in Annex G.

**Appeal C – Loddon SANG**

- 12.150. I recommend that the appeal be allowed and planning permission be granted subject to conditions as set out in Annex H.

*George Baird*

INSPECTOR

## **ANNEX A**

### **APPEARANCES**

#### **FOR THE UOR**

Robin Purchas QC and Christopher Young of Counsel instructed by Blandy & Blandy Solicitors, 1 Friar Street, Reading, Berkshire RG1 1DA.

They called:

Clive Rand Dip TP, MRTPI, Dip LA, MLI.  
Partner, Barton Willmore LLP.

Michael Knowles BSc(Hons), CEng, Dip TP, ACGI, MICE, MCIHT.  
Consultant, RPS Group Plc.

Moira Hankinson BSc (Hons), Dip LD FLI.  
Principal Consultant, Hankinson Duckett Associates.

Philip Colebourn MA, MSc, MRTPI, MIEEM.  
Managing Director, Ecological Planning & Research Ltd.

Clive Onions BSc (Hons), CEng, MICE, MIStructE, MCIHT, MCIWEM.  
Consultant, RPS Group Plc.

David Parker MSc, BA (Hons), DMS, FCIH.  
Managing Director, Pioneer Property Services Limited.

Jan Kinsman CEng, MICE, BSc(Eng), AGCI.  
Associate Director, EFM Limited.

Leigh Abley IEng, MIED, MCIHT.  
Technical Director, RPS Planning and Development Limited.

John Short BSc (Est Man), FRICS.  
Partner, Haslams Chartered Surveyors LLP.

Ian Tant BSc (Hons), BTP, MRTPI.  
Senior Partner, Barton Willmore LLP.

#### **FOR WOKINGHAM BOROUGH COUNCIL**

Anthony Porten QC and Hugh Flanagan of Counsel instructed by the Director of Legal & Electoral Services, Wokingham Borough Council.

They called:

Robert Gillespie BA (Hons), MRTPI.  
Managing Director Impact Planning Services Limited.

Andy Glencross BTEC, HND.  
Countryside Officer, Wokingham Borough Council.



Joanne Cave BSc (Hons), DipUD, MAUD, MRTPI.  
Partner, David Lock Associates Ltd.

James Overall CMLI, BA (Hons), Dip LA.  
Landscape Architect, Ryder Landscape Consultants.

Clare Williams MEng, MSc, CEng, CENV, MCIWEM, C.WEM.  
Development and Flood Risk Technical Specialist, Environment Agency.

David Tyldesley Dip T&CP, Dip LD, FRTPI, MIEEM, FRSA.  
Principal, David Tyldesley Associates.

Brian Cafferkey BEng (Hons), MSc, CEng. MICE, MIEI, MCIWEM.  
Technical Director, WSP.

Lynn Basford BA (Hons), MA, MIHT, MRTPI.  
Director, JMP Consultants.

Carol Lovell Cert Housing, MCIH.  
Senior Strategy Officer, Wokingham Borough Council.

Dan Brockbank  
School Planning and Development Officer, Wokingham Borough Council.

#### **FOR ARBORFIELD GARRISON LANDOWNERS' CONSORTIUM**

Stephen Hollowood BSc (Hons), Dip TP, MRTPI, MB Eng.  
Senior Director, GVA.

Nick Secker BEng (Hons).  
Associate Director, AMEC.

#### **FOR THE BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST**

Matt Jackson BSc, MIEEM.  
Head of Conservation Policy and Strategy, BBOWT.

#### **INTERESTED PERSONS**

Mr Hughes, Chairman, Shinfield Parish Council.  
Mr R Hatton.  
Mr C P Young.  
Mr R Gulley.  
Mr C Waite.  
Mrs M Bisset.  
Chief Inspector Bunt, Area Commander, Wokingham Local Police Area.

## **ANNEX B**

### **SUBMITTED DOCUMENTS**

#### **WOKINGHAM BOROUGH COUNCIL**

- WBC A1 - Opening Statement.
- WBC A2 - Closing Submissions.
- WBC A3 - Letter 11 October 2011 - Putative Reasons for Refusal.
- WBC A4 - Letter 25 October 2011 – Putative Reasons for Refusal.
- WBC A5 - Bundle of emails between WBC & Mr Short.
- WBC A6 - Letter 7 November 2011 Clarification regarding Infrastructure Delivery Plans and South M4 SDL SPD.
- WBC A7 - Copy of Letter dated 23 September 2011 from Barton Willmore re Rule 6 status for the Keephatch Beech Landowners Group Consortium.
- WBC A8 - Planning Conditions and Obligations, PINs Newsletter, Issue 9.
- WBC A9 - Notes on provisions within the draft Shinfield West S106 UU.
- WBC A10 - Letter dated 7 November 20011 Trowers & Hamlin.  
With Draft Loddon SANG and ERR S106 Agreements.
- WBC A11 - Letter dated 21 October 2011 Comments on October draft S106 Obligation for Shinfield West.
- WBC A12 - Extract from Water Industry Act 1991 Part 4 Chapter 4 - S106s.
- WBC A13 - Judgement Barratt Homes Limited (Respondents) v DWR Cymru Cyfyngedig (Welsh Water) (UoRs).  
Michaelmas Term (2009) UKSC 13.
- WBC A14 - Suggested alternative and additional conditions.
- WBC A15 - Review of the putative reasons for refusal Letter dated 15 November 2011.

#### ***Mr Gillespie***

- WBC1/1 - Proof of Evidence.
- WBC1/2 - Appendices.
- WBC1/3 - Summary Proof of Evidence.
- WBC1/4 - Agreed note on Housing Numbers.

#### ***Mrs Cave***

- WBC2/1 - Proof of Evidence.
- WBC2/2 - Appendices.
- WBC2/3 - Summary Proof of Evidence.
- WBC2/4 - Rebuttal Proof of Evidence.
- WBC2/5 - Suggested encroachment into SPD area of separation.
- WBC2/6 - Extract and Plan re Option 1.

#### ***Mrs Williams***

- WBC3/1 - Proof of Evidence.
- WBC3/2 - Appendices.
- WBC3/3 - Summary Proof of Evidence.
- WBC3/4 - Rebuttal Proof of Evidence.

**Mr Cafferkey**

- WBC4/1 - Proof of Evidence.
- WBC4/2 - Appendices.
- WBC4/3 - Summary Proof of Evidence.
- WBC4/4 - Letter dated 10 October 2011 from Community Resilience Manager re Arborfield Road Flood Risk.

**Mr Tyldesley**

- WBC5/1 - Proof of Evidence.
- WBC5/2 - Appendices.
- WBC5/3 - Summary Proof of Evidence.
- WBC5/4 - Rebuttal Proof of Evidence.
- WBC5/5 - Appendices to the Rebuttal Proof of Evidence.

**Mr Glencross**

- WBC6/1 - Proof of Evidence.
- WBC6/2 - Appendices.
- WBC6/3 - Summary Proof of Evidence.
- WBC6/4 - Clarification on the calculation of ring-fenced contingency fund for SANG Maintenance.

**Mr Overall**

- WBC7/1 - Proof of Evidence.
- WBC7/2 - Appendices.
- WBC7/3 - Summary Proof of Evidence.
- WBC7/4 - Visual Representations of Wind Farms, Good Practice Guide, Scottish National Heritage, March 2006.
- WBC7/5 - Email dated 201 October 2011, additional ZVI vegetation information.
- WBC7/6 - Commentary on visualisations produced in Mrs Hankinson's Rebuttal Proof.
- WBC7/7 - Draft LVIA text paragraph 6.14 of CD11.8.
- WBC7/8 - Photograph & Photomontage in Landscape and Visual Impact Assessment, Landscape Advance Note 01/11.
- WBC7/9 - Contract Instruction Information.
- WBC7/10 - Updated Figures 1, 3 & 4 contained in the appendices (WBC7/2)

**Mr Brockbank**

- WBC8/1 - Proof of Evidence.
- WBC8/2 - Supplementary Note to the Proof of Evidence.

**Mrs Lovell**

- WBC9/1 - Proof of Evidence.
- WBC9/2 - Rebuttal Proof of Evidence.
- WBC9/3 - Thames Valley West Key Worker Housing Study 2006.

***Mrs Basford***

- WBC10/1 - Proof of Evidence.
- WBC10/2 - Appendices.
- WBC10/3 - Summary Proof of Evidence.
- WBC10/4 - Updated Proof of Evidence.
- WBC10/5 - Copy Appendix 14 WBC letter dated 11 October 2011  
Clarification of Putative Reasons for Refusal.
- WBC10/6 - Drawing JNY5683-258 Proposed ERR Possible  
Footway/Cycleway Provision on A327 Black Boy Public  
House.
- WBC10/7 - Bundle of Photographs & Key - Shinfield West.

**THE UNIVERSITY OF READING**

- UR B1 - Opening Statement.
- UR B2 - Closing Submissions.
- UR B3 - The Police Grant Report (England & Wales) 2011/2012.
- UR B4 - Thames Valley Police Authority – Financial Strategy.
- UR B5 - Draft Thames Valley Police Authority Summary Financial  
Statement 2010/2011.
- UR B6 - Thames Valley Police Authority, Revenue Budget & Capital  
Programme 2011/2012.
- UR B7 - UoR's response to Thames Valley Police Authority  
Statement dated 5 October 2011.
- UR B8 - Certified copy of S106 Agreement University of Reading and  
Reading Borough Council.
- UR B9 - Shinfield West, Thresholds for Phases 1 and 2 of the ERR  
(Draft).
- UR B10 - ODPM letter dated 25 November 2011 Circular 11/95: Use of Negative  
Conditions.
- UR B11 - Secretary of State Decision letter dated 5 December 2007  
APP/N0220/A/06/2030809, 2030810, 2030811, 2030812  
& 2030770.
- UR B12 - Secretary of State Interim Decision Letter dated 5 December 2007  
APP/N0220/A/06/2030809, 2030810, 2030811,  
2030812 & 2030770.
- UR B13 - Inspector's Report. APP/N0220/A/06/2030809, 2030810,  
2030811, 2030812 & 2030770.
- UR B14 - UoR's response to third party comments.
- UR B15 - Extract from the Water Industry Act 1991.
- UR B16 - Alternative Conditions 4 and 48 - Shinfield West.
- UR B17 - 1<sup>st</sup> Draft Conditions – Shinfield West.
- UR B18 - 1<sup>st</sup> Draft Conditions – Loddon SANG.
- UR B19 - 1<sup>st</sup> Draft Conditions – ERR.
- UR B20 - Bundle of Draft S106 Obligations 4 October 2011.
- UR B21 - Bundle of Draft S106 Undertakings 7 November 2011.
- UR B22 - Draft S106 Obligation Shinfield West.
- UR B23 - Shinfield West S106 Undertaking – Notes re CIL R22.
- UR B24 - ERR S106 Agreement – Notes re CIL R22.
- UR B25 - Loddon SANG S106 Agreement – Notes re CIL R22.

- UR B26 - Final Shinfield West Draft Planning Conditions (V11).
- UR B27 - Final ERR Draft Planning Conditions (V7).
- UR B28 - Final Loddon Sang Draft Planning Conditions (V6).
- UR B29 - Agree List of Plans and Documents.
- UR B30 - Certified Copy of S106 Agreement Shinfield Eastern Relief Road.
- UR B31 - Certified Copy of S106 Agreement Loddon Sang.
- UR B32 - Certified Copy S106 Undertaking Shinfield West.

### ***Mr Rand***

- UR1/1 - Proof of Evidence.
- UR1/2 - Appendices.
- UR1/3 - Summary Proof of Evidence.
- UR1/4 - Rebuttal Proof of Evidence.
- UR1/5 - Appendices to the Rebuttal Proof of Evidence.
- UR1/6 - Plan, SPD Compliant Concept DLA Land Use Capacity showing SDL boundary, Primary School Site and Transition Areas.
- UR1/7 - SPD Compliant Illustrative Layout showing Woodland and DLA development outside SPD Development Boundary.
- UR1/8 - SDL Development Areas and Dwelling Capacity.
- UR1/9 - Clarification and replacement of UR1/5 Appendix 5, SDL Development Areas Comparison.
- UR1/10 - Photograph of Mews Dwellings/Studio House Type.
- UR1/11 - Parcel Boundaries with Block Plan showing Housing Mix & Density.

### ***Mr Knowles***

- UR2/1 - Proof of Evidence.
- UR2/2 - Appendices Volume 2 Figures & Tables.
- UR2/3 - Appendices Volume 3A.
- UR2/4 - Appendices Volume 3B.
- UR2/5 - Summary Proof of Evidence.
- UR2/6 - Rebuttal Proof of Evidence.
- UR2/7 - Appendices to the Rebuttal Proof of Evidence.
- UR2/8 - Junction & Accesses – Determination of Size of Roundabouts & Major/Minor Junctions. DRMB TA/23/81.
- UR2/9 - Bundle of photographs.
- UR2/10 - Shinfield Infants & Nursery School, Autumn Term Dates for Parents.
- UR2/11 - Replacement Table 16 Rev A to UR2/7.

### ***Mrs Hankinson***

- UR3/1 - Proof of Evidence.
- UR3/2 - Appendices A to K.
- UR3/3 - Appendices L & M.
- UR3/4 - Summary Proof of Evidence.
- UR3/5 - Rebuttal Proof of Evidence.
- UR3/6 - Appendices to the Rebuttal Proof of Evidence.
- UR3/7 - Update on references and errata.
- UR3/8 - Update of Proof references to reflect Adopted SPD (CD8.10A).

- UR3/9 - Bundle of enlarged photomontage diagrams.
- UR3/10 - Section 3 along SOCG 362m line.
- UR3/11 - A3 copies of Appendices L & M.
- UR3/12 - Revised Figure 2 contained in Mr Overall's Appendices (WBC7/2).
- UR3/13 - Clarification of land use areas.

#### ***Mr Colebourn***

- UR4/1 - Proof of Evidence.
- UR4/2 - Maps.
- UR4/3 - Appendices.
- UR4/4 - Summary Proof of Evidence.
- UR4/5 - Rebuttal Proof of Evidence.
- UR4/6 - Appendices to the Rebuttal Proof of Evidence.
- UR4/7 - Bundle of documents – Survey of residents and visitors.
- UR4/8 - Visitor and Residents Surveys – Comparison Tables and Plans.
- UR4/9 - Shinfield West & Loddon SANG Supplementary Note on the 8% Method.
- UR4/10 - Letter dated 28 October 2011 – Sang Management Funding.

#### ***Mr Onions***

- UR5/1 - Proof of Evidence.
- UR5/2 - Appendices.
- UR5/3 - Summary Proof of Evidence.
- UR5/4 - Appendices to the Rebuttal Proof of Evidence.
- UR5/5 - Note M, Potential approach to concern raised re 20 Arborfield Road.

#### ***Mr Parker***

- UR6/1 - Proof of Evidence.
- UR6/2 - Appendices.
- UR6/3 - Summary Proof of Evidence.
- UR6/4 - Suggested conditions relating to Affordable Housing.

#### ***Mr Kinsman***

- UR7/1 - Proof of Evidence.
- UR7/2 - Appendices.
- UR7/3 - Summary Proof of Evidence
- UR7/4 - Rebuttal Proof of Evidence.
- UR7/5 - Alternative table re evidence of Mr Brockbank paragraph 5.4.
- UR7/6 - Email dated 7 September 2011.
- UR7/7 - Outstanding Education Matters.
- UR7/8 - Response to third party representations on education.
- UR7/9 - Alternative table re evidence of Mr Brockbank paragraph 5.4.

***Mr Abley***

- UR8/1 - Rebuttal Proof of Evidence.
- UR8/2 - Appendices to the Rebuttal Proof of Evidence.

***Mr Short***

- UR9/1 - Proof of Evidence.
- UR9/2 - Appendices.
- UR9/3 - Summary Proof of Evidence.
- UR9/4 - Rebuttal Proof of Evidence.
- UR9/5 - Appendices to the Rebuttal Proof of Evidence.

***Mr Tant***

- UR10/1 - Proof of Evidence.
- UR10/2 - Appendices.
- UR10/3 - Summary Proof of Evidence.
- UR10/4 - Rebuttal Proof of Evidence.
- UR10/5 - Appendices to the Rebuttal Proof of Evidence including amended Appendix G.
- UR10/6 - Note on contents of adopted South M4 SPD.
- UR10/7 - Note and Bundle of Decisions re Conditionality in S106 Obligations.

**THE ARBORFIELD GARRISON LANDOWNERS' CONSORTIUM**

- AGLC C1 - Opening Statement.
- AGLC C2 - Closing Submissions.
- AGLC C3 - Joint Statement AGLC & UoR re Secondary School Provision.
- AGLC C4 - Joint Statement AGLC & UoR re A327 Transport Improvements at Arborfield Cross and Shinfield Eastern Relief Road in connection with the redevelopment of South of the M4 and Arborfield Garrison SDLs.

***Mr Hollowood***

- AGLC1/1 - Proof of Evidence.
- AGLC1/2 - Appendices.
- AGLC1/3 - Summary Proof of Evidence.

***Mr Secker***

- AGLC2/1 - Rebuttal Proof of Evidence.
- AGLC2/2 - Appendices to the Rebuttal Proof of Evidence.

## **THE BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST.**

- WT1/1 - Opening Statement.
- WT1/2 - Proof of Evidence.
- WT1/3 - Appendices.
- WT1/4 - Summary Proof of Evidence.
- WT1/5 - Rebuttal Proof of Evidence.
- WT1/6 - Bramshill Plantation Management Plan.
- WT1/7 - Closing Submissions.

## **DOCUMENTS SUBMITTED BY INTERESTED PERSONS**

- IP1 - Supplementary Statement & Petition from Shinfield Parish Council.
- IP1A - Shinfield Parish Council – Clarification of adoption dates.
- IP2 - Statement by Mr C P Young.
- IP3 - Statement by Mr R Gulley.
- IP4 - Statement by Dr C Waite.
- IP5 - Statement by Mrs M Bisset.
- IP6 - Letter dated 18 October 2011 Reading BC re Highway Contributions.
- IP7 - Statement by Thames Valley Police.
- IP8 - Letter dated 1 November 2011 from Taylor Wimpey.
- IP9 - Letter dated 1 November 2011 from David Wilson Homes.
- IP10 - Letter dated 11 November from Taylor Wimpey.
- IP11 - Letter dated 14 November 2011 from David Wilson Homes.
- IP12 - Additional submissions by Mr Gulley re 20 Arborfield Road.



## ANNEX C

### Core Documents List

#### CD1 Common plans, illustration and maps

CD1.1	The South of M4 Illustrative Masterplan for the SDL (drawing SW25 Rev K)
CD1.2	The South of M4 Illustrative Masterplan for the SDL (drawing SW25 Rev L)

#### CD2 Shinfield West Planning Application Documents

CD2.1	Covering letter dated 1 <sup>st</sup> July 2010 from Barton Willmore LLP to WBC
CD2.2	Planning application form, ownership certificates and Agricultural Holdings Certificate
CD2.3	The Shinfield West Environmental Statement (Main Volume) dated June 2010
CD2.4	The Shinfield West Environmental Statement (Appendices) dated June 2010
CD2.5	The Shinfield West Environmental Statement Non-Technical Summary dated June 2010
CD2.6	The Shinfield West Design and Access Statement dated April 2011
CD2.7	The Shinfield West Planning Statement dated June 2010
CD2.8	The Shinfield West Sustainability Statement dated June 2010
CD2.9	The Shinfield West Summary of Conformity with the draft SM4 SDL SPD June 2010
CD2.10	The Shinfield West Statement of Community Engagement - Meeting Place Communications dated June 2010
CD2.11	The SDL and The Manor Thames Basin Heaths SPA Impact Avoidance and Mitigation Strategy EPR June 2010
CD2.12	The Shinfield West and Loddon SANG Addendum SANG report (October 2010)
CD2.13	The SDL Retail Impact Assessment dated June 2010
CD2.14	The SDL Energy Strategy prepared by Scott Wilson dated June 2010
CD2.15	The SDL Education Strategy prepared by EFM Ltd dated June 2010
CD2.16	The Shinfield West Confidential Badger Report dated July 2010
CD2.17	NO DOCUMENT
CD2.18	SW68 Rev B Shinfield West Application Site Boundary Plan
CD2.19	SW07 Rev S Parameter Plan - Land Use
CD2.20	SW08 Rev Q Parameter Plan - Density
CD2.21	SW09 Rev Q Parameter Plan - Building Heights
CD2.22	SW10 Rev S Parameter Plan - Access and Circulation
CD2.23	SW11 Rev S Parameter Plan - Landscaping and Open Space
CD2.24	SW12 Rev Q Parameter Plan - Max Dev Heights
CD2.25	SW20 Rev M Parameter Plan - Ground Modelling
CD2.26	JNY5683-19 Rev E Proposed Roundabout at Hollow Lane
CD2.27	JNY5683-95 Rev E Highway Improvement Proposed Priority Junction with Hyde End Road
CD2.28	JNY5683-102 Rev C Proposed Improvements to Church Lane and Access from Deardon Way
CD2.29	JNY5683-115 Rev B Pedestrian Crossings & Car Park SANG Hyde End Lane
CD2.30	300.58/20 Hedge Bank - No. 20 Arborfield Road
CD2.31	300.58/21 Hedge Bank Sections - No. 20 Arborfield Road
CD2.32	Application Masterplan (for illustrative purposes only (drawing number SW13 Rev M)
CD2.33	Illustrative Layout (drawing number 40 Rev K)
CD2.34	The Shinfield West Design and Access Statement dated June 2010

#### CD3 Eastern Relief Road Planning Application Documents

CD3.1	Covering letter dated 1 <sup>st</sup> July 2010 from Barton Willmore LLP to WBC
CD3.2	Planning application form, ownership certificates and Agricultural Holdings Certificate
CD3.3	The Eastern Relief Road Environmental Statement (Main Volume) dated June 2010
CD3.4	The Eastern Relief Road Environmental Statement (Appendices) dated June 2010
CD3.5	The ERR Environmental Statement Non-Technical Summary dated June 2010
CD3.6	The Eastern Relief Road Design and Access Statement prepared by RPS dated June 2010
CD3.7	The ERR Planning Statement prepared by Barton Willmore LLP dated June 2010
CD3.8	The ERR Statement of Community Engagement Meeting Place Communications June 2010
CD3.9	The Eastern Relief Road Confidential Badger Report dated July 2010
CD3.10	The revised Eastern Relief Road Flood Risk Assessment submitted on 25 <sup>th</sup> March 2011
CD3.11	JNY5683-166 Rev C Application Site Plan
CD3.12	JNY5683-88 Rev O Proposed Eastern Relief Road Scheme and Long Section
CD3.13	JNY5683-106 Rev - Proposed Eastern Relief Road Cross Sections
CD3.14	JNY5683-172 Rev - Proposed ERR Retaining Walls
CD3.15	300.55 / 12 Rev G HDA1: Landscape Scheme
CD3.16	300.55 / 18 Rev G HDA2: Landscape Planting - Northern Section
CD3.17	300.55 / 21 Rev E HDA3: Landscape Planting - Southern Section

CD3.18	TP-601 Demolition Plan
CD3.19	TP-602 Former stable building existing floor plans
CD3.20	TP-603 Former stable building proposed floor plans
CD3.21	TP-604 Former stable building existing elevations
CD3.22	TP-605 Former stable building proposed elevations
CD3.23	TP-606 Boundary Wall Plan and Details
CD3.24	TP-607 Access Road Boundary Condition
CD3.25	DG0001 D01 Shinfield Bridge General Arrangement (illustrative purposes only)
CD3.26	DG0002 D01 Shinfield Bridge Planning Drawing (illustrative purposes only)

**CD4 Loddon SANG Planning Application Documents**

CD4.1	Covering letter dated 1 <sup>st</sup> July 2010 from Barton Willmore LLP to WBC
CD4.2	Planning application form, ownership certificates and Agricultural Holdings Certificate
CD4.3	The Loddon SANG Design and Access Statement prepared by EPR dated June 2010
CD4.4	The Loddon SANG Planning Statement prepared by Barton Willmore LLP dated June 2010
CD4.5	The Loddon SANG Statement of Community Engagement prepared by Meeting Place Communications dated June 2010
CD4.6	The Loddon SANG Management Plan dated June 2010
CD4.7	The Shinfield West and Loddon SANG Addendum SANG report (October 2010)
CD4.8	The Loddon SANG Flood Risk Assessment submitted on 23 <sup>rd</sup> March 2011
CD4.9	SW46 Rev E Loddon SANGS Application Site
CD4.10	Map 6 Loddon SANG Masterplan
CD4.11	1223/8 Rev I Loddon SANGS Landscape Masterplan
CD4.12	1223/9 Rev H Loddon SANGS Landscape Masterplan: Main SANGS Area
CD4.13	1223/10 Rev A Loddon SANGS Landscape Masterplan: Planting Plan
CD4.14	JNY5683-103 Rev F Pedestrian Crossing and Parking Area for Hyde End Road SANG
CD4.15	300.62/11A HDA10: All Ability Route
CD4.16	300.62/12 HDA11: Barbed Post and Wire
CD4.17	300.62/13A HDA12: Post and Wire Fence
CD4.18	300.62/14 HDA13: Bridge (Plan)
CD4.19	300.62/15 HDA14: Bridge (Section)
CD4.20	300.62/16 HDA15: Single Beam Bridge
CD4.21	300.62/17 HDA16: Boardwalk
CD4.22	300.62/18 HDA17: Machinery/Livestock Gate
CD4.23	300.62/19 HDA18: Double Kissing Gate
CD4.24	300.62/20 HDA19: Single Kissing Gate
CD4.25	300.62/21 HDA20: Bench
CD4.26	300.62/22 HDA21: Directional Sign
CD4.27	JNY5683-156 Rev – A Tractor Bridge Loddon SANG
CD4.28	The Loddon SANG Delivery Mechanism Document (January 2011) sent to NE and WBC as part of the Loddon SANG application on 24 <sup>th</sup> January 2011

**CD5 Correspondence and Documents associated with each Application**

CD5.2	Infrastructure Delivery Plan Business Case
CD5.3	University of Reading Draft Unilateral Undertaking (dated March 2011)
CD5.4	Blandy & Blandy Letter to WBC enclosing draft Unilateral Undertaking 15th March 2011
CD5.5	Trowers & Hamblins Letter to Blandy & Blandy dated 8 July 2011
CD5.6	Blandy & Blandy Letter to Trowers & Hamblins dated 13 July 2011
CD5.7	Blandy & Blandy Letter to Trowers & Hamblins dated 5 August 2011
CD5.8	Trowers & Hamblins Letter to Blandy & Blandy dated 12 August 2011
CD5.9	Blandy & Blandy Letter to Trowers & Hamblins dated 17 August 2011
CD5.10	Sth of M4 Consortium Masterplan and Vision Document from Sept. 2008 and Nov. 2009 Exhibitions
CD5.11	Sth of M4 Consortium Community Responses to Proposed Housing Development at Shinfield, Spencers Wood and Three Mile Cross December 2008.
CD5.12	Barton Willmore Letter to WBC 20 July 2011 Land Ownership Details for SDL Area
CD5.13	Barton Willmore letter to WBC 23/03/11 revised plans and documents in association with the Shinfield West planning application

**CD6 National Planning Policies and Guidance**

CD6.1	PPS1 (Delivering Sustainable Development) 2005
CD6.2	Climate Change Supplement to PPS1 2007
CD6.3	Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010)
CD6.4	PPS3 (Housing) 2011
CD6.5	PPS4 (Planning for Sustainable Economic Growth) 2009
CD6.6	PPS5 (Planning for the Historic Environment) 2010
CD6.7	PPS7 (Sustainable Development in Rural Areas) 2004
CD6.8	PPS9 (Biodiversity & Geological Conservation) 2005
CD6.9	PPS10 (Planning for Sustainable Waste Management) 2011
CD6.10	PPG13 (Transport) 2010
CD6.11	PPG17 (Planning for Open Space Sport and Recreation) 2002
CD6.12	Assessing Needs and Opportunities: a Companion Guide to PPG17
CD6.13	Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment (2010)
CD6.14	PPS22 (Renewable Energy) 2004
CD6.15	PPS23 (Planning and Pollution Control) 2004
CD6.16	PPG24 (Planning and Noise) 1994
CD6.17	PPS25 (Development and Flood Risk) 2010
CD6.18	The draft National Planning Policy Framework (25 <sup>th</sup> July 2011)
CD6.19	Impact Assessment of the draft NPPF
CD6.20	Advice produced by the Planning Inspectorate for use by its Inspectors: National Planning Policy Framework Consultation Draft (revised guidance dated 30 <sup>th</sup> August 2011)
CD6.21	The Plan for Growth, HM Treasury/BIS (March 2011)
CD6.22	Written Ministerial Statement on 'Planning For Growth', Rt Hon Greg Clark, (23/3/11)
CD6.23	Local growth: realising every place's potential', HM Government (28th October 2010)
CD6.24	Community Infrastructure Levy An Overview, CLG (9th May 2011)
CD6.25	Circular 05/05: Planning Obligations (July 2005)
CD6.26	The Planning System: General Principles', 2004, ODPM <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/147396.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/147396.pdf</a>
CD6.27	Circular 11/95: The Use of Conditions in Planning Permissions (July 1995) <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/324923.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/324923.pdf</a>
CD6.28	CLG's guidance on Demonstrating a 5 Year Supply of Deliverable Sites
CD6.29	PPS12 (Local Spatial Planning) 2008
CD6.30	Guidance on Information Requirements and Validation (DCLG, March 2010)
CD6.31	Development Management Procedure Order (DMPO, 2010)

**CD7 The South East Plan**

CD7.1	The Regional Strategy for the South East of England: The South East Plan, GOSE, 2009
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**CD8 Wokingham Borough Council Local Planning Policies, Guidance and other relevant Documents**

CD8.1	Adopted WBC Core Strategy (January 2010)
CD8.2	WBC Adopted Core Strategy Development Plan Document Changes to the Proposals Map arising from the Adopted Core Strategy (Adopted 29th January 2010)
CD8.3	Wokingham Borough Core Spatial Strategy: Inspector's Report (October 2009)
CD8.4	Wokingham Borough Submission Core Strategy (August 2008)
CD8.5	Alternatives for the Draft Core Strategy (November 2005)
CD8.6	Wokingham Borough Local Plan (adopted March 2004)
CD8.7	Wokingham Borough Local Plan Inquiry: Inspector's Report (June 2000)
CD8.8	South of M4 Strategic Development Location SPD Draft (February 2010)
CD8.9	South of M4 Strategic Development Location SPD Draft (October 2010)
CD8.10	South of M4 Strategic Development Location SPD Draft (May 2011)
CD8.10A	South of M4 Strategic Development Location SPD Adopted (October 2011)
CD8.11	The draft Infrastructure Delivery and Contributions SPD (February 2010)
CD8.12	The adopted Infrastructure Delivery and Contributions SPD (October 2010)
CD8.13	The draft Infrastructure Delivery and Contributions SPD (May 2011)
CD8.13A	Infrastructure Delivery and Contributions SPD (Adopted October 2011)
CD8.14	SM4 SDL Consultation February to March 2010 - Summary of main issues raised in consultation and Council <a href="http://www.wokingham.gov.uk/planningcontrol/planning/masterplanning/sdls/sdlconsultation/?assetdet3426913=186422&amp;categoryesct13590063=2831&amp;p=3">http://www.wokingham.gov.uk/planningcontrol/planning/masterplanning/sdls/sdlconsultation/?assetdet3426913=186422&amp;categoryesct13590063=2831&amp;p=3</a>
CD8.15	SM4 Track change versions of SPD's June 2011 compared with October 2010 <a href="http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186417&amp;categoryesct13590063=2831&amp;p=2">http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186417&amp;categoryesct13590063=2831&amp;p=2</a>
CD8.16	Statement of Consultation in Respect of (1) Consultation Supplementary Planning Documents for

	the following: Arborfield Garrison SPD; South of the M4 Motorway SPD; North Wokingham SPD; South Wokingham SPD; Infrastructure Delivery and Contributions SPD (2) Consultation Sustainability Appraisal incorporating a Strategic Environment Assessment (SEA) for the five Supplementary Planning Documents <a href="http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186408&amp;categoryesct13590063=2831&amp;p=2">http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186408&amp;categoryesct13590063=2831&amp;p=2</a>
CD8.17	South of M4 Consultation Analysis - Statutory Consultation November to December 2010 <a href="http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186416&amp;categoryesct13590063=2831&amp;p=2">http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186416&amp;categoryesct13590063=2831&amp;p=2</a>
CD8.18	Draft Habitat Regulations Assessment for the SDLs June 2011 <a href="http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186366&amp;categoryesct13590063=2831&amp;p=1">http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186366&amp;categoryesct13590063=2831&amp;p=1</a>
CD8.19	Sustainability Appraisal (incorporating Strategic Environmental Assessment) Consultation Document June 2011 <a href="http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186369&amp;categoryesct13590063=2831&amp;p=1">http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186369&amp;categoryesct13590063=2831&amp;p=1</a>
CD8.20	NO DOCUMENT
CD8.21	Sustainability Appraisal (incorporating Strategic Environmental Assessment) Consultation Non Technical Summary June 2011 <a href="http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186369&amp;categoryesct13590063=2831&amp;p=1">http://www.wokingham.gov.uk/council/news-and-events/latest-news/sdlconsultation/?assetdet3426913=186369&amp;categoryesct13590063=2831&amp;p=1</a>
CD8.22	Wokingham Borough Affordable Housing Supplementary Planning Document (June 2011)
CD8.23	Wokingham Draft options for the 'Managing Development Delivery' Development Plan Document (June 2011)
CD8.24	Wokingham Borough Design SPD (February 2010)
CD8.25	Concept Statements and Concept Plans for Strategic Development Locations at Wokingham, David Lock Associates (August 2008)
CD8.26	Summary Note of Issues Raised by Participants in the Wokingham Strategic Development Locations Community Workshops 19th and 20th June, David Lock Associates (2009)
CD8.27	Sustainability Appraisal of the Development Briefs (Masterplans) Supplementary Planning Documents (SPDs) for the Four Strategic Development Locations and the Infrastructure Delivery Schedule SPD, WBC (January 2010)
CD8.28	Sustainable Design and Construction Supplementary Planning Document and Companion Document Adopted 28 May 2010
CD8.29	Planning Advice Note: Infrastructure Impact Mitigation Contributions for New Development (Wokingham Borough Council, Revised November 2010)
CD8.30	Report to WBC's Executive on 2 June 2011 recommending the adoption of the Affordable Housing SPD
CD8.31	NO DOCUMENT
CD8.32	South of M4 Consortium's Statement to session 4 of the CS EIP
CD8.33	South of M4 Consortium's Statement to session 14 of the CS EIP
CD8.34	Wokingham Borough Council's Statement to session 4 of the CS EIP
CD8.35	South of M4 Consortium's Statement to session 7 of the CS EIP
CD8.36	Development Viability appraisal by Haslams submitted by Consortium to CS EIP APPENDIX TO CD8.32
CD8.37	Report to WBC's Extraordinary Planning Committee on 6th July 2011
CD8.38	Minutes of WBC's Extraordinary Planning Committee on 6th July 2011
CD8.39	Consultation on the Initial Sustainability Appraisal (incorporating a Strategic Environmental Assessment) following consultation on the draft Options for the MDD DPD <a href="http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/managingdevelopmentdelivery/mdd-options-initial-sa/">http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/managingdevelopmentdelivery/mdd-options-initial-sa/</a>
CD8.40	WBC Housing Options Advice, GL Hearn, October 2010 <a href="http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/housing/">http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/housing/</a>
CD8.41	The SM4 Consortium's representations to the February 2010 draft South of the M4 SDL SPD
CD8.42	The SM4 Consortium's representations to the October 2010 draft South of the M4 SDL SPD
CD8.43	The SM4 Consortium's representations to the February 2010 draft Infrastructure Delivery and Contributions SPD
CD8.44	The South of M4 Consortium's representations to the May 2011 draft South of the M4 SDL SPD
CD8.45	The SM4 Consortium's representations to the May 2011 draft Infrastructure Delivery and Contributions SPD
CD8.46	Statement of Common Ground between the South of M4 Consortium and Wokingham Borough Council in relation to Retail and Town Centre Issues for Session 10 of Core Strategy Examination in Public
CD8.47	Statement of Common Ground between the South of M4 Consortium and Wokingham Borough Council in relation to Core Strategy Policy CP20: South of M4 SDL Including Appendix 7: Concept Statement of Core Strategy Examination in Public
CD8.48	The South of M4 Consortium's representations to the Draft options for the 'Managing Development Delivery' Development Plan Document
CD8.49	Wokingham Statement of Consultation on draft Affordable Housing SPD, May 2011 <a href="http://www.wokingham.gov.uk/EasysiteWeb/getresource.axd?AssetID=187582&amp;type=full&amp;servic">http://www.wokingham.gov.uk/EasysiteWeb/getresource.axd?AssetID=187582&amp;type=full&amp;servic</a>

	etype=Attachment`
CD8.50	The South of the M4 Consortium's Statement to session 3 of the Core Strategy Examination in Public
CD8.51	WBC's Statement to session 3 of the Core Strategy Examination in Public
CD8.52	The South of the M4 Consortium's Statement to session 8 of the CS EIP
CD8.53	WBC's Statement to session 8 of the CS EIP (including Updated Briefing Note April 2009)
CD8.54	The South of the M4 Consortium's Statement to session 9 of the CS EIP
CD8.55	WBC's Statement to session 9 of the CS EIP
CD8.56	WBC's Statement to session 7 of the CS EIP
CD8.57	WBC SHLAA: Summary Results on Housing Land Supply (September 2011)
CD8.58	WBC's Planning Commitments for Housing at March 2011 (September 2011)
CD8.59	WBC Development Plan Proposals Maps Incorporating the CS adopted 29 January 2010
CD8.60	Adopted North Wokingham Strategic Development Location SPD October 2010
CD8.61	Adopted South Wokingham Strategic Development Location SPD October 2010
CD8.62	Wokingham Sustainable Community Strategy 2020 June 2010
CD8.63	Habitat Regulations Assessment for planning applications O/2010/1432 (for the erection of 1,200 dwellings and 150 retirement units together with elements (including Suitable Alternative Natural Greenspace)) on land west of Shinfield and F/2010/1434 (for the delivery of a Suitable Alternative Natural Greenspace) on land east of Hyde End Road, Shinfield. June 2011
CD8.64	Report to WBC's Executive on 21 <sup>st</sup> October 2010
CD8.65	Report to WBC's Executive on 2 <sup>nd</sup> June 2011
CD8.66	WBC, SDLs Supplementary Documents – Issues & Options Report. September 2009

**CD9 Other Government/Regional Publications and Guidance**

CD9.1	Letter sent by the SoS to Chief Planners, 6th July 2010 <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/1631904.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/1631904.pdf</a>
CD9.2	Berkshire Economic Assessment 2011, Berkshire Observatory

**CD10 Transport**

CD10.1	Manual for Streets
CD10.2	Manual for Streets 2
CD10.3	Design Manual for Roads and Bridges
CD10.4	Wokingham Borough Council's Residential Travel Plan Guidance
CD10.5	Making Residential Travel Plans Work: Guidelines for new development, DfT
CD10.6	Good Practice Guidelines: Delivering Travel Plans through the Planning Process, DCLG/DfT
CD10.7	Guidance on Transport Assessment, DCLG/DfT
CD10.8	IHT Guidelines for Planning for Public Transport in Developments
CD10.9	Wokingham Borough Council Local Transport Plan 3
CD10.10	Reading Borough Council Local Transport Plan 3
CD10.11	Circular 2/07: Planning and the Strategic Road Network
CD10.12	Wokingham Strategic Transport Model (WSTM) Local Model Validation Report <a href="http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/wokingham-transport-model/local-model-validation-report/?locale=en">http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/wokingham-transport-model/local-model-validation-report/?locale=en</a>
CD10.13	WSTM Forecast Methodology Report <a href="http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/wokingham-transport-model/forecasting-methodology-report/?locale=en">http://www.wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/wokingham-transport-model/forecasting-methodology-report/?locale=en</a>
CD10.14	WSTM Forecasting Report (TO BE CIRCULATED AND INCLUDED ONCE PUBLISHED)
CD10.15	Wokingham Borough Council Protocol for Use of the Wokingham Transport Models for Develops, version 5 <a href="http://wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/wokingham-transport-model/transport-model-protocol/">http://wokingham.gov.uk/planningcontrol/planning/planningpolicies/ldf/wokingham-transport-model/transport-model-protocol/</a>
CD10.16	Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2005), Department for Transport (DfT)
CD10.17	Transport Advisory Leaflet 05/95: Parking for Disabled People, DfT
CD10.18	Additional illustrative plans and information supplied by RPS as part of Statement of Common Ground negotiations for Shinfield Appeals THIS MATERIAL IS PROVIDED AT CD20.9.

**CD11 Landscape and Open Space**

CD11.1	Landscape Character Assessment – Guidance for England and Scotland (April 2002), Countryside Agency (now Natural England)/Scottish Natural Heritage
CD11.2	Character of England Landscape, Wildlife and Cultural Features Map by Natural England (2005) with particular reference to National Character Area (NCA) 129 – Thames Basin Heaths and NCA115 – Thames Valley in Countryside Character Volume 7 – South East and London
CD11.3	Wokingham Open Space and Sports Assessment (April 2005)
CD11.4	Wokingham District Landscape Character Assessment (adopted as Supplementary planning Guidance in April 2004)
CD11.5	Berkshire Landscape Character Assessment prepared for Berkshire Joint Strategic Planning Unit by Land Use Consultants (October 2003). (Note: Only those sections relevant to the Inquiry – Type B and K)
CD11.6	WBC – Assessment of gaps and green wedges within Wokingham District (June 2006)
CD11.7	Strategic gap and green wedge policies in structure plans: main report – ODPM January 2001
CD11.8	Land at Shinfield West, Proposed Residential Development, Landscape and Visual Impact Assessment, June 2011, Ryder Landscape Consultants on behalf of WBC
CD11.9	Tranquillity Mapping: Developing a Robust Methodology for Planning Support: Centre for Environmental and Spatial Analysis with Bluespace Environments and Newcastle University Landscape Research Group, January 2008
CD11.10	Assessment of Gaps and Landscape Capacity to accommodate housing within Wokingham Borough – WBCI, July 2008
CD11.11	Guidelines for Landscape and Visual Impact Assessment 2nd ed., 2002, Landscape Institute and Institute of Environmental Management and Assessment

**CD13 Affordable Housing**

CD13.1	Wokingham Viability Study, 2008, Levvel
CD13.2	Wokingham Viability Study Appendices, 2008, Levvel
CD13.3	Viability Study Update, 2009, Levvel
CD13.4	Berkshire Strategic Housing Market Assessment, October 2007, DTZ Consulting and Research
CD13.5	Wokingham Housing Needs Assessment, 2007, DTZ Consulting and Research
CD13.6	Wokingham Housing Strategy for Older People, 2008 Update
CD13.7	Wokingham 'Older People's Strategy – Young at Heart', 2008- 2018
CD13.8	Wokingham Housing Requirements Study 2002 Volume 1
CD13.9	Wokingham Housing Requirements Study 2002 Volume 2
CD13.10	Wokingham Housing Strategy 2010-13
CD13.11	The Regulatory Framework for Social Housing Provision in England, April 2010, The Tenants Services Authority
CD13.12	South Hams Development Management Document Inspector's report 4th August 2008
CD13.13	Reading Housing Needs Assessment, 2007, DTZ Consulting and Research
CD13.14	Reading Housing Mix Background Paper, February 2011
CD13.15	Local Decisions: A fairer future for social housing Consultation, CLG November 2010
CD13.16	Affordable Housing Policy Statement 'Delivering Affordable Housing', CLG, November 2006
CD13.17	2011 - 2015 Affordable Homes Programme Framework, Homes and Communities Agency, February 2011
CD13.18	Strategic Housing Market Assessment Practice Guidance Version 2', CLG, August 2007
CD13.19	Who are Low Cost Home Ownership Purchasers and what is the demand for LCHO?, CLG Analytical Services Directorate, 2006
CD13.20	Housing Benefit: Size Criteria for People Renting in the Social Rented Sector, Equality Impact Assessment', Department for Work and Pensions, March 2011
CD13.21	Design and Quality Standards, Homes and Communities Agency, April 2007
CD13.22	'Draft Structural Reform Plan', July 2010 <a href="http://www.communities.gov.uk/documents/corporate/pdf/16359212.pdf">http://www.communities.gov.uk/documents/corporate/pdf/16359212.pdf</a>
CD13.23	A Critical Review of the Affordable Housing Economic Viability Assessment prepared by BNP Paribas Real Estate on behalf of the London Borough of Barking and Dagenham – Chesterton Humberts for the Planning Inspectorate

**CD14 Design**

CD14.1	By Design: Urban Design in the Planning System, DETR/CABE (2000)
CD14.2	By Design: Better Places to Live, DTLR/CABE (2001)
CD14.3	Code for Sustainable Homes, DCLG (2006)
CD14.4	Planning and Access for Disabled People: A Good Practice Guide, ODPM (2005)
CD14.5	Safer Places – The Planning System and Crime Prevention, ODPM (2004)
CD14.6	Secured By Design Principles, ACPO (2004)

CD14.7	Design Compendium Volumes 1 and 2, English Partnerships (2000 and 2007)
CD14.8	Car Parking: What Works Where, English Partnerships (2007)
CD14.9	Building for Life, CABE/HBF (2008/9)
CD14.10	NO DOCUMENT
CD14.11	Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2005), Department for Transport (DfT)

**CD15 Ecology**

CD15.1	The Conservation of Habitats and Species Regulations 2010.
CD15.2	Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System (ODPM, 2005)
CD15.3	Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites (EC, November 2001)
CD15.4	Managing Natura 2000 Sites (EC, 2000)
CD15.5	The Thames Basin Heaths SPA Delivery Framework (JSPB, 2009)
CD15.6	Guidelines to the Creation of Suitable Alternative Natural Greenspace (Natural England, 2008)
CD15.7	The South of the M4 SDL and Land at The Manor Thames Basin Heaths SPA Impact Avoidance and Mitigation Strategy, January 2011
CD15.8	The Loddon Suitable Alternative Natural Greenspace (SANG) Delivery Mechanism Document (January 2011) sent to Natural England and WBC as part of the Loddon SANG application on 24 <sup>th</sup> January 2011
CD15.9	Shinfield West and the Loddon SANG: Addendum SANG Report (EPR, October 2010)
CD15.10	The Habitats Regulations Assessment of Local Development Documents (Revised Draft Guidance for Natural England) February 2009
CD15.11	Thames Basin Heaths Special Protection Area: Mitigation Standards for Residential Development (Draft) May 2006 (known as the "Draft Delivery Plan")
CD15.12	Visitor Access Patterns on the Thames Basin Heaths (Footprint Ecology / Liley et al, 2005)
CD15.13	Thames Basin Heaths Special Protection Area: Statement of Common Ground By Government Office for the South East (GOSE), Communities and Local Government (CLG), Natural England (NE) and the South East England Regional Assembly (10/08/07)
CD15.14	Communication from the Commission on the Precautionary Principle (Commission of the European Communities, 2000).
CD15.15	WBC's Habitats Regulations Assessment of the Core Strategy
CD15.16	WBC's Habitats Regulations Assessment of the South of the M4 SPD
CD15.17	WBC's Habitats Regulations Assessment of the draft Managing the Delivery of Development DPD
CD15.18	Shinfield West: EPR Response to Comments Raised by the Land Use and Transport Team of Wokingham Borough Council (EPR, 21 September 2010)
CD15.19	Shinfield West and the Loddon SANG: Response to Comments Made By Wokingham Borough Council (WBC) Biodiversity Officer, Dated 2nd and 4th August 2010 (EPR, 1 October 2010)
CD15.20	Shinfield West and the Loddon SANG: Joint Response to Comments Raised by the Berks Bucks and Oxon Wildlife Trust (BBOWT) and the Royal Society for the Protection of Birds (RSPB) (EPR, 18 October 2010)
CD15.21	Shinfield West: Response to the Woodland Trust's Objection to Shinfield West (EPR, 2010)
CD15.22	Shinfield West: Thames Basin Heaths SPA Impact Avoidance and Mitigation Strategy – Advice Note on the Extent of Impact Avoidance (EPR and Blandy & Blandy, 17 August 2010)
CD15.23	South of the M4 SDL: Note on SANG Area Overprovision (EPR, 6 June 2011)
CD15.24	'Nature Nearby' Accessible Natural Greenspace Guidance (Natural England, March 2010)
CD15.25	Green Infrastructure Guidance (Natural England, 2009)
CD15.26	WBC as the Local Planning Authority: Thames Basin Heaths Special Protection Area – Update August 2009 (WBC, 2009) (Regarding Rooks Nest Wood SANG)
CD15.27	NO DOCUMENT
CD15.28	Report to the Panel for the Draft South East Plan Examination in Public on The Thames Basin Heaths Special Protection Area and Natural England's Draft Delivery Plan (19 February 2007)
CD15.29	Clarification Report to the Panel for the Draft South East Plan Examination in Public in Response to Queries Raised in the Addendum Statements in Respect of Sub-Matter 8HIV/8JIV Combined Thames Basin Heaths SPA (19 March 2007)
CD15.30	Addendum Report to the Panel for the Draft South East Plan Examination in Public on The Thames Basin Heaths Special Protection Area and Natural England's Draft Delivery Plan (13 April 2007)
CD15.31	EC Directive 92/43/EEC The Conservation of Natural Habitats and of Wild Fauna & Flora

**CD16 Education**

CD16.1	BB99
CD16.2	Draft notes of education meetings 5 May 2008 & 18 February 2009
CD16.3	2005 Pupil Yield Survey
CD16.4	Minutes of Council Meeting 26 January 2006 (Emmbrook School)
CD16.5	Bundle of documents concerning Ryeish Green School
CD16.6	Report to WBC's Executive 27 January 2011 (Pressure on Primary Places)



**CD17 Other Appeal Decisions/High Court Judgements**

CD17.1	Appeal Decision: Shinfield Glebe Inquiry – Inspector's Report (PINS ref: APP/X0360/A/10/2133804/NWF)
CD17.2	Appeal Decision: Shinfield Glebe Inquiry – Secretary of State letter dated 26 May 2011 (PINS ref: APP/X0360/A/10/2133804/NWF)
CD17.3	Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Another, Neutral Citation Number: [2011] EWCA Civ 639, 27th May 2011
CD17.4	Appeal Decision: Former West Herts College Leggatts Campus, Leggatts Way, Watford Appeal, reference: APP/Y1945/A/10/2123113, 21st July 2010
CD17.5	Appeal Decision: Sandpits Lane, Calne, APP/Y3940/A/09/2108716, Inspector's report, 18th January 2010
CD17.6	Appeal Decision: Land off Lydney Bypass and Highfield Road, East of Lydney - Inspector's Report of December 2007 (PINS Ref: APP/P1615/A/07/2042254)
CD17.7	Appeal Decision: Land off Lydney Bypass and Highfield Road, East of Lydney - SoS minded to agree letter of February 2008 (PINS Ref: APP/P1615/A/07/2042254)
CD17.8	Appeal Decision: Land off Lydney Bypass and Highfield Road, East of Lydney - SoS Decision Letter of July 2008 (PINS Ref: APP/P1615/A/07/2042254)
CD17.9	Appeal Decision: Kings Cross Central Inquiry - Inspector's Report of May 2008 (PINS Refs: APP/v5570/A/07/2051902 and APP/X5210/A/07/2051898)
CD17.10	Appeal Decision: Kings Cross Central Inquiry - SoS Decision Letter of July 2008 (PINS Refs: APP/v5570/A/07/2051902 and APP/X5210/A/07/2051898)
CD17.11	The Dilly Lane Judgement (Hart District Council, R (on the application of) v Secretary of State for Communities & Local Government & Others [2008] EWHC 1204 (Admin))
CD17.12	Appeal Decision: Plough Lane appeal decision dated 18 August 2011 (PINS ref: APP/X0360/A/11/2152037)
CD17.13	High Court Judgment: Cala Homes (South) Limited and Secretary of State for Communities and Local Government and Winchester City Council Neutral Citation Number: [2010] EWHC 2866 (Admin), 10th November 2010 <a href="http://www.bailii.org/ew/cases/EWHC/Admin/2010/2866.rtf">http://www.bailii.org/ew/cases/EWHC/Admin/2010/2866.rtf</a>
CD17.14	APP/H1840/A/10/2124085, 27 Brewers Lane and land to the rear, Badsey, Evesham, Inspector's report, 26/08/2010 <a href="http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.2278979&amp;NAME=/Appeal%20decision.pdf">http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.2278979&amp;NAME=/Appeal%20decision.pdf</a>
CD17.15	Appeal Decision: Pumping Station, Spring Gardens, Alresford SO24, Inspector's report 16 February 2011 (PINS ref: APP/L1765/A/10/2133702) <a href="http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.2834694&amp;NAME=/Appeal%20Decision.pdf">http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.2834694&amp;NAME=/Appeal%20Decision.pdf</a>
CD17.16	Appeal Decision: Land at Grimes Dyke, York Road, Whinmoor, Leeds, Inspectors Report 16th July 2010 and Secretary of State Decision Letter 25th May 2011 (PINS ref: APP/N4720/A/09/2117920) <a href="http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.3139434&amp;NAME=/Decision%20and%20Report.pdf">http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.3139434&amp;NAME=/Decision%20and%20Report.pdf</a>
CD17.17	Land between Merrymead and Pine Acres, Birch Lane, Ascot, SL5 8RF, APP/R0335/C/10/2136929 & 2136930, APP/R0335/C/10/2137021 & APP/R0335/C/10/2137022, APP/R0335/A/10/2137141, Inspector's Report, 30th June 2011 <a href="http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.3250759&amp;NAME=/DECISION%20LETTER.pdf">http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.3250759&amp;NAME=/DECISION%20LETTER.pdf</a>
CD17.18	ECJ C-127/02: Landelijke Vereniging tot Behoud van de Waddenzee, Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (the Waddenzee judgement)
CD17.19	Appeal Decision: Land at Picket Piece (land to the north and south of Ox Drove and south of Walworth Road), Andover, Hampshire (PINS ref: APP/X3025/A/10/2140962), Secretary of State's decision letter (30th June 2011) and Inspector's report (20th May 2011)
CD17.20	Various Documents Associated with the Shinfield Glebe Application and Appeal (proofs of evidence and statements of case) A) Proof of Evidence of Nick Paterson-Neild (Barton Willmore) (on behalf of the South of M4 Consortium) B) Proof of Evidence of Moira Hankinson (HDA) (on behalf of the South of M4 Consortium) C) Proof of Evidence of Mike Knowles (RPS) (on behalf of the South of M4 Consortium)
CD17.21	Cala Homes (South) Ltd v SoS for Communities and Local Government (No.2) [2011] EWHC97 (Admin) 7 <sup>th</sup> February 2011
CD17.22	Appeal Decision: TRL Site, Crowthorne, Berkshire, RG45 6AW (PINS ref: APP/R0335/A/08/2076543) Secretary of State decision letter (8th June 2009) and Inspector's Report (16th March 2009)
CD17.23	Appeal Decision APP/T0355/V/10/2139957



**CD18 Flood Risk and Drainage**

CD18.1	Shinfield West FRA – March 2010
CD18.2	Letter from EA (Katie Gosling) to RPS (Andrew Clay) – 10th June 2010
CD18.3	Report from WSP – 30th June 2011
CD18.4	Letter from RPS (Andrew Clay) to WSP (Brian Cafferkey) – 25th July 2011
CD18.5	Letter from WSP – 28th July 2011
CD18.6	Letter from RPS (Andrew Clay) to WSP (Brian Cafferkey) – 12th August 2011
CD18.7	Eastern Relief Road FRA – January 2010 (Revision 1)
CD18.8	Eastern Relief Road FRA – January 2011 (Revision 2)
CD18.9	Eastern Relief Road FRA – March 2011 (Revision 3)
CD18.10	Letter and Supplementary Notes (A to F) from RPS (Andrew Clay / Daniel McLeish) to EA (Marie Martin) – 15th July 2011
CD18.11	Letter and Detailed Information on Supplementary Notes from EA (Jack Moeran) to RPS (Andrew Clay) – 5th August 2011
CD18.12	Letter from RPS (Andrew Clay) to EA (Jack Moeran) – 18th August 2011
CD18.13	Letter from EA (Jack Moeran) to RPS (Andrew Clay) – 19th August 2011
CD18.14	NO DOCUMENT
CD18.15	NO DOCUMENT
CD18.16	Loddon SANG FRA – September 2010
CD18.17	Letter and Supplementary Notes (G to I) from RPS (Andrew Clay) to EA (Marie Martin) – 20th July 2011
CD18.18	Letter from EA (Jack Moeran) to RPS (Andrew Clay) – 4 <sup>th</sup> August 2011
CD18.19	Letter from RPS (Andrew Clay) to WSP (Brian Cafferkey) – 8th August 2011
CD18.20	Wokingham Strategic Flood Risk Assessment – July 2007
CD18.21	Letter from EA (Marie Martin) to RPS (Andrew Clay) - 6th April 2011
CD18.22	Flood model review correspondence with EA and Hyder.
CD18.23	Email from WBC (Jennifer Seaman) to EA (Katie Gosling) confirming ERR as Essential Infrastructure – 19th May 2010
CD18.24	Additional Documents Flood Risk & Drainage

**CD19 Statements of Common Ground**

CD19.1	Shinfield West Statement of Common Ground
CD19.1A	Shinfield West Supplementary Statement of Common Ground on Housing Land Availability. Oct 2011
CD19.2	The Eastern Relief Road Statement of Common Ground
CD19.3	The Loddon SANG Statement of Common Ground
CD19.4	Transport Statement of Common Ground
CD19.5	Supplementary Statement of Common Ground Landscape, Visual Matters & Public Open Space
CD19.6	Second Transport Statement of Common Ground
CD19.7	Holding Statement Transport and Highways
CD19.8	Third Transport Statement of Common Ground

**CD20 Other Documents**

CD20.1	RPS JNY5683-12E Residential Travel Plan (Draft)2
CD20.2	RPS JNY5683-108 Rev C Walking & Cycling Facilities
CD20.3	Infrastructure Delivery Plan–South of M4 SDL Consortium Working Draft–18th March 2011
CD20.4	The South of M4 Consortium's 'Vision' Document for the SDL (March 2009)
CD20.5	Inspector's Notes of the Shinfield West, ERR and Loddon SANG Pre-Inquiry meeting
CD20.6	Main Parties and other Rule 6 Parties - Statements of Case
CD20.7	Putative Refusal Reasons for the three appeal schemes
CD20.8	The Manor Planning Application Documents and Plans
CD20.9	The Science Park decision notice, section 106 agreement and approved plans
CD20.10	Great Western Park Didcot – Decision Notice, Approved Development Framework (Master Plan), Landscape Strategy and Movement Strategy Plans, Section 106 agreement, and other documents as appropriate. South Oxfordshire DC Ref P02/W0848/O
CD20.11	The Rent Charges Act 1977
CD20.12	RPS Report JNY5683-25A dated 9 August 2011
CD20.13	Notes of WBC and Consortia meeting of 19th May 2011
CD20.14	Oxford Diocesan Board of Finance: High Court Statement of Case - Shinfield Glebe - Oxford Diocesan Board of Finance v SSCLG and WBC

## **ANNEX D**

### **PUTATIVE REASONS FOR REFUSAL**

#### **APPEAL A – Shinfield West**

1. The proposals are contrary to Policy CC7: Infrastructure and Implementation of the Regional Strategy, Policies CP1, CP4, CP6, CP10, CP17 and CP19 of the Wokingham Borough Core Strategy Development Plan Document and the Sustainable Design and Construction SPD (2010) as there is an absence of an acceptable and binding comprehensive developer and landowner infrastructure delivery mechanism (including phasing) for the South of the M4 Strategic Development Location (SDL) necessary to ensure that development can occur within a coordinated and managed process without giving rise to unacceptable environmental impacts, physical or social conditions for all existing and future residents.
2. The proposals are contrary to Policy CC7: Infrastructure and Implementation of the Regional Strategy, Policies CP1, CP4, CP6, CP10, CP17 and CP19 of the Wokingham Borough Core Strategy Development Plan Document and the Sustainable Design and Construction SPD (2010) as there is an absence of an acceptable and binding comprehensive developer and landowner infrastructure funding mechanism (including phasing) for the South of the M4 Strategic Development Location (SDL) necessary to ensure that there is a coordinated and managed provision of physical and social infrastructure necessary to support the development without giving rise to unacceptable environmental impacts, physical or social conditions for all existing and future residents.
3. The proposals are contrary to Policy CC7: Infrastructure and Implementation of the Regional Strategy and Policies CP1, CP3, CP4, CP6, CP10, CP17 and CP19 of the Wokingham Borough Council Core Strategy Development Plan Document as the proposals are so substantial as to prejudice the satisfactory delivery of the balance of development within the South of M4 Strategic Development Location in the absence of an acceptable comprehensive developer and landowner infrastructure funding and delivery mechanism for the SDL.
4. The proposals are contrary to the Infrastructure Delivery and Contributions Supplementary Planning Document (SPD) (adopted October 2010), as no overarching infrastructure outline planning application for the whole SDL has been submitted to the local planning authority for consideration and granted planning permission.
5. The proposal are contrary to the Infrastructure Delivery and Contributions Supplementary Planning Document (SPD) (adopted October 2010), as no acceptable comprehensive and binding land owner and developer Infrastructure Delivery Plan (including phasing) for the whole SDL has been submitted with the application for consideration by the local planning authority.
6. The proposals are contrary to Policy CC7 of the RS and Policies CP4, CP6, CP10, CP17, CP18 and CP19 of the adopted Wokingham Borough Core Strategy DPD in that there is an absence of a cross-SDL acceptable and binding comprehensive developer and land owner infrastructure delivery mechanism or funding

mechanism (including phasing and apportionment) to serve the South M4 SDL and mitigate the impact of this development including improvements to transport capacity on the A327 (the Eastern Relief Road and Arborfield Cross Relief Road) and the secondary school within the Arborfield Garrison SDL.

7. The proposals are premature, being so substantial and potentially prejudicial to the Spatial Vision of the Wokingham Borough Council Core Strategy Development Plan Document, in the absence of an adopted Development Brief SPD (Core Strategy requirement at paragraph 3.19 c) ), for the South of M4 Strategic Development Location (SDL).
8. The proposals are premature, being so substantial and potentially prejudicial to the maintenance of settlement separation within the SDL contrary to Wokingham Borough Council Core Strategy Development Plan Document Policies CP11, CP19 and paragraphs A7.15, A7.19 b), and A7.20 b), in the absence of an approved comprehensive developer and landowner Master Plan or Master Plans consistent with this objective of the Core Strategy. This is also regarded as contrary to Policy WLL4: Landscape and New Development of the Wokingham District Local Plan.
9. The proposals are premature, being so substantial and potentially prejudicial to a satisfactory and appropriate pattern and disposition of land uses together with related physical and social infrastructure, in the absence of an approved comprehensive Master Plan for the SDL. This is therefore contrary to the Wokingham Borough Council Core Strategy Development Plan Document Policies CP4, CP10 and CP19 and paragraph A7.27. As such the proposals would be prejudicial to the Spatial Vision of the Core Strategy.
10. The proposals are contrary to Wokingham Borough Council Core Strategy Development Plan Document Policies CP1, CP4, CP6, CP10 and CP19 in that inadequate information has been provided to demonstrate that there will be no adverse impact upon the strategic and local transport network, including cumulative impacts, arising and that impacts will be appropriately and adequately mitigated.
11. The proposals are inadequate in that they do not provide sufficient information to enable an assessment of intended access for public transport routes both within and beyond the application site and to serve the whole SDL and external linkages, including funding and delivery, contrary to Wokingham Borough Council Core Strategy Development Plan Document Policies CP1, CP4, CP6, CP10 and CP19 and paragraph A7.2 d).
12. The proposals' access details for Deardon Way/Church Lane depicted on drawing JNY5683-102 Rev B, Hyde End Road depicted on drawing JNY5683-95 Rev E and the A327 Hollow Lane/Arborfield Road depicted on drawing JNY5683-19 Rev D, are insufficient for the purposes of fully determining their design and accessibility contrary to Wokingham Borough Council Core Strategy Development Plan Document Policy CP19.
13. The application is an outline application with access to be determined. Submitted drawing SW10 Rev S, labelled Access and Circulation denotes multiple accesses for all modes. Apart from this drawing insufficient information

has been provided in relation to each of the proposed accesses either in plan form or within the Transport Assessment, contrary to Policy CP6 of the Wokingham Borough Core Strategy DPD.

14. The applicant has failed to provide adequate information in order to establish that the proposed visibility splays are achievable in line with the proposed designs or within the control of the applicant or the Local Highway Authority contrary to Policy CP6 of the Wokingham Borough Core Strategy.
15. The proposals do not include an adequate Travel Plan and therefore there is insufficient evidence to demonstrate that demand management measures and targets can be adequately achieved contrary to: Wokingham Borough Core Strategy Development Plan Document Policy CP6; the Council's adopted Travel Plan guidance and Appendix 7 of the Core Strategy and the Infrastructure and Contributions Supplementary Planning Document (2010).
16. The proposals do not comply with the Wokingham Borough Council Core Strategy Development Plan Document Policy CP5 as they do not provide a reliable indication as to an acceptable mix and balance of densities, dwelling types, tenures and sizes. The proposals are also considered unreliable in being unable to satisfactorily demonstrate a residential density which provides for an average density of between 30-35 dwellings per hectare sought by paragraph A 7.25 of the Core Strategy. The method used by the UoR to calculate net dwelling density appears inconsistent with that set out in Annex B of PPS 3 – Housing.
17. The proposals do not comply with Wokingham Borough Council Core Strategy Development Plan Document Policy CP5 in that the proposed housing mix is not considered a reliable indication when considered in the light of the submitted illustrative masterplan layout and parameters plans. The proposals do not adequately demonstrate that the proposed Block Typologies can accommodate the proposed percentage of apartments (6-12% of the total number of units) given the nature of the built form and proposed residential densities illustrated in the submitted Block Typologies information. The appeal proposals also indicate a higher proportion of three storey and terraced housing than is regarded as compatible with and in keeping with the character of the existing settlements within the SDL contrary to paragraph A 7.27 g) of the Core Strategy.
18. The proposed location of the supermarket car park at the main point of connection between the existing village of Shinfield and the proposed development is considered unacceptable and inappropriate contrary to paragraphs A 7.27 a), j) and k) of the Wokingham Borough Council Core Strategy Development Plan Document, as it will visually prejudice an integration of the existing settlement with the new development.
19. The proposed built form for the western edge of the Shinfield urban extension is considered to be contrary to paragraph A 7.27 h) of the Wokingham Borough Council Core Strategy Development Plan Document, in that it is regarded as too intense and would not represent a satisfactory transition between urban and rural characters and therefore harmful to visual amenity and the Spatial Vision of the Core Strategy.

20. The proposed limited access to The Avenue through the inclusion of a bus gate is considered inappropriate and unnecessary as it will reduce permeability through the development for all transport modes contrary to paragraph A 7.27 a) of the Wokingham Borough Council Core Strategy Development Plan Document.
21. The proposal is contrary to Article 6(3) of Directive 92/43/EEC on The Conservation of Natural Habitats and of Wild Fauna and Flora; Regulations 61 and 68 of The Conservation of Habitats and Species Regulations 2010; Policies NRM5: Conservation and Improvement of Biodiversity, NRM6: Thames Basin Heaths Special Protection Area and WCBV3: Scale and Distribution of Housing Development of the Regional Strategy; and Policies CP7, CP8 and CP19 of the Wokingham Borough Core Strategy Development Plan Document as there is an absence of the necessary robust measures, (including SAMM contribution to SPA) to secure a Suitable Alternative Natural Greenspace (SANG) which will ensure the indefinite avoidance of all likely significant impacts of this application (both alone and in combination with other plans and projects) upon the Thames Basin Heaths Special Protection Area.
22. The proposals would not deliver high quality development and are regarded as unsatisfactory and incompatible with the Wokingham Borough Council's draft development guidance set out within the South of The M4 Strategic Development Location Supplementary Planning Document (May 2011) relating to the retention of the distinctive villages, maintenance of rural character, delivery and Design Principles 1a:, 1b:, 1c:, 2a:, 2b:, 3a:, 4a:, 5a:, and phasing.
23. In the absence of a satisfactory planning obligation the proposals fail to make satisfactory provision for affordable housing in accordance with Policy H3 of the South East Plan and Policies CP5 and CP19 of the Wokingham Borough Adopted Core Strategy.
24. The proposals will have an unmitigated impact on a UK BAP Species/Species of Principal Importance or Section 41 NERC Act species (Skylark and Yellowhammer) and is therefore contrary to Planning Policy Statement 9; South East Plan Policy NRM5 and Core Strategy Policies CP3 and CP7.
25. The proposals will have an unacceptable impact on the site's Ancient Woodlands (High Copse, Moor Copse and the woodland strip alongside Hyde End Road). These sites are also likely to qualify as a BAP priority habitat (lowland mixed deciduous woodland). As a result the proposals are contrary to Planning Policy Statement 9; South East Plan Policies NRM7 and NRM5 and Core Strategy Policies CP3 and CP7.
26. The proposals include the development of housing in an area (alongside Hyde End Road) where traffic noise levels fall within Noise Exposure category C where PPG24 advises that planning permission should not normally be granted unless there are no alternative quieter locations. As such, future residents living within this area would be adversely affected by noise. The proposals are thereby contrary to PPG24 and Core Strategy Policy CP1 (8).
27. The Environmental Statement is deficient in that it does not adequately address

flood risk, contrary to PPS 25.

28. The proposals fail to make land available to deliver a riverside footpath and as such do not maximise connectivity within the Strategic Development Location and fail to comply with Wokingham District Local Plan Policy WR17 and Policy CP19 and Appendix 7 of the Wokingham Borough Core Strategy and the adopted Infrastructure Delivery and Contributions SPD 2010.

## **APPEAL B - Eastern Relief Road**

1. In the absence of a Section 106 planning obligation or alternative infrastructure delivery vehicle and an agreed Infrastructure Delivery Plan with associated Infrastructure Business Case for the Shinfield Eastern Relief Road the Local Planning Authority cannot be certain that the road will be delivered or that it would secure the required infrastructure for the whole of the SDL as set out in the Core Strategy and cannot be satisfied that the proposal will not prejudice the comprehensive delivery of the SDL. This is considered piecemeal and unsustainable and thereby unacceptable. As such the proposal is contrary to Core Strategy Policies CP1, CP3, CP4, CP10, CP19 and Appendix 7 and the adopted Infrastructure Delivery and Contributions SPD October 2010 and new consultation draft South of the M4 SDL SPD May 2011.
2. In the absence of a satisfactory flood risk assessment including drainage strategy the Local Planning Authority cannot be satisfied that the proposal will not lead to an increase in flooding on adjoining land and roads. As such the proposal is contrary to PPS 25, South East Plan Policy NRM4, and Core Strategy Policies CP1 and CP10.
3. Insufficient details have been submitted in relation to the design of the road and the Local Planning Authority cannot be certain that it is acceptable in terms of vehicular, cyclist and pedestrian convenience and safety. As such the proposal fails to comply with Core Strategy Policies CP1, CP3, CP6, CP10 and CP19 and Appendix 7 and the adopted Infrastructure Delivery and Contributions SPD and the new consultation draft South of the M4 SDL SPD.
4. The Environmental Statement is deficient in that it does not adequately address flood risk contrary to PPS 25.
5. The proposal fails to provide a sufficient pedestrian/cycle crossing facility connecting Cutbush Lane, where it would be divided by the relief road. Cutbush Lane is part of the Borough Cycle network. Further the applicant has not demonstrated that the proposed turning head on Cutbush Lane can cater for a refuse vehicle (drawing JNY5683/184). As such the proposal is contrary to Policies CP1, CP3 and CP6 of the adopted Wokingham Core Strategy (2010).
6. The proposal fails to demonstrate that the access details that would be required to accommodate the housing shown on the consultation draft South of the M4 SDL SPD (May 2011) could be satisfactorily provided without requiring amendments to the design of the Eastern Relief Road contrary to Policy CP1, CP3, CP6, CP19 and Appendix 7 of the adopted Wokingham Core Strategy and the consultation draft SDL SPD.

7. It has not been demonstrated that the proposal would not have an adverse impact on protected species (badgers) contrary to the provisions of Planning Policy Statement 9 and to Policy CP7 of the Wokingham Core Strategy (2010).
8. The development fails to take account of the cumulative flood risk impacts or the cumulative drainage infrastructure impacts through an assessment, details of the impacts or plans to mitigate the cumulative impacts within the SDL. The proposal is contrary to Planning Policy Statement 25, South east Plan Policy NRM4 and Wokingham Core Strategy Policies CP1 and CP10.

### **APPEAL C – Loddon Sang**

1. Due to lack of certainty about, and control over, future availability and management of the site, including use of the land for seasonal grazing, the applicant has not demonstrated that the proposed Loddon Suitable Alternative Natural Greenspace (SANG) will function as a suitable alternative to the Special Protection Area. The proposal is contrary to Policies CP7, CP8 and CP19 of the adopted Wokingham Core Strategy (2010) and to Planning Policy Statement 9.
2. In the absence of any robust mechanism to secure the delivery of the Suitable Alternative Natural Greenspace (SANG) the Local Planning Authority cannot be certain that the impact of new residential development, delivered as part of the overall delivery of the South of the M4 SDL, upon the designated Thames Basin Heath Special Protection Area will be mitigated. Further the proposal for the Loddon SANG is piecemeal, it has not been demonstrated that it would not prejudice delivery of the SDL as a whole and therefore it is unacceptable. It fails to accord with the Council's Spatial Vision set out in Policy CP19 of the adopted Wokingham Core Strategy and amplified in Appendix 7 and the consultation draft South of the M4 SDL SPD (May 2011). The proposal is contrary to Planning Policy Statement 9, the Habitats Regulations 2010, South East Plan Policy NRM6 and Wokingham Core Strategy Policy CP8.
3. In the absence of a satisfactory drainage strategy and assessment of all sources of flood risk the Local Planning Authority is not satisfied that the approach taken to flood risk in relation to the proposed Eastern Relief Road would not result in an increase in flooding to the area proposed as SANG. In the absence of a satisfactory Flood Risk Assessment or drainage strategy neither has it been demonstrated that the SANG development will have no off site impacts on water quality or flood risk. Further, the applicant has therefore failed to demonstrate whether, and how, the SANG will be available for recreational use in times of flood. The proposal is contrary to Planning Policy Statement 25, South East Plan Policy NRM4 and Policies CP1, CP3, CP19 and Appendix 7 of Wokingham Core Strategy DPD (2010).
4. The development fails to take account of the cumulative flood risk impacts or the cumulative drainage infrastructure impacts through an assessment, details of the impacts or plans to mitigate the cumulative impacts within the SDL. The proposal is contrary to Planning Policy Statement 25, South East Plan Policy NRM4 and Wokingham Core Strategy Policies CP1 and CP10.

## **ANNEX E**

### **SECRETARY OF STATE MATTERS**

- a) the extent to which the proposed development would be in accordance with the development plan for the area;
- b) the extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1: Delivering Sustainable Development, and accompanying guidance The Planning System: General Principles with particular regard to:
  - i) the achievement of sustainable development and sustainable communities through an integrated approach to social cohesion, protection and enhancement of the environment, prudent use of natural resources and economic development;
  - ii) whether the design principles in relation to the site and its wider context, including the layout, scale, open space, visual appearance and landscaping, are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions, having regard to the advice in paragraphs 33 to 39 of PPS1;
  - iii) the extent to which the application takes into account the access needs of all in society, including people with disabilities - including access to and into buildings, having regard to the advice in paragraphs 36 and 39 of PPS 1;
  - iv) advice on prematurity in paragraphs 17-19 of The Planning System: General Principles, having regard to progress towards adoption of any emerging development plan documents or saved policies under the transitional arrangements;
- c) The extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3: Housing, with particular regard towards delivering:
  - i) high quality housing that is well-designed and built to a high standard;
  - ii) a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;
  - iii) a sufficient quantity of housing taking into account need and demand and seeking to improve choice;
  - iv) housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;
  - v) a flexible, responsive supply of land – managed in a way that makes



efficient and effective use of land, including re-use of previously-developed land, where appropriate.

- d) the extent to which the development is consistent with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- e) the extent to which the development is consistent with the Key Principles in paragraph 1 of Planning Policy Statement 7: Sustainable Development in Rural Areas, and to which it complies with the policies in PPS7 to:
  - i) promote thriving, inclusive and sustainable rural communities, focusing most new development in or near to local service centres that are accessible through a range of transport modes in accordance with paragraphs 2-4 of PPS7.
  - ii) support strong, diverse economic activity in rural areas, in accordance with paragraph 5
  - iii) support the provision of a range of accessible services and facilities in rural areas (including village services), in accordance with paragraphs 6 & 7
  - iv) control new house building in the countryside, in accordance with paragraphs 8-11
- f) the extent to which the proposed development would be consistent with Government policies in Planning Policy Statement 9: Biodiversity and Geological Conservation with particular regard to the extent to which the proposed development is likely to have an impact on the local flora and fauna; any designated sites and/or any species protected under the Wildlife and Countryside Act 1981 or any other legislation including the Habitats Directive;
- g) the extent to which the proposed development is consistent with the advice in Planning Policy Guidance note 13: Transport, in particular on the need to locate development in a way which helps to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; reduce the need to travel, especially by car and whether the proposal complies with local car parking standards and the advice in paragraphs 52 to 56 of PPG13;
- h) the likely impact on local roads of traffic caused by the proposed development, including Junction 11 of the M4 Motorway, and whether those roads have the capacity to cope with the additional traffic;
- i) whether any planning permission should be subject to any conditions and, if so, the form these should take;
- j) whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable; and
- k) any other matters that the Inspector considers relevant.

## ANNEX F

### APPEAL A SHINFIELD WEST - SUGGESTED CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following Drawing Nos.;

Drawing Number	Drawing Title
SW68 Rev B	Shinfield West Application Site Boundary Plan
SW07 Rev S	Parameter Plan - Land Use
SW08 Rev Q	Parameter Plan - Density
SW09 Rev Q	Parameter Plan - Building Heights
SW10 Rev S	Parameter Plan - Access and Circulation
SW11 Rev S	Parameter Plan - Landscaping and Open Space
SW12 Rev Q	Parameter Plan - Max Dev Heights
SW20 Rev M	Parameter Plan - Ground Modelling
JNY5683-19 Rev K	Proposed Roundabout at Hollow Lane
JNY5683-95 Rev G	Highway Improvement Proposed Priority Junction with Hyde End Road
JNY5683-102 Rev F	Proposed Improvements to Church Lane and Access from Deardon Way
JNY5683-115 Rev E	Pedestrian Crossings & Car Park SANG Hyde End Lane

2. Prior to the submission of details to discharge the reserved matters an Interim Stage Phasing Master Plan for the site accompanied by supporting information detailing the implementation of the development shall be submitted to the local planning authority. No development shall commence until written approval of the Interim Stage Master Plan has been issued by the local planning authority.

The Interim Stage Phasing Master Plan shall provide details of the following:

- (i) principal land uses;
- (ii) the principal highway network, cycle ways and footpaths;
- (iii) a Utilities Strategy to include routes of primary infrastructure and utilities infrastructure including foul and surface water drainage and SUDs, mains electricity, gas and water supply, information technology and where necessary linkages within the Strategic Development Location;
- (iv) the provision of physical and social infrastructure including open space and strategic landscaping, school, community building, pavilion, allotments etc;
- (v) public transport routes and associated facilities;
- (vi) a Lighting Strategy for all principal highways, cycle ways and public/other footpaths;
- (vii) the public realm (those areas to be adopted and those areas to be retained by the landowner/management company);
- (viii) the identification of design code areas;

- (ix) an Open Space Strategy including the general distribution of open space uses within the residential area, the Strategic Greenspace Strategy, including SANG link and SANG provision, advance planting, Local Centre and Strategic Greenspace; landscape objectives and principles; Open Space Provision Programme; management objectives and responsibilities;
- (x) the phasing of the development;
- (xi) a Waste Management Plan/Strategy, including the principles of minimisation of waste at source followed by reuse and recycling;
- (xii) the relationship of all of the above details to the wider development within the South of the M4 Strategic Development Location.

Where relevant, details of any necessary over-sizing of infrastructure to accommodate additional development from elsewhere within the vicinity of the site, including other sites within the South of the M4 Strategic Development Location, shall be provided. These details shall include the over-sizing of pipe work, roads, footpaths, cycle ways, plant and equipment.

3. The Interim Stage Phasing Master Plan submitted in accordance with condition 2; Development Area Design Briefs submitted in accordance with condition 4; Design Codes submitted in accordance with condition 5 and reserved matters submitted in accordance with condition 10 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined in the Masterplan (drawing number SW13 Revision M), the approved Environmental Statement Parameter Plans listed in condition 1 and specifically shall be generally in accordance with the design principles of the Revised Design and Access Statement April 2011 and the design components and principles of the adopted South of M4 Strategic Development Location Supplementary Planning Document (October 2011).
4. No development shall commence in relation to: i) the Local Centre as defined on the Land Use Parameter Plan; ii) the western edge of the residential development; and iii) the Primary School until a Development Area Design Brief has been submitted to and approved in writing by the local planning authority for these identified parts of the site.

In bringing forward the Local Centre and Primary School Development Area Design Briefs, details shall be provided to the local planning authority of the means of public engagement in formulating the design of each Brief.

(a) The Local Centre Development Area Design Brief shall contain:

- i) individual tranche boundaries, land use and access, including road hierarchy type and standard, footpath and cycleway networks including links outside the site boundary;
- ii) existing landscape features to be retained;
- iii) proposed landscape framework, including structural planting;
- iv) general layout, arrangement of land uses, urban form and design principles, public realm strategy, housing mix and densities, site coverage and plot ratios;
- v) location, density and phasing of affordable housing provision;

- vi) details of any ground re-contouring or remodelling required within the site;
- vii) a strategy to accommodate bus services indicating, if appropriate, bus only lanes, bus only gates (including location, design, construction, operation method; management; opening times; emergency vehicle protocol etc), bus shelters and bus turning facilities;
- viii) foul and surface water drainage;
- ix) details of haul routes, routing and parking for construction traffic;
- x) details of the proposed housing mix based on size, type and tenure;
- xi) details and location of areas of open space, including the quantum of open space and its intended provision;
- xii) details of a communal recycling facility including parking/dropping off areas;
- xiii) details of the timing of provision of retail development;
- xiv) details of the timing of provision of employment development;
- xv) details and timing of the provision of a community building of not less than 560 sq. m designed on a site capable of extension to accommodate a building of up to 1,000 sq. m when required to serve the wider South of the M4 Strategic Development Location. The community building shall include space of not less than 35 sq. m for a neighbourhood police office, not less than 65 sq m for a children's centre facility, space for a library, space for place of worship (if required), hall, meeting rooms and ancillary facilities.
- xvi) details and timing of the provision of the 150 units of specialist accommodation (including 75 units of Use Class C2 accommodation and 75 units of Use Class C3 accommodation), designed for occupation by those over 55 years of age and/or in receipt of personal or medical care.

(b) The Primary School Development Area Design Brief shall contain:

- i) boundaries, land use, parking and access, including road hierarchy type and standard, footpath and cycleway networks including links outside the site boundary;
- ii) existing landscape features to be retained;
- iii) proposed landscape framework, including structural planting;
- iv) general layout, arrangement of land uses, built form and design principles;
- v) details of any ground re-contouring or remodelling required within the site;
- vi) foul and surface water drainage;
- vii) details of haul routes, routing and parking for construction traffic;
- viii) details and location of areas of open space, including the quantum of open space and a phasing programme;

(c) The Western Development Edge Development Area Design Brief shall contain:

- i) individual tranche boundaries, land use and access, including road hierarchy type and standard, footpath and cycleway networks including links outside the site boundary;
- ii) existing landscape features to be retained;

- iii) proposed landscape framework, including structural planting;
- iv) general layout, arrangement of land uses, urban form and design principles, housing mix and densities, site coverage and plot ratios;
- v) location, density and phasing of affordable housing provision;
- vi) details of any ground re-contouring or remodelling required within the site;
- vii) foul and surface water drainage;
- viii) details of haul routes, routing and parking for construction traffic;
- ix) details of the proposed housing mix based on size, type and tenure;
- x) details and location of areas of open space, including the quantum of open space and its intended provision;
- xi) details of the edge treatment.

Development shall thereafter be carried out in accordance with the approved Development Area Design Brief.

5. Save for the areas covered by Development Area Design Briefs in condition 4, prior to commencement of development or the submission of reserved matters applications on any part of the site, a Design Code shall be submitted to and approved in writing by the local planning authority for that part of the site. Each Design Code to be submitted for the site or subdivisions thereof will clearly identify and define the boundary and extent of the development to be implemented and which consent is to be implemented. The development hereby permitted shall be carried out in accordance with the approved Design Code. The Design Code shall include the following:

- i) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
- ii) built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
- iii) principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
- iv) structures (including street lighting, floodlighting and boundary treatments for commercial premises, street furniture and play equipment);
- v) design of the public realm, including layout and design of squares, areas of public open space, areas for play and allotments;
- vi) open space needs including sustainable urban drainage;
- vii) conservation of flora and fauna interests;
- viii) provision to be made for art including involvement of artist(s), contribution of art to the quality of the environment and community, budget allocation and maintenance requirements;
- ix) a strategy for a hierarchy of streets and spaces;
- x) alignment, width, and surface materials (quality, colour and texture) proposed for all footways, (including proposed Public Rights of Way), cycleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
- xi) on-street and off-street residential and commercial vehicular parking and/or loading areas;

- xii) cycle parking and storage;
  - xiii) means to discourage casual parking and to encourage parking only in designated spaces;
  - xiv) integration of strategic utility requirements, landscaping and highway design;
  - xv) measures to ensure sustainable design and construction in accordance with the Sustainable Design and Construction SPD (2010) or successor document; and
  - xvi) provision to be made for refuse and recycling facilities.
6. If detailed approval is required by the developer for other infrastructure, i.e. drainage, ground treatment, highways, in advance of the submission of a Development Area Design Brief, comprehensive details of these infrastructure aspects shall be submitted to and approved in writing by the local planning authority and in accordance with the Interim Stage Phasing Master Plan.

#### Reserved Matters and Implementation

7. Applications for the approval of all the reserved matters for the first phase of the development referred to herein shall be made within a period of 3 years from the date of this permission. Applications for the approval of all remaining reserved matters shall be made within a period of 10 years from the date of this permission.
8. The development to which the permission relates shall be begun not later than which ever is the later of the following dates: i) 3 years from the date of this permission: or ii) 2 years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
9. The submission of all reserved matters and the implementation of the development shall be carried out in accordance with the approved Interim Stage Phasing Master Plan and in accordance with the approved Development Area Design Briefs and Design Codes where relevant.
10. Approval of the details of the layout, scale, and external appearance of the buildings, and the landscaping (herein called "the reserved matters") for each phase of the development, shall be obtained from the local planning authority in writing before any development is commenced within that phase of the development.

#### Construction Management

11. Before each phase of the development hereby permitted is commenced a Construction Environmental Management Plan (CEMP) in respect of that phase shall be submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved CEMP. Each phase CEMP shall include the following matters:

- i) a construction travel protocol or Green Travel plan for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) piling techniques;
  - iv) storage of plant and materials;
  - v) programme of works (including measures for traffic management and operating hours);
  - vi) provision of boundary hoarding and lighting, including hoarding to adjacent housing/gardens along the eastern boundary of the site. During construction the 2 areas of retained woodland will be screened using impermeable material of at least 2.4m in height in a neutral or dark colour;
  - vii) protection of important trees, hedgerows and other natural features;
  - viii) details of proposed means of dust suppression and noise mitigation;
  - ix) details of measures to prevent mud from vehicles leaving the site during construction;
  - x) details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
  - xi) lighting on site during construction;
  - xii) measures to ensure no on-site fires during construction;
  - xiii) monitoring and review of the CEMP;
  - xiv) implementation of the CEMP through an environmental management system;
  - xv) details of the temporary surface water management measures to be provided during the construction phase;
  - xvi) details of the excavation of materials and the subsurface construction methodology;
  - xvii) details of the haul routes to be used to access the development; and
  - xviii) appointment of a Construction Liaison Officer.
12. No construction work shall be undertaken at the following times: outside the hours of 0730–1800 hours on Mondays to Fridays (inclusive); outside the hours of 0730-1300 hours on Saturdays; on Sundays and on public holidays; or within 20m of bat habitat, to be defined on a plan to be first submitted to and approved in writing by the local planning authority, works will not be undertaken until one hour after dawn and stopped one hour before dusk to prevent effects on foraging bats.
13. Prior to the commencement of development a Materials Management and Soil Resources Plan (MM&SRP) shall be submitted to and approved in writing by the local planning authority. The MM&SRP shall include details of top soil stockpiling, local sourcing of materials/resources and the re-use and recycling of materials from demolition on site. Development shall be carried out in accordance with the approved MM&SRP.
14. No deliveries of materials or removal of spoil during the construction of the development shall take place before 0915 hours or after 1500 hours on Mondays to Fridays, or before 0800 hours or after 1300 hours on Saturdays. There shall be no deliveries of materials or removal of spoil during the construction of the development on Sundays and public holidays.

## Affordable Housing Provision

15. No development shall commence until an Affordable Housing Strategy for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The strategy shall provide at least 35% affordable housing in each phase, including the specialist housing falling within the Use Class C3. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of Affordable Housing, as defined in PPS 3 or its successor Government policy statement. The Strategy shall provide:
- (a) affordable dwellings in each phase including details of the tenure split. The tenure split shall comprise 70% social and/or affordable rented dwellings and 30% shared ownership dwellings overall unless otherwise agreed by the local planning authority. The respective proportions of social and affordable rented dwellings in each phase are to be approved by the local planning authority as part of the strategy set out above;
  - (b) an affordable housing dwelling mix of 20% one bedroom apartments, 15% 2-bedroom apartments, 30% 2-bedroom houses, 20% 3-bedroom houses and 15% 4-bedroom houses unless otherwise agreed in writing by the local planning authority;
  - (c) details of the shared ownership model, including the equity share and capped rent of unsold equity;
  - (d) details of the distribution of affordable dwellings in each phase;
  - (e) the arrangements for the transfer of the affordable housing to an affordable housing provider approved by the local planning authority;
  - (f) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (g) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
16. Not more than 10% of the dwellings within any phase of the development shall be built and occupied until there has been submitted to and approved in writing by the local planning authority, an Affordable Housing Scheme for that phase in accordance with the Affordable Housing Strategy approved under condition 15. The strategy shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made within that phase;
  - ii) the standard of construction of the affordable dwellings; and
  - iii) the timing of the construction of the affordable housing in relation to the occupancy of the market housing within that phase.

Thereafter, the phase shall be implemented in accordance with the approved scheme.



## Landscape and Trees

17. The development of each phase hereby permitted shall not commence until full details of both hard and soft landscape proposals for that phase have been submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian and cycle access and circulation areas, hard surfacing materials, water features and minor artefacts and structure (e.g. furniture, boardwalks, signs, street lighting, external services, etc).
18. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.
19. All hard and soft landscape works shall be carried out in accordance with the approved details. The details will include the phasing of planting, soft and hard works within each part of that development, so as to ensure that works related to each development area are completed in conjunction with that area. The works shall be carried out in accordance with a programme submitted to and agreed in writing with the local planning authority.
20. A landscape management plan for each phase of the development, including a programme for implementation, long term design objectives, long term management responsibilities, proposals for structural planting, green space linkages, timescales and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the development of each phase. The landscape management plan shall be carried out as approved.
21. The plans and particulars submitted in accordance with condition 17 above shall include:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a

distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

- 22. The plans and particulars submitted in accordance with condition 17 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
- 23. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of commencement of the site for its permitted development.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
- 24. All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of 2 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## Noise

25. The development within the Local Centre, as identified by the relevant Development Area Brief, shall be designed and/or insulated in accordance with a Mitigation Scheme so as to provide attenuation against externally generated noise the details of which shall be submitted to and approved in writing by the local planning authority. The Mitigation Scheme shall ensure that the internal ambient noise levels for habitable rooms (i.e. bedrooms and living rooms) within dwellings shall not exceed 35 dB LAeq (16 hour) 0700-2300 hours during the daytime and 30 dB LAeq (8 hour) 2300-0700 hours during the night. Development shall be carried out in accordance with the approved Mitigation Scheme and retained thereafter.
26. No new dwellings, including private garden/amenity space, shall be constructed within any part of the site identified as falling within Noise Exposure Category C as defined in PPG 24.

## Ground Contamination

27. Prior to the commencement of development within each phase (or such other date or stage in development as may be agreed in writing by the local planning authority), the following components of a scheme to deal with the risks associated with contamination of that phase shall be submitted to and approved in writing by the local planning authority:
  1. a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site;
  2. a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite;
  3. the site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
  4. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The development of each phase shall be carried out in accordance with the approved details.
28. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for each phase of the development shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to

demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

29. If, during development, contamination not previously identified is found to be present at the site then no further development within that phase, unless otherwise agreed in writing by the local planning authority, shall be carried out until the developer has submitted to and received written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination is to be dealt with.

## Ecology

30. No development shall commence within each phase of the development until an Environmental Management Plan (EMP) for that phase has been submitted to and approved in writing by the local planning authority. The EMP shall be implemented as agreed. The EMP shall include:
- (a) a plan showing areas of existing and proposed habitats and proposed phasing of development; and
  - (b) guidance for habitat creation, enhancement or restoration including a description and evaluation of proposals including:
    - (i) details of the method of translocation of seed beds from School Green Gravel Pits to the Ridge SANG (required in phase 1);
    - (ii) the provision of house sparrow boxes and starling bricks shall be provided along the western edge of the built development (required in phase 3);
    - (iii) details of the 3 Schwegler bat boxes per roost lost (3 per roost) to be provided on mature trees at High Copse (required in phase 2);
    - (iv) details of the 10 proposed houses on the western edge of the built development, including the location of those houses and phasing, and the mitigation for protected species (to include mitigation such as bat tiles, wooden soffits and access points and suitable non-tyvac clad, pitched loft spaces), (required in phase 3);
    - (v) details of measures to ensure no adverse impact on ancient woodland; and
  - (c) Details of maintenance and management (including who is responsible) for each habitat from the point of first occupation of each phase of development. The date of first occupation for each phase shall be notified to the local planning authority in writing.

## Archaeology

31. Prior to the submission of each of the first reserved matters application for each phase of the development, the applicant, or their agents or successors in title, will secure and implement a programme of archaeological evaluation work in accordance with a written scheme of investigation for that phase of development which has been submitted to and approved in writing by the local planning authority. The results of that evaluation will be used to inform the reserved matters application for that phase, which should provide for the in-situ preservation of any archaeological remains of national or regional importance should they occur on the site and the archaeological investigation, recording and analysis of remains of lesser importance.

## Drainage and flood risk

32. Development shall not begin within each phase until a surface water drainage scheme for that phase (including measures for petrochemical interceptors), based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
33. Development shall not commence within each phase until details of the proposed means of foul sewerage disposal serving that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
34. Prior to commencement of development details of the measurements of the flows of watercourses in and around the site and monitoring of groundwater levels shall be submitted to and approved in writing by the local planning authority. The measurements and monitoring shall be continued thereafter and carried out in accordance with the approved details and reports to be submitted annually to the local planning authority until all the surface water drainage on the site has been implemented.
35. No development within each phase approved by this permission shall be commenced until detailed designs for any wetland features within each phase (e.g. ponds, swales and balancing features) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
36. No soakaways shall be constructed more than 2m below existing ground level and shall not penetrate the water table or be constructed through contaminated material.
37. Development of each phase shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

38. Development shall not commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority. The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point. Development shall be carried out in accordance the approved details.

#### Access and Movement

39. Within each development phase no development shall be commenced within that development phase until the local planning authority have approved in writing details of:
- a. the width, alignment, gradient and surface materials for any proposed roads/footways/footpaths/cycleways within and serving that development phase including all relevant horizontal and longitudinal cross sections showing existing and proposed levels, designed to a standard capable of adoption under Section 278 or 38 of the Highways Act 1980;
  - b. the type of street lighting including calculations, contour illumination plans and means to reduce light pollution within and serving that development phase; and
  - c. bus access, egress and turning.

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

40. No dwelling shall be occupied within a phase of development until all proposed vehicular accesses, driveways, parking and turning areas serving that dwelling have been constructed in accordance with details that have been submitted to and approved in writing by the local planning authority. The number of car parking spaces for each dwelling shall be in compliance with the Council's parking standards in force at the time of any reserved matters application.
41. Prior to the commencement of development within each phase details of the cycle parking for that phase of the development shall be submitted to and approved in writing by the local planning authority. No dwelling within that phase of development shall be occupied until the approved cycle parking serving that dwelling has been provided on site and shall be retained thereafter for their intended purpose.
42. Not more than 600 dwellings from the development hereby permitted or 1,000 dwellings within the South of the M4 Strategic Development Location (including the development hereby permitted but excluding consented development at Land North of Grazeley Road, Three Mile Cross) shall be occupied until Phase 1a of the Shinfield Eastern Relief Road forming the M4 over-bridge and Lane End Farm gyratory, as shown on RPS Drawing No. JNY5683-245 dated September 2011, has been constructed and is made available for public use.
43. Not more than 1,000 dwellings from the development hereby permitted or 1,250 dwellings within the South of the M4 Strategic Development Location

(including the development hereby permitted but excluding consented development at Land North of Grazeley Road, Three Mile Cross) shall be occupied until phases 1b and 2 of the Shinfield Eastern Relief Road, as shown on RPS Drawing No. JNY5683-245 dated September 2011, and made available for public use forming the section between Phase 1a and Arborfield Road are constructed.

44. Details of the traffic calming proposed on the main route through the development site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
45. Prior to the first occupation of residential development, a Parking Management Strategy for the management of on-street parking shall be submitted to and approved in writing by the local planning authority. The agreed strategy shall provide details of parking management of public car parks within the Local Centre and provide for the provision of a minimum 6.1m wide clear carriageway for a bus route through the development in accordance with the approved Public Transport Strategy required by condition 47. The development shall be implemented in accordance with the agreed strategy.
46. Prior to the first occupation of residential development, a Walking and Cycling Strategy for the development shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed strategy.
47. Before the first occupation of the development hereby permitted, a Public Transport Strategy (in accordance with the Public Transport Strategy prepared by RPS dated 31 October 2011 submitted with Third Transport Statement of Common Ground dated 2 November 2011), which shall include provision for an assessment on an annual basis of the public transport subsidy, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Public Transport Strategy.
48. The development shall be implemented in accordance with the approved Residential Travel Plan prepared by RPS dated 21 October 2011 (submitted with the Holding Statement: Transport and Highways dated 21 October 2011).
49. Within 6 months of the occupation of the Primary School, a School Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed School Travel Plan.
50. Within 6 months of the occupation of the retail food store, a Food Store Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed Food Store Travel Plan thereafter.
51. Prior to the commencement of any development, a scheme showing a car park with vehicular access from Hyde End Lane and associated pedestrian crossing points over Hyde End Lane to serve the Ridge SANG shall be submitted to and

approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first use of the Ridge SANG. The car park, vehicular access and pedestrian crossings shall be retained and maintained thereafter for the provision of access and parking to serve the Ridge SANG.

52. Prior to the commencement of development within each phase, details of the existing and proposed pedestrian and cycle access points and routes within the development site, including surface specification and treatment, which will serve that phase of the development will be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The pedestrian and cycle routes/accesses shall be maintained thereafter for the purposes of access to serve the development.
53. The potential access to Shinfield Junior School from Arborfield Road is not approved.

#### Sustainable Design and Construction

54. All dwellings on the site shall be designed to achieve the Code for Sustainable Homes Standard (or the equivalent standard of any successor standard or scheme) which shall apply at the time when the dwelling is constructed. All non-residential buildings shall be designed to achieve BREEAM 'very good' certification or such equivalent scheme and standard that shall operate at the time of construction of that building.
55. Before first occupation all dwellings with a garden shall be supplied with a water butt of approximately 200 litres installed to maximise rainwater collection, unless it is demonstrated that it is not practicable to accommodate it within the curtilage of the building.
56. All dwellings shall incorporate internal and external spaces for the storage of recyclable materials in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
57. All dwellings shall be provided with ducting that shall enable the connection of broadband or similar technologies.

#### Non-Residential Development

58. Prior to the occupation of any non-residential development the details of the hours of operation of those premises shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved details.
59. Prior to occupation of any non-residential development details of external lighting for that development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.



### Commercial uses

60. The retail food store hereby permitted shall not exceed 2,500 sq. m (gross internal floorspace).
61. The non-food retail 'A Class' uses (A1, A2, A3, A4 and A5) hereby permitted shall not in total exceed 750 sq m (gross internal floorspace). The individual units shall not exceed a maximum of 200 sq. m (gross internal floorspace).
62. The office use (Class B1) hereby permitted shall not exceed 450 sq. m (gross internal floorspace).
63. Before the development of the Local Centre hereby permitted commences, a scheme for noise mitigation from delivery vehicles to the Local Centre commercial premises shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. There shall be no deliveries to the retail premises between the hours of 2200 and 0600 hours Monday to Sunday.

### Specialist Housing

64. The development hereby approved shall contain 150 units of specialist accommodation (including 75 units of Use Class C2 accommodation and 75 units of Use Class C3 accommodation), designed for occupation by those over 55 years of age and/or in receipt of personal or medical care as defined in Article 2 of the 1987 Town and Country Planning (Use Classes) Order (as amended).

### Primary School

65. A 2 form entry primary school on a site not less than 2.5ha shall be constructed in accordance with an approved Development Area Brief required by condition 4 and a specification approved in writing by the local planning authority. The school shall be available for use prior to the occupation of 150 dwellings or within 2 years of the date of commencement of the development, whichever occurs first.
66. No development shall occur on the primary school extension land (1ha) (other than for educational purposes) in the period to 31 March 2026.
67. No development shall occur on the Infant School Extension Land or Junior School Extension Land, other than for educational purposes, for a period of 5 years from practical completion of the new primary school at Shinfield West.

### Outdoor Sport, Play Areas and Allotments

68. Prior to the commencement of development within each relevant phase, details of the layout, phasing and specification for children's play areas serving that phase (in accordance with the approved Interim Stage Phasing Master Plan required by condition 2) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

69. Prior to the commencement of development within each relevant phase, details of the layout phasing and specification for outdoor sports, including playing fields and associated pavilion layout and parking area serving that phase (in accordance with the approved Interim Stage Phasing Master Plan and Open Space Provision Programme required by condition 2) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
70. Prior to the commencement of development within each relevant phase, details of the layout, phasing and specification of allotments serving that phase (in accordance with the approved Interim Stage Phasing Master Plan required by condition 2) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Suitable Alternative Natural Greenspace

71. The Loddon Suitable Alternative Natural Greenspace (SANG), which shall serve the development hereby permitted but which is subject to a separate planning permission, will be made available for public use prior to the first occupation of the residential development hereby permitted. The Loddon SANG shall be implemented in accordance with the approved Loddon SANG Management Plan dated January 2011 following review of the approved Management Plan. The Loddon SANG shall be maintained thereafter in accordance with the approved Management Plan.
72. That part of the Ridge SANG required to serve Shinfield West shall be made available for public use to serve the development hereby permitted no later than the occupation of the 837<sup>th</sup> dwelling.
73. Prior to the occupation of the 837<sup>th</sup> dwelling hereby permitted (or earlier if required), a Ridge SANG Management Plan drawn up in accordance with the principles in Appendix 9.5 of the Shinfield West Environmental Statement dated June 2010 shall be submitted to and approved in writing by the local planning authority. The Ridge SANG shall be implemented thereafter in accordance with the approved Management Plan following a review of the approved Management Plan.
74. A scheme for implementation of skylark habitat mitigation measures for the development hereby permitted (which may include measures off-site but within the ownership of the University of Reading) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter implemented or replaced in accordance with the approved details.

#### Strategic Greenspace

75. No development shall commence until a Strategic Greenspace Strategy has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Strategic Greenspace Strategy. All reserved matters applications shall accord with the approved Strategic Greenspace Strategy. The strategy shall contain:

- (a) Environmental Management Plan (EMP) for the Strategic Greenspace. The EMP shall be implemented as agreed. The EMP shall include details of:
    - (i) a plan showing areas of existing and proposed habitats and proposed phasing of development; and
    - (ii) guidance for habitat creation, enhancement or restoration including a description and evaluation of proposals;
    - (iii) details of maintenance and management (including who is responsible) for each habitat from the point of first occupation of each phase of development,
  - (b) details of advance woodland planting (in accordance with the principles on UR3/3, Appendix G, Plan HDA G2);
  - (c) details of ground modelling;
  - (d) details of existing and proposed foot and cycle paths, their surface treatment and proposed Public Rights of Way;
  - (e) details of formal outdoor sport provision;
  - (f) Sustainable Drainage (SUDs) measures, including water features;
  - (g) Children's Play provision including play equipment and associated fencing/means of enclosure;
  - (h) details of the SANG link, including its location, landscape treatment, planting, and habitat creation and connections to the Ridge and Loddon SANGs;
  - (i) timing of the delivery of the Sustainable Transport Link from the western boundary of the Shinfield West residential development to the eastern carriageway edge of Hyde End Lane which shall be constructed in accordance with details submitted to and approved in writing by the local planning authority (in accordance with the principles contained on drawing no JNY5683-105 Rev H) and made available for public use (cycles, pedestrians and future public transport services);
  - (j) a phasing plan;
  - (k) management (including wardening), maintenance and monitoring strategy.
76. Advance woodland planting agreed in accordance with condition 75 shall be carried out along the western and eastern boundaries of the Strategic Greenspace. A reserved matters application for advance planting shall be submitted to the local planning authority within 6 months of the grant of

outline planning permission. Planting shall be carried out in accordance with a timetable to be agreed with the local planning authority.

#### Other Conditions

77. Prior to first occupation of the relevant phase of the development, a scheme for the provision of fire hydrants, or any other suitable alternative water supply, which shall include details of their location, specification and a programme for their provision shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
78. Notwithstanding the provisions of Classes A, B, C, D, E, F and G of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out on dwellings adjoining the Western Development Edge of the development with a common boundary to the Strategic Greenspace.

## ANNEX G

### APPEAL B EASTERN RELIEF ROAD – SUGGESTED PLANNING CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Drawing Nos. listed below.

Drawing Number	Drawing Title
JNY5683-166 Rev C	Application Site Plan
JNY5683-88 Rev O	Proposed Eastern Relief Road Scheme and Long Section
JNY5683-106	Proposed Eastern Relief Road Cross Sections
JNY5683-172	Proposed ERR Retaining Walls
300.55 / 12 Rev G	HDA1: Landscape Scheme
300.55 / 18 Rev G	HDA2: Landscape Planting - Northern Section
300.55 / 21 Rev E	HDA3: Landscape Planting - Southern Section
TP-601	Demolition Plan
TP-602	Former stable building existing floor plans
TP-603	Former stable building proposed floor plans
TP-604	Former stable building existing elevations
TP-605	Former stable building proposed elevations
TP-606	Boundary Wall Plan and Details
TP-607	Access Road Boundary Condition

3. No development shall begin until a surface water drainage scheme including a programme of implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed programme.
4. Phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) of the development hereby permitted shall not be commenced until a mitigation scheme for the conveyance of floodwaters, including details of the proposed culverting beneath Arborfield Road, from the River Loddon has been submitted to and approved in writing by the local planning authority. The development shall be fully implemented and subsequently maintained, in accordance with the approved mitigation scheme, or as may subsequently be agreed, in writing, by the local planning authority.
5. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) JER7522 Rev 3, dated March 2011, produced by RPS, and supplementary notes A to F with covering letter dated 15 July 2011 produced by RPS including the following mitigation measures detailed within the FRA; provision of culverts/openings through the ERR and retention of overland flow routes to the south of Arborfield Road.

6. No development within phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) of the Eastern Relief Road shall commence until the off-site works comprising an embankment and associated works to provide flood mitigation proposed on land east of and adjoining No. 20 Arborfield Road (as illustrated by drawings 300.58/20A dated July 2011 and 300.58/21 dated March 2011), including provision for surface water conveyance and storage from No. 20 Arborfield Road and adjoining properties to the west of the embankment, have been implemented in accordance with details submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter for the purposes of flood mitigation.
7. No development in phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) shall take place until a scheme for the management of the site during construction, including measures to prevent spoil or building materials being deposited or stored within areas liable to flood, are submitted to and approved in writing by the local planning authority and the works shall be implemented in accordance with the approved scheme.
8. No development in phase 2 (that part of the ERR between the proposed Science and Innovation Park junction and Arborfield Road) shall take place until detailed drawings of any walls, fences or other means of enclosure within or around the site are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
9. Prior to the start of each phase of works on site, including any works of demolition or ground preparation, the applicant, or their agents or successors in title, will secure and implement a programme of archaeological work, which may comprise more than one phase of work, in accordance with the written scheme of investigation for that phase of the development which has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
10. The development of each phase hereby permitted shall not commence until full details of both hard and soft landscape proposals for that phase have been submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian and cycle access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, boardwalks, signs, street lighting, external services, etc).
11. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and retained thereafter.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed with the local planning authority.
13. A landscape management plan for each phase of the development, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the development of each phase. The landscape management plan shall be carried out as approved.
14. The development of each phase hereby permitted shall not commence until:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
  - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

15. The plans and particulars submitted in accordance with condition 11 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 year from the date of commencement of the site for its permitted development.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the

approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.
- 17. All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including a timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of 2 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 18. Before the development of each phase hereby permitted is commenced, samples and details of the materials to be used in the construction and surfacing of that phase of the Eastern Relief Road, associated junction and visibility splay work, pedestrian and cycle access routes and associated highways furniture and plant shall have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 19. No highway lighting shall be installed in association with the scheme except in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 20. No work relating to the development hereby approved, including works of demolition or preparation prior to commencement of construction of the Eastern Relief Road, shall take place other than between the hours of 0730 and 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
- 21. Construction work in each phase of the development hereby permitted shall not begin until a scheme for that phase to protect existing noise-sensitive



development from impacts arising from the construction and operation of the Eastern Relief Road has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme for that phase shall be completed prior to commencement of construction in that phase of the development.

22. No development shall commence in each phase of the development hereby permitted until provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period of that phase, in accordance with details to be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the provision shall be maintained and used at all times.
23. The development of each phase shall be carried out in accordance with plan ref (JNY5683-88 Rev O) depicting badger tunnel locations. A scheme for implementation of the badger mitigation measures for each phase setting out the method of construction of tunnels and their detailed design, location, number and timing of provision shall also be submitted to and approved in writing by the local planning authority prior to the commencement of development in each phase. Development shall be carried out in accordance with the approved details.
24. Construction work in each phase of the development hereby permitted shall not begin until a Construction Environmental Management Plan (CEMP) which will detail the measures to be implemented to protect site workers, site users and the environment arising from the construction of the Eastern Relief Road has been submitted for that phase to and approved in writing by the local planning authority. The development shall be implemented thereafter in accordance with the approved CEMP. Each phase CEMP shall include the following matters:
  - i) a construction travel protocol or Green Travel plan for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) piling techniques;
  - iv) storage of plant and materials;
  - v) programme of works (including measures for traffic management and operating hours);
  - vi) provision of boundary hoarding and lighting;
  - vii) protection of important trees, hedgerows and other natural features;
  - viii) details of proposed means of dust suppression and noise mitigation;
  - ix) details of measures to prevent mud from vehicles leaving the site during construction;
  - x) details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
  - xi) lighting on site during construction;
  - xii) measures to ensure no on site fires during construction;
  - xiii) monitoring and review of the CEMP;
  - xiv) implementation of the CEMP through an environmental management system;

- xv) details of the temporary surface water management measures to be provided during the construction phase;
  - xvi) details of the excavation of materials and the subsurface construction methodology;
  - xvii) details of the haul routes to be used to access the development; and
  - xviii) appointment of a Construction Liaison Officer.
25. No development shall take place on the site until the existing structure(s) shown to be demolished on the approved plans have been demolished and all resultant materials permanently removed from the site.

## ANNEX H

### APPEAL C Loddon SANG – SUGGESTED PLANNING CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Drawing Nos. listed below and Drawing No. JNY5683-103 Rev J dated 9 September 2011.

Drawing Number	Drawing Title
SW46 Rev E	Loddon SANGS Application Site
Map 6	Loddon SANG Masterplan
1223/8 Rev I	HDA LS7 Loddon SANG Landscape Masterplan
1223/9 Rev H	HDA LS 8 Loddon SANG Landscape Masterplan: Main SANG Area
1223/10 Rev A	HDA LS9 Loddon SANG Landscape Masterplan: Planting Plan
JNY5683-103 Rev J	Proposed Pedestrian Crossing and Parking Area for Hyde End Road SANG
300.62/11A	HDA10: All Ability Route
300.62/12	HDA11: Barbed Post and Wire
300.62/13A	HDA12: Post and Wire Fence
300.62/14	HDA13: Bridge (Plan)
300.62/15	HDA14: Bridge (Section)
300.62/16	HDA15: Single Beam Bridge
300.62/17	HDA16: Boardwalk
300.62/18	HDA17: Machinery/Livestock Gate
300.62/19	HDA18: Double Kissing Gate
300.62/20	HDA19: Single Kissing Gate
300.62/21	HDA20: Bench
300.62/22	HDA21: Directional Sign
JNY5683-156 Rev – A	Tractor Bridge Loddon SANG

3. All watercourse crossings are to be constructed in accordance with the addendum to the Flood Risk Assessment Ref: JER7522 – Loddon SANG produced by RPS dated 20 July 2011, in particular the crossings will be; clear span in design with the supports set as far back within the bank top as possible; open in design to allow the free flow of floodwaters; with soffit levels being set sufficiently high to allow for the free flow of floodwater.
4. No development shall take place until a scheme for the management of the site during construction, including measures to prevent spoil or building materials being deposited or stored within areas liable to flood, are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
5. No development shall take place until detailed drawings of any walls, fences or other means of enclosure within or around the site have been submitted to and approved in writing by the local planning authority. The design of any

wall, fence or other means of enclosure must be permeable to flood water. Development shall be carried out in accordance with the approved details and retained thereafter.

6. Prior to the commencement of development, including any ground preparation and any works causing below ground disturbance, on site the applicant, or their agents or successors in title, will secure and implement a programme of archaeological work, which may comprise more than one phase of work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Changes to and additional works to the management of the site shall only take place in accordance with the detailed scheme approved pursuant to this condition.
7. The use hereby permitted shall not commence until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, boardwalks, signs, refuse or other storage units, external services, etc).
8. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and retained thereafter.
9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme the details of which shall be first submitted to and approved in writing by the local planning authority.
10. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
11. The use hereby permitted shall not commence until:
  - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment

of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

- 12. The plans and particulars submitted in accordance with condition 7 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
- 13. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of commencement of the site for its permitted use:
  - (a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
  - (b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority;
  - (c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
- 14. All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected in accordance with details submitted to and approved

in writing by the local planning authority for the duration of works on land. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including a timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of 2 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

15. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction and surfacing of the access road and visibility splays shall have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
16. Prior to the first use of the Loddon SANG, the Loddon SANG car park and vehicular access from Hyde End Road, with associated pedestrian crossing point over Hyde End Road will be constructed and open for public use in accordance with drawing JNY5683-103 Revision J. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 m in height and maintained clear of any obstruction exceeding 0.6 m in height at all times. The car park, vehicular access and pedestrian crossings shall be maintained thereafter for the provision of access and parking to serve the Loddon SANG.
17. The site shall not be brought into use until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 m measured from the carriageway edge.
18. No external lighting shall be installed except in accordance with details that have first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
19. No development shall commence until details of secure cycle parking have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
20. Notwithstanding the details contained within condition 16, details of the proposed topographical levels in relation to the proposed car park and vehicular access shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The agreed levels shall be implemented in accordance with the approved details.
21. Prior to the commencement of development details of the proposed surface water drainage strategy for the Loddon SANG access road and car park shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

22. No work relating to the construction and laying out of the development hereby approved shall take place other than between the hours of 0730 and 1800 hours Monday to Friday and 0730 to 1300 hours Saturdays and at no time on Sundays or Bank or National Holidays.
23. No development shall commence until provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction and laying out period of the development, in accordance with details to be submitted to and agreed in writing by the local planning authority. The provision shall be maintained and used at all times.
24. The development hereby permitted shall be implemented in accordance with the approved Loddon SANG Management Plan dated January 2011 following a review of the approved Management Plan. The Loddon SANG shall be maintained thereafter in accordance with the approved Management Plan.
25. No development shall commence within each phase of the development until an Environmental Management Plan (EMP) for that phase has been submitted to and approved in writing by the local planning authority. The EMP shall include details of:
  - (a) a plan showing areas of existing and proposed habitats and proposed phasing of development (including a new otter holt and barn owl boxes); and
  - (b) guidance for habitat creation, enhancement or restoration including a description and evaluation of proposals; and
  - (c) details of maintenance and management (including who is responsible) for each habitat from the point of first occupation of each phase of development.

## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.