



# **WOKINGHAM BOROUGH COUNCIL**

## **Hearing Statement by Local Planning Authority**

|                                                |                                                                  |
|------------------------------------------------|------------------------------------------------------------------|
| <b>Appellant:</b>                              | Abbeymill Homes                                                  |
| <b>Site:</b>                                   | Land West of Edney's Hill<br>Barkham Road<br>Barkham<br>RG41 4TG |
| <b>Local Planning<br/>Authority Reference:</b> | 251486                                                           |
| <b>Appeal reference<br/>number:</b>            | 6005646                                                          |

**April 2026**

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***Appendix 3 – Wokingham Borough Five Year Housing Land Supply Statement at 31 March 2025***

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*Appendix 5 makes reference to the following documents which have been submitted to the Inspector for reference:*

- *Cycling and Walking Investment Strategy (CWIS2)*
- *Cycling and Walking Investment Strategy (CWIS3)*
- *Manual for Streets*
- *Borough Design Guide (2012)*
- *Local Transport Note 1/20*
- *WBC Living Streets: Highways Design Guidance (2019)*
- *National Design Guide (2019)*
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**Appendix 6 – Statement from WBC Green Infrastructure**

*Appendix 6 makes reference to the following documents, which have been submitted to the Inspector for reference:*

- *Keephatch Beech S106*
- *Cemeteries External Briefing Note*
- *Fields In Trust Standards (2024)*
- *Open Space, Sport and Recreation Strategy (2013)*
- *Play Space Design Guide Technical Note (2019)*

**Appendix 7 – Statement from WBC Trees (Tree & Landscaping Service Manager).**

*Appendix 7 also has the following appendices:*

- *CD1 - Ancient woodland, ancient trees and veteran trees: advice for making planning decision*
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***The following Appendices are referred to in the CIL compliance statement:***

**Appendix 12 - WBC Employment Skills Plan Guidance for Developers**

**Appendix 13 - WBC note from Skills and Employment Service Manager**

**Appendix 14 - Open Space, Sport and Recreation Strategy (2013)**

**Appendix 15 - Keephatch Beech S106**

**Appendix 16 – Cantley Park Masterplan**

***Appendix 17 – Cemeteries External Briefing Note Summary V4 - 2026.02.13***

N.B. Whilst Appendices 4 and 7 are titled 'Proofs of Evidence', these should be taken as statements given this appeal is not an Inquiry setting.

## 1.0 Introduction

1.1 Full planning permission was refused on 16<sup>th</sup> October 2025 under application reference 251486. The proposal was for *'Full application for the proposed erection of 16 no. dwellings with new access off Edney's Hill, plus footpaths, car ports, parking, landscaping and associated works'*.

1.2 The application was refused for the following reasons:

*1. The proposal represents inappropriate, unplanned development outside of development limits within the countryside and contrary to the spatial objectives of the development plan and to Policies CP1, CP9 and CP11 of the Core Strategy, Policy CC01 of the MDD Local Plan, Policy IRS1 of the Arborfield and Barkham Neighbourhood Plan and the NPPF.*

*2. The proposed development would have an adverse impact on the landscape, character and appearance of the area by reason of the loss of an open green field in the countryside to an urbanising, poorly designed development, contrary to policies CP1, CP3 and CP11 of the Core Strategy, policies CC01, CC03 and TB21 of the MDD Local Plan, policies AD3 and IRS2 Arborfield and Barkham Neighbourhood Plan, Barkham Village Design Statement, the Wokingham Borough Design Guide Supplementary Planning Document (2012), the Wokingham Borough Landscape Character Assessment and the NPPF.*

*3. The location of the proposed development is unsustainable in transport terms as the proposed development is not within suitable distances of day-to-day local facilities and amenities, including areas of public open space, by non-motorised transport modes, and will result in a high level of car dependency contrary to the sustainable goals in Section 8 and 9 of the NPPF, as well as policies CP1, CP2, CP3 and CP6 of the Core Strategy and TB08 of the MDD Local Plan.*

*4. In the absence of adequate information regarding satisfactory access arrangements, visibility splays and turning area for vehicles entering/exiting the site, it has not been demonstrated that the proposal will not lead to a detrimental impact on both highways and pedestrian safety, and that the development can*

*be adequately serviced in terms of waste provision. The proposal is contrary to policies CP1, CP3 and CP6 of the Core Strategy, policy CC04 of the MDD and the NPPF.*

*5. The proposed balcony serving plot 11 would result in uninterrupted views across the proposed gardens of plots 6 and 7 and therefore the privacy for future occupiers would be compromised, contrary to policy CP3 of the Core Strategy and the Wokingham Borough Design Guide Supplementary Planning Document (2012) and the NPPF.*

*6. The applicant has failed to demonstrate that future occupiers of the proposed development would not be subject to adverse noise from the existing surrounding environment. The proposal is therefore contrary to policy CC06 of the MDD Local Plan, policy CP1 of the Core Strategy and the NPPF.*

*7. The proposal fails to demonstrate that the development can be suitably accommodated within the site without impinging on root protection areas, resulting in adverse and unacceptable impacts on important trees. Furthermore, impact on existing trees has failed to be considered in relation to required highway visibility splays. As such, the proposal fails to comply with CC03 of the MDD Local Plan and NPPF.*

*8. In the absence of a planning obligation to secure suitable avoidance and mitigation measure and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.*

*9. By virtue of a lack of accurate information, an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, the survey assessment is not acceptable and therefore the relevant date of pre-development biodiversity value is not agreed. As such, if granted planning*

*permission, there is no guarantee if 10% biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).*

*10. In the absence of a completed Legal Agreement, the schemes fails to make adequate provision for highways infrastructure, contrary to Policies CP1, CP3, CP4 and CP6 of the Core Strategy the NPPF.*

*11. In the absence of a completed legal agreement, the scheme fails to make adequate provision towards primary medical care to accommodate for the increase in population as a result of the development. The proposal is therefore contrary to policy CP1 of the Core Strategy and the NPPF*

*12. In the absence of a completed legal agreement, the scheme fails to make adequate provision for affordable housing, contrary to Policy CP5 of the Core Strategy and the NPPF.*

*13. In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to policy TB12 of the MDD Local Plan.*

- 1.3 The Council would be pleased if the Inspector could take into account the following comments before deciding the appeal which aim to respond to the grounds of appeal made by the Appellant.

## **2.0 Site Description**

- 2.1 The application site comprises of an open field measuring approximately 0.7 hectares. The site is currently free of built form. The topography of the land, and surrounding roads, falls away in broadly a south-easterly direction, with the lowest part of the site being the south-east corner. The maximum level difference is approximately 10m.
- 2.2 The site is located on the corner of Edney's Hill where it meets Barkham Road and has vegetation along the northern and eastern boundaries.

2.3 The surrounding area is predominantly residential, linear development along road frontages. To the south is agricultural land and buildings.

### 3.0 Planning History

3.1 The planning history is outlined in the Officer report which has already been sent to the Inspector and includes applications for residential development on the site. For ease, they are listed as follows:

| Application No. | Description                                                                                                                                                          | Decision & Date                                                                                    | Appendix No.      |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------|
| 171276          | Application for outline consent for an access road to serve 5 serviced custom build plots (Access to be considered)                                                  | Refused 23/08/17 and dismissed at appeal (APP/X0360/W/17/31848 47)                                 | <b>Appendix 1</b> |
| 162084          | Outline application for the proposed erection of 5no custom-build dwellings with associated access off Edneys Hill (access and layout to be considered).             | Refused 07/10/16 and dismissed at appeal (APP/X0360/W/16/31613 62) Linked appeal with app. 161412  |                   |
| 161412          | Outline application for the proposed erection of 8no custom-build dwellings with associated garages and access off Edneys Hill (access and layout to be considered). | Refused 19/07/16 and dismissed at appeal (APP/X0360/W/16/31548 56) .Linked appeal with app. 162084 | <b>Appendix 2</b> |

### 4.0 Legal Context and Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework 2024 (NPPF), among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.

#### 4.2 Relevant policies and guidance are listed below

- **National Planning Policy Framework (NPPF) December 2024**
- **National Planning Policy Guidance (NPPG)**

#### Adopted Development Plan

- **Wokingham Borough Council Core Strategy (2010):**
  - CP1 – Sustainable Development
  - CP2 – Inclusive Communities
  - CP3 – General Principles for Development
  - CP5 – Housing Mix, Density and Affordability
  - CP6 – Managing Travel Demand
  - CP7 – Biodiversity
  - CP8 – Thames Basin Heaths Special Protection Area
  - CP9 – Scale and Location of Development Proposals
  - CP11 – Proposals Outside Development Limits
  - CP17 – Housing Delivery
- **Managing Development Delivery Plan (2014):**
  - CC01 – Presumption in Favour of Sustainable Development
  - CC02 – Development Limits
  - CC03 – Green Infrastructure, Trees and Landscaping
  - CC04 – Sustainable Design and Construction
  - CC05 – Renewable Energy and Decentralised Energy Networks
  - CC06 – Noise
  - CC07 – Parking
  - CC09 – Development and Flood Risk
  - CC10 – Sustainable Drainage
  - TB05 – Housing Mix
  - TB07 – Internal Space Standards
  - TB08 – Open Space, Sport and Recreational Facilities Standards
  - TB12 – Employment Skills Plan
  - TB21 – Landscape Character

- TB23 – Biodiversity and Development
- TB25 – Archaeology
- **Arborfield and Barkham Neighbourhood Plan (2020)**
  - IRS1 – Preservation of Separation of Settlements
  - IRS2 – Recognise, Respect and Preserve Identity and Rural Settling of Settlements
  - IRS3 – Retention and enhancement of the natural environment and green spaces
  - AD1 – New development within development limits
  - AD2 – Prioritise housing for local needs
  - AD3 – High quality development with generous open space, properly landscaped
  - AD4 – Address local flood risk management
  - GA1 – Minimise additional traffic on unsuitable roads
- **Joint Minerals and Waste Plan (2019)**
  - The Joint Minerals and Waste Plan also forms part of the development plan, however is not applicable to this site as it is not within a designated minerals safeguarding area or search area.

#### Supplementary Planning Guidance / Other Relevant Guidance

- Borough Design Guide Supplementary Planning Document (2012)
- CIL Guidance + 123 List
- Affordable Housing Supplementary Planning Document (2013)
- Sustainable Design and Construction Supplementary Planning Document (2010)
- Barkham Village Design Statement (2007)
- WBC Play Space Design Guide (2018)
- Open Space, Sports and Recreation Strategy (2013)

## **Emerging Policy Local Plan update**

- 4.3 Work is underway on a new local plan for the Borough - the Local Plan Update – which will put in place a new planning strategy for the period to 2040. Once adopted, it will replace the current Core Strategy and Managing Development Delivery local plans.
- 4.4 The Wokingham Borough Local Plan Update 2023-2040: Proposed Submission Plan was submitted to the Secretary of State for examination by an independent Planning Inspector on Friday 28 February 2025 (Regulation 22 stage). Two independent Inspectors were appointed, with Part 1 examination hearings held in November 2025. The Inspectors have now written to confirm the examination can progress to Part 2 hearings, which have commenced in March 2026 and are ongoing (Regulation 24 stage).
- 4.5 At the time the application was determined, the LPU was at Regulation 22 stage. Progress has since been made, as advised above. As per paragraph 49 of the NPPF:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

4.6 As a whole, the LPU is still given limited weight, despite its advance stage of preparation. This is owing to unresolved objections to a great number of the policies contained within it. However, there are individual policies within the LPU that have received less objection and therefore individually hold are considered by Officers to hold moderate weight. All the others hold limited weight. Those policies relevant to this appeal which are considered to hold moderate weight by Officers are:

- C3 – Active travel
- C4 – Green and blue infrastructure and public rights of way
- C5 – Parking and electric vehicle charging
- ER4 – Employment and skills plans
- DH2 – Safeguarding amenity
- HC5 – Environmental protection
- HC7 – Light pollution
- HC9 – Contaminated land and water

4.7 When the application was determined, limited weight was also given to the LPU as a whole and as such the overall stance on this matter has not changed. The focus remains on the adopted development plan.

## **5.0 The Council's Case**

5.1 The following comments are made in response to specific parts of the grounds for appeal and related documents submitted by the Appellant. Each reason for refusal will be discussed and section 7 of this statement of case contains a CIL compliance statement in relation to the obligations sought.

### ***Reason for refusal 1 – principle of development***

5.2 The site is located outside of the defined settlement limits, within countryside and therefore the principle of this development in this location is unacceptable and in conflict with the development plan and its spatial strategy. This is not merely a technical breach of settlement limits of the spatial strategy and there

are numerous factors that lead to the inappropriateness of the principle of this development:

(a) The site lies outside the defined settlement limits, resulting in a direct conflict with Core Strategy Policies CP1, CP9 and CP11 and the overarching spatial strategy for the borough

(b) The proposal undermines the aims and purposes of these policies, which are designed to maintain the separate identity of settlements and maintain the quality of the environment. They also seek to prevent the proliferation of development in areas that are not well located for the facilities and services and provide certainty as to how the borough will be developed

(c) The breach of settlement limits is not minor or inconsequential

(d) The site is not proposed for allocation in the emerging Local Plan Update, indicating that the site has been judged unsuitable for planned growth through the plan making process

(e) The site has been consistently judged to be inappropriate for development through previous appeal decisions

5.3 The statutory starting point for determination is the development plan. The site is outside of settlement limits and within the countryside and the location for the proposed development conflicts with the spatial strategy in the development plan.

5.4 Paragraph 17 and 20 of the NPPF state the development plan must include strategic policies to address each local planning authority's priorities and an overall strategy for the pattern, scale and quality of development.

5.5 A priority of the development plan is to steer new housing to the most sustainable locations within settlement boundaries and limit development within the countryside. This is, among other things, in order to promote sustainability, maintain the quality of the environment, protect the separate identity of settlements as specified in the explanatory text to policy CP1 and within Policy CP11. The spatial strategy also provides certainty to the public regarding how the borough will be developed.

- 5.6 Core Strategy policy CP11 refers to development outside development limits (including countryside) and states ‘in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted,’ except for the exceptions listed. The clear starting point is therefore that development outside of these limits should not normally be permitted. The proposal does not fall within any of the exceptions set out in policy CP11 and conflicts with this development plan policy. Furthermore, policy IRS1 of the Arborfield & Barkham Neighbourhood Plan echoes CP11 and also states that proposals outside of development limits *“will be required to comply with Policy CP11 of the Core Strategy and: a) Preserve the character and appearance of the countryside; and b) Not lead to the physical, visual or perceived coalescence of existing settlement”*. The proposal therefore also conflicts with IRS1.
- 5.7 Whilst the Appellant acknowledges the site’s location in the countryside, reference is still made to the adjacent Barkham Hill settlement which is defined under policy CP9 of the Core Strategy as a limited development location. Along with this, policy CP17 of the Core Strategy is referred to which states that proposals within limited development locations are generally expected not to exceed 25 dwellings. The Appellant concludes that *“In this respect, the appeal proposal conforms with the scale of development considered appropriate at Barkham Hill”*. However, this policy relates to sites within development limits. Hence, the appeal scheme conflicts with policy CP9.
- 5.8 The Appellant then goes on to acknowledge that *“some conflict”* does arise with CP11 and IRS1. The Council maintain that the breach of settlement limits is not minor. The site is not a mere nondescript field and the development of this site would have negative and lasting consequences and the erosion of a site that performs a valuable visual function. This is also discussed, and interlinks with, the considerations in relation to reason for refusal 2.
- 5.9 The above is reinforced by the planning history of the site also. Within appeal APP/X0360/W/17/3184847 (WBC ref. 171276 – **Appendix 1**) for 5 proposed dwellings, the Inspector raised concern regarding the principle of built form on the site (para 11 of the decision):

*At the hearing, the appellant stated that the impacts of the development could be mitigated by restricting the height of the buildings and controlling the scale, layout, landscaping and appearance through the reserved matters and the proposed plot passports to be agreed between the appellant and the Council. **However, this does not diminish my concerns above in relation to the harm that would arise by the introduction of the proposed built form.** These shortcomings would be exacerbated by the potential use of close boarded fencing around the site's perimeter as illustrated in the submitted photomontages of the proposed development and the associated shared access road across the front of the site that would add further to the urbanising effect of the site. (author's emphasis)*

- 5.10 Furthermore, in para 9 of APP/X0360/W/16/3154856 (for 8 dwellings) and linked appeal APP/X0360/W/16/3161362 for 5 dwellings (**Appendix 2**) concluded that ***“the erection of new dwellings would erode the open character and quality of the area by extending the built development in an undesirable fashion”*** (author's emphasis). Again, this statement appears to once again be related to the principle of development on the site. As such, previous appeal decisions, reinforce the value of this countryside site, despite being adjacent to settlement limits of Barkham Hill. In fact, it is the visual break the site provides amongst the settlement that is valuable and as such the breach is not minor or inconsequential with the field having an important wider role within the landscape and therefore the scheme would conflict with the overarching aim of policy CP11 of maintaining the environment.
- 5.11 The in-principle unacceptability of developing the site is also reinforced by the site's rejection through the LPU plan-making process. The appeal site closely resembles Call for Sites promotion 5BA017 (see map below), albeit the application site does not extend as far west as the site promotion.



- 5.12 Site 5BA017 was promoted for the development of between 8-14 dwellings. The site was assessed through the Housing and Economic Land Availability Assessment (HELAA) (2024) and published alongside the Regulation 19 Proposed Submission Plan. The HELAA identified that the fundamental reason for this conclusion was as a result of the *“erosion of the open, rural character of the site and the lack of services and facilities within a 10-minute walk of the site, as it would increase reliance on private car usage and therefore undermine the site’s sustainability”*. The site was therefore excluded at Stage 2c of the HELAA.

#### **Development Plan and weight**

- 5.13 The Appellant notes that policies concerning the delivery of housing which includes settlement boundaries are out of date owing to the Council not having a 5YHLS. The Council acknowledge this point as are unable to demonstrate a 5YHLS (**Appendix 3**).
- 5.14 The Council does not rely upon housing land supply evidence, delivery rates or borough-wide housing performance in this appeal, but rather the site-specific planning balance.
- 5.15 Despite being out of date, paragraph 232 of the NPPF is clear that due weight should be given to policies according to their consistency with the NPPF. The objectives of the CP9 and CP11 are consistent with the Framework in that they provide certainty and clarity about where development should be located and this is a fundamental objective that underpins the plan-led system and for that reason the conflict should continue to be afforded weight, and thus so should the policy conflict with CP9 and CP11.

## Summary

- 5.16 The site is located outside of settlement limits and is therefore contrary to the spatial strategy and policies CP9 and CP11, and the overall aim of maintaining the quality of the environment. Despite housing policies being out of date by virtue of the Council not demonstrating a 5YHLS, they are still considered consistent with the fundamentals of the plan led system as outlined in the NPPF. The conclusion that the site, in principle, is not suitable for development is reinforced by both the emerging Local Plan Update and a consistent body of appeal decisions, which have repeatedly highlighted the value of the openness of the site and its contribution to the wider landscape character.

### ***Reason for refusal 2 – Impact on the surrounding area, landscape and design***

- 5.17 This reason for refusal centres around the proposal's adverse and urbanising impact on the landscape, character and appearance of the area. This reason for refusal is supported by a statement from the Council's Landscape Officer (see **Appendix 4**) and this should be read in conjunction with this statement. Appendix 4 also contains a rebuttal to the Appellant's Landscape and Visual Assessment. Below some of the key conclusions are reiterated, with additional points as necessary.
- 5.18 It is fully acknowledged that most, if not all, development will have an impact on the surrounding area and landscape it is situated in. However, the extent of the level of harm, and its wider impacts, are determining factors in whether a proposal will harmfully affect these to an unacceptable degree and result in policy conflict. The Appellant is of the view that *the* development will successfully integrate into its surroundings. The Council's evidence shows that this is not the case, and therefore the proposal will result in unacceptable harm.
- 5.19 The Appellant asserts that the site *"is of no recognised value being an ordinary field on the immediate edge of the settlement"* (para 6.15). The Council respectfully disagree. The site provides a valuable landscape pause amongst development, and the Appellant has failed to recognise the site itself is one of the 'Valued Landscape Attributes' of J2 Landscape Character Area and the site

topography is a typical example of the undulating landscape associated with LCA J2 consisting of small fields and wooded coombes.

- 5.20 The Appellant also claims that the appeal site does not comprise open countryside in the sense envisaged by policy. Whilst it is the case that the site is not publicly open, it is still classified as countryside and therefore affords protection under the adopted local plan. As discussed by the Council's Landscaping Officer, the loss of the site would have wider implications in the context of the surrounding area and wider countryside to the south. Furthermore, the settlement boundary has been drawn specifically around this site, and so must be intentional and the value of the site as an open field appreciated.
- 5.21 The value of the site as an open field and its wider value in the surrounding area/ landscape has been consistently noted by Planning Inspectors determining appeals for residential development on this site. This has already been discussed in paras 5.9 and 5.10 of this statement. As such, whilst the appellant argues the infilling is logical, an extension of the Barkham Hill settlement limits has not been deemed appropriate in a visual context.
- 5.22 Whilst the Appellant states that the weight that should be attributed to these historic conclusions should be very limited in the context of this appeal, this is not agreed, and their conclusions are still relevant pertaining to the principle of built form on this site and the consequential impacts on the landscape and countryside. The site is as it was at the time of those appeals – an open field, and therefore the context and function of the site remains the same as it did then. Even though development has been constructed in the vicinity, such as the 4 x townhouses mentioned by the Appellant on the northern side of Barkham Road, this only re-enforces the importance of this remaining parcel of open land in the streetscape.
- 5.23 The proposal can therefore not successfully integrate into surroundings as the loss of the site as an open breathing point in the ribbon development is a permanent, irreversible, large impact in itself. This in principle starting point appears to be that the site itself has been overlooked and this re-affirmed by the Appellant's view that the field is ordinary and of no value.

- 5.24 The prevailing character of Barkham Road is linear, ribbon development. Neither the proposals nor the adjacent development from Coppid Hill House to Tourmakeady strictly define the historic pattern of single dwellings facing Barkham Road. The existing development on the west side of the site is a doubling of the linear development which creates a more dense, urban development that has the effect of looming over the existing open land which will be replicated on the appeal site.
- 5.25 Even though the pattern of development immediately to the west (Coppid Hill House to Tourmakeady) is not reflective of the historic pattern in terms of its tandem arrangement, it is still arranged in a somewhat linear format. However, in the appeal scheme, plots 14-16 in particular are not arranged in a way that is reflective of linear surroundings at all. Furthermore, the way in which this estate development would operate or be structured in a linear form, in terms of vehicle movements, for example, would also be at general odds with this established grain and pattern of surroundings. All access from Edney's Hill, a rural lane, will also diminish the quality and experience of this rural lane.
- 5.26 At figure CJ 5.3 of the Appellant's LVA, it aims to illustrate that development will not extend further south than the existing prevailing building line. However, development does go beyond in the form of the internal site road.
- 5.27 In general terms the development would be dense. Alongside the dwellings and flatted block, there would be large portions of hardstanding including parking blocks and service roads, as well as car ports. This overall makes for urban development and the density equates to 23 dph. For comparison, immediately to the west, where there is tandem linear development, the density equates to approx 11 dph. To the east, density is lower due to the traditional linear development in good plot sizes. Given the site's relationship to the open countryside to the south, a scheme would be expected to be transitional and reflective in its scale. This is not the case.
- 5.28 The Appellant claims that a landscape led approach has been adopted and that the proposals will not result in a wholesale loss of openness with a substantial portion of the site retained as landscaped open space. This is not the case by virtue of the built form: landscaping ratio, and the density. Rather, the

landscaping that is proposed, around the edges of the site is merely incidental rather than being at the forefront of the design or usability for residents.

- 5.29 In terms of design, the proposed dwellings/ apartment block would be around 11m in height, with bulky roofs in particular. The Barkham Village design statement emphasises focuses on architectural features of Barkham and notes *“One and a half” storey houses with dormer style upper windows within the roof space should be encouraged as this reflects the architecture common in Barkham. Houses with high ridgelines should be discouraged as they tend to dominate their surroundings.”*
- 5.30 The Appellant has made reference to the 4 x townhouses to the north, on the opposite side of Barkham Road. Whilst it is acknowledged that these are 2.5 storey, and so of a larger than average height, this is not considered to justify unnecessarily high 2 storey dwellings when looking at the wider context of development. To the east of the site, it can be seen that there are dwellings that are 1.5 storeys. Furthermore, given the quantum of development at this elevated height, plus being arranged in an ‘estate form, it would contribute to, and exacerbate, the dense and urban arrangement.
- 5.31 The dwellings also show little to no visual relief or break up at roof level or on the facades. Some minimal architectural detailing is proposed in terms of brickwork, however in the context of the scale of the dwellings, physical break ups of the composition of dwellings would be expected. Proposed windows are also of a size that look disproportionately small to the scale of the buildings. Thus, overall the design amounts to a development that is not considered appropriate in the local context, or in line with the notable architectural features of Barkham outlined in the Design Statement.
- 5.32 Overall, the amount and density of development, along with the height and scale of buildings would lead to a very urbanised addition to what is presently a rural lane and a surrounding area that is arranged in a noticeably linear fashion. It would result in the loss of a valuable open field in the landscape that in itself is a valuable feature of the J2 Landscape Character Area, and the presence of built form will also have wider implications of views over the landscape. As such, when reverting back to the key issues facing the J2

Landscape Character Area, one is: *pressure for large scale residential development and supporting infrastructure impact landscape character* and the an aim of the landscape strategy in terms of development, to *integrate new development into its landscape setting and retain the open and rural character of the landscape between settlements*. The proposal contributes to the key issues identified in the J2 and fails to comply with this Landscape Character Area strategy and therefore conflicts with policy TB21 of the MDD which seeks to at least retain features that contribute to the landscape.

- 5.33 In addition to policy TB21, the proposal fails to comply with policy CP1 and CP11 of the Core Strategy which seek to maintain the quality of the environment, policy CP3 of the Core Strategy which seeks schemes that are appropriate to the character of the area, scale, layout, height and overall a high quality of design, and policy CC03 which has aims of promoting integrating of schemes to the countryside and incorporating landscaping as an integral part of the scheme. It also conflicts with policy AD3 and IRS2 which seeks good quality design and IRS2 makes particular reference to adherence to the Village Design Statement.
- 5.34 The above policy considerations are also within the NPPF with section 12 discussing generally how well designed places are fundamental in sustainable development. Paragraph 135 states development should be visually attractive, and sympathetic to local character. Paragraph 139 of the NPPF Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. This is considered to be the case here.

### ***Reason for refusal 3 – Locational sustainability***

- 5.35 This reason for refusal centres around the site's locational sustainability for future residents, with focus on their access to services and facilities by means other than private motor cars.
- 5.36 Policy CP6 of the Core Strategy in particular states that development proposals should:
- (a) Provide for sustainable forms of transport to allow choice*

*(b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel*

5.37 The Inspector is asked to refer to **Appendix 5** which is a supporting statement from the Local Highway Authority (LHA). This sets out the Council's case in full with regard to this reason for refusal and should be read in conjunction with this statement. Here, a summary of some key points is provided.

### ***Walking***

5.38 The LHA note that the distances required to walk to local facilities and amenities are too far to encourage the use of sustainable modes. The LHA has undertaken a review of the following types of facilities and services that would serve the development:

- Retail
- Education
- Healthcare
- Leisure and Community
- Employment

5.39 There are only a limited range of facilities and services would be within an acceptable (or even the preferred maximum) distance from the site.

5.40 As well as not being within acceptable walking distances for the most part, many services and facilities (including those within acceptable walking distances) would have unattractive walking environments. Examples include:

- *Toad Hall Nursery* – whilst being within an acceptable walking distance (~900m), residents would have to walk along Edney's Hill which is subject to national speed limits with no existing pedestrian/ cycle infrastructure. This would be undesirable with young children and so would likely discourage parents from doing this and instead relying on private motor cars for even short distances.
- *Barkham Village Store and Post Office* – again, whilst being in an acceptable walking distance, the convenience shop would only be used for 'top up'

shopping rather than a standard weekly shop. The route also crosses BARK19, which is unlit and therefore would be unattractive for residents in periods of darkness.

- *Barkham Grange* - smaller scale employment unit is within acceptable walking distance, but no streetlighting and multiple pinch points along footway of 1m wide, so again makes for an unattractive environment.

### **Cycling**

5.41 There are no direct and continuous cycling route to the local facilities. The best cycling routes in most case will be equivalent to the pedestrian routes. Cycling routes are also unattractive as they are unsegregated and unlit.

### **Buses**

5.42 It is acknowledged that the site has access to a 'good' bus service as defined in policy CP6. However, it should be appreciated that the waiting environment of the bus stops, both eastbound and westbound are unattractive especially during poor weather.

### **Summary on site sustainability**

5.43 Although the 'good' bus service will give residents some alternative choice of transport mode to the private motor car, paragraph 117(a) of the NPPF requests giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Pedestrians and cyclists are therefore at the top of the hierarchy which have not been accounted for in this scheme. Furthermore, it is not justifiable to take public transport (bus) to local facilities and services within acceptable walking distance, but the barrier to walking and cycling being unattractive routes. It is therefore likely that residents would just use their car instead.

5.44 The proposal is therefore in direct conflict with the NPPF which puts great emphasis on sustainable environments and travel. Furthermore, policies CP1 and CP3 stress the requirement to provide functional schemes, with CP1 also stating that proposals should demonstrate opportunities for reducing the need

to travel, particularly by private car. Policy CP6 which states residents should have choice in selecting transport modes. Residents' options have been limited to car, which is the most likely and unsustainable, and bus services but even then, the waiting environments are not desirable.

- 5.45 Lastly, the Appellant asserts that to refuse this application based on the site being an unsustainable location would be at odds with the conclusion reached under previous applications and this site and in the surrounding area. However, it should be noted that previous applications at the site and surroundings referred to were for smaller schemes (and therefore less households). This scheme is materially larger at double the number of households compared to the largest scheme on the site to date, and so therefore the Council respectfully disagree with the statement that there is no material change in circumstance. Furthermore, the NPPF (2024) and highway guidance also places greater emphasis on sustainable travel compared to the version that these previous applications were determined under (2012 version).

### **Access to Public Open Space**

- 5.46 Reason for refusal 3 also makes explicit reference to the site being an unsustainable location with regard to its proximity to areas of public open space.

- 5.47 Policy TB08 of the MDD is relevant and dictates that residential development will need to demonstrate how they meet the standards for the various open space typologies outlined in the policy. These are:

- Parks and public gardens
- Natural/semi natural green space
- Amenity greenspace
- Provision for children young people
- Civic Space
- Outdoor sports facilities
- Cemeteries/Burial Grounds
- Allotments

- 5.48 The application lacked detail on how compliance TB08 was to be achieved. However, as a starting point, for a scheme of this size, on-site public open space

is not expected to be provided, as such, off-site contributions are required for all open space typologies. However, it has to be ensured that off-site contributions can be secured for each typology by meeting the relevant tests for planning obligations.

- 5.49 With regard to public open space, the Appellant presents two main arguments: that previous decisions on the application site and opposite the site (applications referred to in Appendix 5 and 6 of Appellant's statement of case), and that the walking distance of 1000m from the site to Barkham Recreation Ground would be an entirely reasonable distance for future residents to walk.
- 5.50 In response to the first argument; within the Officer reports for the previous application on the site and that opposite the site, Officers made no reference to policy TB08 in their assessment. Policy TB08 was also not listed as a 'relevant policy'. The Council can only assume that this was an error of Officer judgement, as policy TB08 was in existence at the time of those previous decisions, and the policy did, and still does, apply to all residential development. Regardless of previous decisions, policy TB08 and its requirements are relevant and applicable to this appeal scheme and as such the Council are of the view that the focus should be on the appeal scheme's compliance/ non-compliance with TB08.
- 5.51 Regarding the second argument that the site is in an acceptable walking distance from Barkham Recreation Ground (which is classified as amenity greenspace), a supporting statement (**Appendix 6**) has been provided by the Council's Green Infrastructure team to rebut this claim, and also show the proposal is not a suitable distance in relation to other forms of open space typologies in addition to amenity greenspace; specifically parks and gardens and the provision of play.
- 5.52 Furthermore, walking environments to these open spaces (particularly to Barkham Recreation Ground (amenity green space) and Juniper Play Area (area of play)) are not desirable or attractive, and therefore motorised forms of transport to these areas of open space will likely be preferred, or other areas of open space may instead be used, again by car.

- 5.53 As such, there are two principle concerns raised: the distance from the site to three open space typologies, and the unattractive walking environments.
- 5.54 Regarding the former, that the site is an unacceptable distance from amenity green space, parks and gardens and areas of play, it is the view of the Council that off-site contributions towards these typologies cannot be secured as the relevant tests for obligations are not considered to be met.
- 5.55 Off-site contributions could be secured for the remaining typologies (Civic Space, Outdoor sports facilities, Cemeteries/Burial Grounds and Allotments) as whilst it is desirable for these to be accessed on foot, it is acknowledged these are not always possible as they serve a wider population across the borough. A contribution will also be required for the typology 'natural/ semi-natural green space' should reason for refusal 8 not be overcome (which relates to SANG).
- 5.56 Therefore, the proposal cannot fully comply with policy TB08 as on-site provision has not been provided for amenity greenspace, play areas and parks and gardens, and nor is a contribution towards these typologies justified. This is due to the site's inadequate distance from these open spaces. As such, the Council are of the view that it is not possible for policy TB08 to be fully complied with.
- 5.57 However, if the Inspector is minded to allow the appeal, the Council have requested an off-site contribution for the typologies specified that can be suitably secured off-site (civic space, outdoor sports facilities, cemeteries/ burial grounds and allotments). However, if this is not agreeable by the Appellant in the form of a s106 obligation (to be discussed in advance of the hearing), the Council would conclude the proposal is fully non-compliant with policy TB08.

#### ***Reason for refusal 4 – Highway manoeuvring***

- 5.58 This reason for refusal centres around unsatisfactory access arrangements, visibility splays and turning areas for vehicles entering and accessing the site.
- 5.59 The Inspector is asked to refer to **Appendix 5** which is a supporting statement from the Local Highway Authority (LHA). This sets out the Council's case in full with regard to this reason for refusal and should be read in conjunction with this statement. Here, a summary of some key points is provided.

- 5.60 The LHA have considered the additional information and revised plans that have been submitted to support this appeal. These are welcomed, however are not considered to result in the concerns raised in this reason for refusal being fully addressed. As such, the Council maintain that the reason for refusal should remain.
- 5.61 In view of the access is in close proximity to a road bend, tangential and forward visibility at the bend are expected to be assessed. The swept path analysis has also not demonstrated the fire tender and refuse vehicle can leave the site in forward gear within the required reverse distance. The swept path for fire tender indicates access from northbound of Edney's Hill via Evendon's Lane, which is unlikely reflecting the direct traffic route between the site and the fire stations in the borough.
- 5.62 Access to the site is facilitated from Edney's Hill. The LHA maintain concerns that the existing road width along Edney's Hill is insufficient to accommodate two-way traffic and additional development traffic along Edney's Hill will result in intensification of substandard road width and junction.
- 5.63 In view of the high traffic flows along the B3349 during the peak hours, any potential delay at the B3349 Barkham Road / Edney's Hill junction (from vehicles waiting or reversing back) could result in queue stacking along the B3349. The LHA, therefore, considers this would result in potential congestion and highway safety risks.
- 5.64 As such, proposal remains in conflict with policy CP6 of the MDD, part (g) in particular, which states that permission will be granted for schemes that do not cause highway problems or lead to traffic related environmental problems. This is not the case here. The NPPF also states, at paragraph 116 of the NPPF which states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."* This is the case here as the proposal will result in an unacceptable impact on highway safety.

- 5.65 Regarding waste provision specifically, policy CC04 of the MDD also states “*All development, including conversions, alterations and extensions shall incorporate suitable waste management facilities, including on-site recycling*”. Given the proposal has not demonstrated that refuse vehicles can suitably serve the site, it compromises the ability of a suitable and safe overall waste management arrangement.

***Reason for refusal 5 – Overlooking/ loss of privacy between plots***

- 5.66 This reason for refusal centres specifically around proposed plot 11 and views from the proposed balconies resulting in uninterrupted views across the proposed gardens of plots 6 and 7 and therefore the privacy for future occupiers would be compromised.
- 5.67 As part of this appeal, revised plans have been submitted showing a 1.8m high obscurely glazed privacy screen on the portion of plot 11’s balcony closest to plots 6 and 7. Whilst visually this creates a visual imbalance to the balcony terms, it suitably resolves the concern raised in the reason for refusal and the screen not substantially harmful in design terms.
- 5.68 As such, the Council is satisfied that reason for refusal 5 has been overcome in line with policy CP3 and the Wokingham Borough Design Guide and will not be pursued further under this appeal.

***Reason for refusal 6 – Noise***

- 5.69 This reason for refusal centres around insufficient information being provided to conclude that future residents of the scheme would not be subject to harmful levels of noise (particularly road traffic noise).
- 5.70 As part of this appeal, the Appellant has provided an acoustic assessment. This has been reviewed by WBC Environmental Health and concluded that the site would, in principle, be suitable for residential development taking into account external noise sources, most notably from the farm to the south and road noise. This is subject to recommended mitigation being implemented, and which the Council consider could be secured via condition.

5.71 As such, the Council is satisfied that reason for refusal 6 has been overcome and the scheme now acceptable in relation to policy CC06 of the MDD and CP1 of the Core Strategy and will not be pursued further under this appeal.

***Reason for refusal 7 – Trees***

5.72 This reason for refusal is centred around the proposal failing to demonstrate that the proposed development can be suitably accommodated in relation to important trees. The Inspector is asked to refer to **Appendix 7** which is a supporting statement from the Council's Tree specialist.

5.73 Trees T16, T17 and T20 are of particular relevance to this appeal and are all of good quality. T16 and T17 are B category trees and T20 is an A category tree.

5.74 The Appellant's arboricultural statement has focus on T16 and T17. It asserts that encroachment of the root protection areas proposal is minor and within acceptable limits. This is not agreed by the Council's expert tree officer who concludes that the proposals should have been designed in a way that respected the default position in BS 5837 that 'structures are located outside the RPAs of trees to be retained'. The requirements of 5.3 of BS 5837 (2012) have not been met, and specifically the following has not been demonstrated to show the proposal would be acceptable in relation to T16 and T17:

- a. explain why there is an overriding justification for construction within the RPA;
- b. demonstrate that the tree(s) can remain viable;
- c. show where the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;
- d. propose a series of mitigation measures to improve the soil environment that is used by the trees for growth;

5.75 As well as T16 and T17, T20 is now noted as being a key tree of consideration by the Council. There is debate about whether T20 is located on the application site (see reason for refusal 9), however, whether it is onsite or not, the buffer zone/ RPA undoubtedly extends into the application site.

- 5.76 As presented in the Council's Tree Officer's statement for this appeal, and was highlighted by a (different) Tree Officer at the time of the original application, T20 is considered to constitute a veteran tree. At the time of this appeal, the Tree Officer also noted that the tree is at least veteran, and in their professional opinion, an ancient tree and has provided detailed reasoning as to how the tree has arrived at that classification. It is also noted that the tree is listed as a veteran tree on the Ancient Tree Inventory.
- 5.77 As well as being a veteran tree, it is one that holds important ecological features, most notably deadwood. Stag beetles have been recorded within close proximity to the development and are an invertebrate that relies on the presence of deadwood and is a national priority species under the Section 41 of the Natural Environment and Rural Communities (NERC) Act and protected under the Wildlife and Countryside Act 1981. As such, they are a species of principle importance, as per policy CP7 (see **Appendix 8**) for discussion on ecological features of the tree).
- 5.78 It is noted in the Appellant's arboricultural statement to support the original planning application that they considered T20 not to be veteran.
- 5.79 It is acknowledged that the primary trees at the centre of reason for refusal 7, when it was drafted, did not include T20. However, upon the Council's Tree Officer's further review of the appeal proposal's impact on trees, in light of the updated layout, has concluded that T20 is veteran and that the proposal will extend into the required 24.1m buffer zone and root protection area required for this tree. The surrounding environment of the tree will also be impacted. As such, they have identified that the proposal will result in unjustified harm to this veteran tree. This cannot now be ignored by the Council, and as such this matter is now considered to be relevant to reason for refusal 7 too.
- 5.80 As T20 is considered to constitute a veteran tree, paragraph 193(c) of the NPPF applies which states *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"*

- 5.81 No wholly exceptional reasons or a suitable compensation strategy exists, and therefore the development should be refused.
- 5.82 Overall, the Council maintain that the proposal would still result in unjustified harm to T16 and T17. It also has now been identified by the Council's tree specialist, that unjustified harm to T20, which is at least a veteran tree, will also occur based on the present layout of the appeal scheme. As a consequence of this, the proposal also fails to comply with policy CP7 as, because the veteran tree is not adequately protected, neither is now the deadwood which would consequently impact national priority species and harm the ecological value of the tree.

***Reason for refusal 8 – Thames Basin Health Special Protection Area***

- 5.83 This reason for refusal will be discussed after reason for refusal 9, so that all reasons for relating to planning obligations are dealt with together.

***Reason for refusal 9 – Biodiversity Net Gain***

- 5.84 This reason for refusal centres around the statutory Biodiversity Net Gain (BNG) baseline not being agreeable between the parties.
- 5.85 As part of the application, the baseline was unable to be agreed by the Council because T20 (which is considered by the Council to be 'irreplaceable habitat – a veteran tree) had not been included in the baseline assessment, despite the red line application site boundary passing through the trunk of the tree. The Appellant, as part of this appeal, is maintaining that T20 should not be included in the baseline assessment due to being off-site and claims that the situation regarding the line passing through the tree is due to boundary lines being based upon OS data which can have varied accuracy tolerance.
- 5.86 However, the Council do not agree with this, as detailed in **Appendix 8**. It explains how the plan's scale and plotting means the tree has been depicted on site, plus the Appellant's own application documentation referring to the tree as being on site.
- 5.87 The Council therefore maintains its position that T20 is on-site and therefore should be included in the BNG baseline assessment. Failure to correctly identify

and record the presence of an on-site irreplaceable habitat therefore results in a baseline that does not accord with the Environment Act 2021, Schedule 7A of the Town and Country Planning Act 1990, or the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 as well as policy CP7.

- 5.88 The Appellant asserts unreasonable behaviour of the LPA to conclude that the tree is on-site. However, as detailed above and elaborated on in appendix 8, there is evidenced reasoning for why the tree has been concluded to be positioned on site. It is noted this matter forms basis of the Appellant's costs application which will be responded to separately.

### ***Reasons for refusal 8, 10, 11, 12 and 13***

- 5.89 The remaining reasons for refusal (8, 10 – 13) relate to lack of secured planning obligations. The Appellant has provided a draft legal agreement to cover these obligations and this is currently in review by the Council. The Council will work with the Appellant to get the agreement finalised, if possible, before the Hearing.
- 5.90 Paragraph 56 of the NPPF explains that Local Planning Authorities (LPAs) should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 58 continues by stating that planning obligations should only be sought if the obligation meets all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

- 5.91 These tests are also set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ("CIL Regs"). The purpose of this compliance statement is to confirm how each obligation in the draft s.106 Agreement complies with Regulation 122(2) of the CIL Regs and paragraph 58 of the NPPF.

- 5.92 A CIL Compliance Statement is provided in section 7 of this statement which outlines how each of the obligations meets the relevant tests.

***Reason for refusal 8 – Impact on Thames Basin Heath Special Protection Area***

- 5.93 The proposed development lies within the 5 km zone of influence of the Thames Basin Heaths Special Protection Area (SPA). Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the decision maker must undertake an Appropriate Assessment for any proposal that is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and which is not directly connected with the site's management. The assessment must consider the implications of the proposal for the SPA in view of its conservation objectives.
- 5.94 Policy CP8 of the Core Strategy notes that dwellinghouses and other residential development will need to provide avoidance and mitigation measures where the proposal involves the provision of one or more net additional residential unit and is within 5km (linear) of the SPA. Mitigation measures are in the form of SANG (Suitable Alternative Natural Greenspace). The role of SANG is to provide alternative green space to divert people from visiting the TBH SPA as an avoidance measure to prevent an increase in visitor pressure on the SPA.
- 5.95 The Appellant initially proposed to use SANG capacity at the Council's strategic SANG (Rooks Nest). The Appellant consider there is sufficient capacity and are willing to provide a financial contribution towards this SANG.
- 5.96 However, upon consultation with the Council's portfolio holder for the Rooks Nest SANG, and the Council's Ecologist (see **Appendix 8**) it has been confirmed that there is limited capacity at Rooks Nest SANG and this scheme cannot be accommodated.
- 5.97 The Appellant will therefore need to make alternative SANG provision to comply with policy CP8 and to pass the Appropriate Assessment. The Council understand the Appellant is working on this matter in advance of the hearing. Only once suitable SANG capacity can be secured through a legally binding agreement, can the decision maker conclude no adverse effect on the integrity of the SPA.

- 5.98 Regarding SAMM (Strategic Access Management and Monitoring), the Council can agree a standard SAMM financial contribution based on 2026 tariffs. This would need to be secured via legal agreement.
- 5.99 If a legal agreement can be signed to secure suitable SANG capacity and a SAMM contribution prior to the hearing, then the decision maker (the Inspector) and Council can conclude no adverse effect on the integrity of the Thames Basin Heath SPA and the reason for refusal would be overcome. If not, the Council would maintain the reason for refusal in line with Policy CP8 and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as the Appropriate Assessment cannot be passed.

#### ***Reason for refusal 10 – Highway Infrastructure***

- 5.100 This reason for refusal centres out the status of the internal site roads not being secured. A s106 agreement is being drafted to overcome this matter and should the agreement be signed, the reason for refusal would be overcome. If not, the reason for refusal would still stand.
- 5.101 As discussed in reason for refusal 4, the Council maintain the view that Edney's Hill requires to be widened to accommodate the development. However, this road widening does not fall under reason for refusal 10, as it was not proposed by the Appellant, and therefore unreasonable to refuse due to the absence of a legal agreement to secure this. Rather, the matter of road widening relates to highway safety principles, as discussed in reason for refusal 4. The absence of the road widening means that reason for refusal 4 cannot be overcome, in the view of the Council, as there is still an identified highways issue, rather than reason for refusal 10.

#### ***Reason for refusal 11 - Primary Medical Care***

- 5.102 A financial contribution of £14,040 (index linked) has been requested by the NHS Thames Valley ICB to mitigate the impact of this development. **Appendix 9** is a supporting statement from the NHS Thames Valley ICB to elaborate on their request.

- 5.103 The supporting statement from NHS Thames Valley ICB confirms that all 3 medical practices that would serve the development have sufficient clinical capacity to accommodate any new patients from the appeal site.
- 5.104 Appeal Inspectors within the Borough have determined that NHS contributions meet the necessary obligation tests. The appeal references are: APP/X0360/W/24/3350170 (**Appendix 10**) and APP/X0360/W/24/3354667 (**Appendix 11**).
- 5.105 Should the financial contribution towards primary healthcare provision be secured by way of a legal obligation in advance of the hearing, the reason for refusal would be overcome. If not, the reason for refusal would still stand.

***Reason for refusal 12 – Affordable Housing***

- 5.106 Affordable Housing provision is a material planning consideration as set out in the NPPF (Chapter 5), Policy CP5 of the Core Strategy and MDD Local Plan Policy TB05. Policy CP5 requires a minimum of 40% affordable housing for the development given its countryside location. Policy TB05 and the Council's Affordable Housing SPD both require that developments provide for appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households.
- 5.107 The requirement for this scheme is 6.4 affordable units. The Appellant's tenure plan shows 6 affordable units in the form of 6 units comprising of 1 x 1 bed flats, 2 x 2 bed flats, 2 x 2 bed houses and 1 x 3 bed house. The tenure split proposed by the Appellant is 70% Affordable Rent and 30% Social Rent. This tenure split is not in line with policy CP5 which states that proposals should be a 70% Social Rent / 30% Shared Ownership split. Furthermore, the Council's Affordable Housing SPD, at section 8.2 states that '*Based on needs evidence, Affordable Rent should not typically account for more than 12% of the Affordable Housing.*'
- 5.108 The Appellant has not provided justification at any point in the application for this non-compliant tenure split.
- 5.109 The 0.4 of a unit is to be in the form of a commuted sum of £ 113,574.36.

- 5.110 Should the affordable units, including an agreeable tenure, and commuted sum be secured by way was of a legal obligation in advance of the hearing, this reason for refusal would be overcome. If not, the reason for refusal would stand.

***Reason for refusal 13 – Employment, Skills and Training***

- 5.111 Wokingham Borough Council is committed to encouraging both the training and use of local labour in the construction phase of major developments. Policy TB12 of the Wokingham Borough Council MDD requires planning applications for all major development in Wokingham Borough to submit an employment skills plan (ESP) or pay and Employment Skills Contribution in lieu.
- 5.112 For this development, an Employment Skills Plan securing 3 x Community Skills Support and 1 x Jobs created. If a contribution in lieu is opted for, this would equate to £3,750.
- 5.113 Should an Employment Skills Plan or in lieu contribution be secured by way of a legal obligation in advance of the hearing, the reason for refusal would be overcome. If not, the reason for refusal will still stand.

**6.0 Planning Balance/ Conclusion**

- 6.1 The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with paragraph 11(d) of the NPPF, the “tilted balance” is engaged. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.2 The Council's case is that the appeal proposal would result in significant harm to the character and appearance of the countryside and to landscape character, together with harm arising from impact to a veteran tree which constitutes irreplaceable habitat. Such harm attracts substantial weight in the planning balance, having regard to the development plan and the National Planning Policy Framework. The Council considers that this harm engages the protective

policies of the Framework in respect of irreplaceable habitats. Whether this is sufficient to disengage the tilted balance under paragraph 11(d)(i) is ultimately a matter for the Inspector; however, even if the tilted balance is applied, the Council's position is that the identified harms weigh heavily against the proposal.

- 6.3 In undertaking the planning balance, the Council acknowledges that the proposal would deliver housing, including affordable housing, subject to a legal agreement, which attracts weight in a context where relevant housing supply policies are out of date. However, the Council does not dispute housing need, nor does it rely on borough-wide housing land supply matters in this appeal. The central issue for determination is whether the site-specific harms identified, individually and cumulatively, significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework as a whole. These are outlined below.

### **Benefits**

- 6.4 The delivery of 16 dwellings would contribute to housing supply and this benefit is afforded **substantial** weight.
- 6.5 The proposal would generate short-term economic benefits through construction jobs and longer-term benefits from resident expenditure. However, these are typical of most housing developments and are not unique to this scheme or location. Therefore, these benefits are afforded **moderate** weight.

### **Harms**

- 6.6 The proposal is for unplanned development outside defined development limits in the countryside, contrary to the adopted spatial strategy. Such conflict carries weight even with a housing land supply shortfall. This harm is afforded **moderate** weight.

- 6.7 The proposal presently proposes a non-compliant policy affordable housing proposal. Given the need for affordable homes in the borough, as also emphasised generally in the NPPF, this harm attracts **moderate** weight, noting it is capable of resolution through a completed planning obligation.
- 6.8 The development would result in the loss of an open greenfield site, leading to an urbanising impact on the landscape character of the area. Given the site's contribution to the LCA and in itself being a valuable attribute of the LCA, and the degree of change that would result as a result of an urbanised development, this harm is afforded **substantial** weight.
- 6.9 The site is poorly located relative to essential services and facilities, with limited and unattractive walking routes. This would lead to high car dependency, although it is appreciated the site is served by a good bus service. As such, the harm attracts **moderate to substantial** weight.
- 6.10 The proposal has also not demonstrated it would not result in adverse impacts to the wider highway network and as this would result in adverse highway safety impact, this harm attracts **substantial** weight.
- 6.11 The development would result in unjustified harm to T20 (veteran tree) and is considered an irreplaceable habitat. This is contrary to paragraph 193(c) of the NPPF. This harm is afforded **substantial** weight. Harm to other specified trees attracts **moderate** weight; although not protected trees, they make a valuable contribution to the Edney's Hill street scene.
- 6.12 At the time of the submission of this Statement, the baseline for BNG is not agreed. Therefore, it is not considered that sufficient information has been provided to the Inspector that the statutory duty is capable of being fulfilled. This harm is afforded **substantial** weight.

## Overall Planning Balance

- 6.13 The Council has carefully weighed the benefits of the proposal against the identified harms. The primary benefit is the provision of market housing which is given substantial weight, with economic benefits attracting moderate weight.
- 6.14 Against these benefits, the proposal would result in substantial harm to the landscape, character of the area and harm to irreplaceable habitat, and highway safety, moderate harm from its conflict with the spatial strategy, moderate-substantial harm due to its unsustainable location, and moderate harm to other trees.
- 6.15 As outlined above, the impact the proposal would have on irreplaceable habitat is a matter capable of dis-engaging paragraph 11(d)(i), subject to the Inspector's judgement. However, even if the assessment proceeds under paragraph 11(d)(ii), the combined and individual weight of the harms identified, particularly those relating to landscape impact, including the irreplaceable veteran tree and the conflict with the fundamental principles of sustainable development and the plan-led system, are considered to be substantial. Furthermore, para 11(d)(ii) states that in determining if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits *'particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'* is required.
- 6.16 Looking at these matters of particular regard, the dwellings to be provided are not in a truly sustainable location for walking and cycling, do not make effective use of land in the fact that the site is not brownfield, will not result in well-designed places, and presently would not providing affordable homes (unless the latter is resolved prior to the hearing). As such, of the paragraphs referred to in footnote 9 of the NPPF, which are of particular regard, the proposal conflicts with paragraphs 66, 110, 115, 129, 135 and 139. As such, there are

failures across each of these key considerations in isolation, and in combination outweigh the benefits.

- 6.17 Therefore, the Council concludes that if the tilted balance is found to be engaged, the adverse impacts would significantly and demonstrably outweigh the benefits. Because of this, the harms would also outweigh the benefits when applying a flat planning balance, if the Inspector were to conclude the tilted balance is dis-engaged. It is therefore respectfully requested that the appeal is dismissed.

## **7.0 CIL Compliance**

### **SANG/ SAMM (Reason for Refusal 8)**

#### **Policy Context**

- 7.1 The proposed development lies within the 5km Zone of Influence of the Thames Basin Heaths Special Protection Area ("TBH SPA"). Core Strategy policy CP8 states that any development within the zone of influence must secure adequate avoidance and mitigation measures to ensure that recreational pressure generated by new residential units does not adversely affect the integrity of the SPA. This includes securing Strategic Access Management and Monitoring ("SAMM") measures.

#### **Necessary to make the development acceptable in planning terms:**

- 7.2 The development lies within the 5km Zone of Influence and, therefore, will generate additional recreational pressure on the SPA. Without SANG and SAMM, it cannot be concluded that the project would not adversely affect the SPA under Regulation 63 of the Habitats Regulations.

#### **Directly related to the development:**

- 7.3 The SANG capacity and SAMM tariff is calculated per dwelling and per bedroom size and therefore it is directly linked to the expected occupancy arising from a proposal to construct residential units. It is, therefore, directly related to the development.

#### **Fairly and reasonably related in scale and kind to the development:**

- 7.4 As it is directly linked to the scale of development (number of units) and expected number of residents (number of bedrooms), the obligation is fairly and reasonably related in scale and kind to the development.

### **Highways (Reason for refusal 10)**

- 7.5 Core Strategy policies CP1 and CP3 require that development provides safe and functional schemes. S106 seeks to secure the delivery, construction and long-term management of estate roads, which is essential to ensuring safe and functional scheme and long-term management and maintenance, whether

privately maintained or adopted as public highway. The s106 ensures that the estate roads are constructed to the appropriate standards – either as adoptable roads or private roads – and that the necessary bonds, approvals and inspection fees are secured upfront, together with commuted sums where appropriate (to cover future maintenance costs).

*Necessary to make the development acceptable in planning terms*

- 7.6 The planning obligation to enter into a Section 38(6) agreement ensures that new roads and highways infrastructure associated with the development are constructed to an adoptable standard and subsequently maintained by the highway authority. Without this obligation, there would be uncertainty over the long-term management and safety of the highway infrastructure, potentially leading to an unacceptable impact on local transport networks.
- 7.7 For the same reason, if the appellant elects not to enter into a Section 38(6) agreement, this cannot preclude roads being constructed to acceptable standards. As such, a planning obligation to construct roads to adoptable standards in the event that these would not be transferred to the Council is also necessary.

*Directly related to the development*

- 7.8 The estate roads are physically located within the appeal site to serve future residents of the scheme. The obligation is, therefore, directly related to the development. Commuted sums towards maintenance of roads relate only to the roads created as a result of the appeal scheme.

*Fairly and reasonably related in scale and kind to the development*

- 7.9 The obligations are proportionate because they only apply to roads within the development site. The nature of the obligation is dependent on the choice made regarding the internal road status.

**Reason for refusal 11 - Primary Medical Care**

- 7.10 Core Strategy policy CP2 requires development to contribute to sustainable and inclusive communities by addressing the need for essential community facilities, including healthcare. Policy CP1 of the Core Strategy also states that

*“Development within the borough should enhance the overall sustainability of the area through minimising impact on the environment, including access to facilities.”*

**Necessary to make the development acceptable in planning terms**

- 7.11 NHS Thames Valley ICB have confirmed that the primary medical care facilities that would serve the development would not have sufficient clinical capacity to accommodate any new patients from the appeal site. The request does not seek to resolve existing capacity issues, rather looks to secure mitigation to provide necessary additional clinical space to accommodate any new patients from the proposed development.

**Directly related to the development**

- 7.12 The proposed development would result in increased population that would need to access primary health care provision. As health provisions in the area are already a contribution would be required to ensure the resultant increase in population can readily access the services required. The contribution will therefore be directly related to the proposed development.

**Fairly and reasonably related in scale and kind to the development**

- 7.13 The requested contribution is based upon the no. of dwellings forming part of the proposed development to define an additional patient yield. The cost per dwelling is based upon expected average occupancy of the development (2.4 persons).

**Affordable Housing (Reason for refusal 12)**

- 7.14 Core Strategy policy CP5 requires development of 5 or more dwellings to provide 40% of homes as affordable housing. The Affordable Housing SPD supplements CS Policy CP5 and sets out the Council's approach to Affordable Housing tenure and mix, including the default position of on-site provision.

**Necessary to make the development acceptable in planning terms**

- 7.15 The provision of a wide range of housing is necessary to achieve well-balanced communities and to help meet needs of all households in the Borough. It is, therefore, necessary to make the development acceptable in planning terms.

*Directly related to the development*

- 7.16 The requirement to deliver affordable housing on site arises because the scheme is for residential development. The obligation is, therefore, directly related to the development.

*Fairly and reasonably related in scale and kind to the development*

- 7.17 The provision of affordable housing that will be secured is a policy compliant percentage of the total number of units that will be delivered and is therefore related to the scale of development.

**Reason for refusal 13 (Employment, Skills and Training)**

- 7.18 Policy TB12 of the Managing Development Delivery Plan requires planning applications for all major development in Wokingham Borough to submit an Employment Skills Plan (ESP) or pay and Employment Skills Contribution (ESC) in lieu. This is intended to encourage both the training and use of local labour in the construction phase of major developments.
- 7.19 ESPs are worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction. Planning applicants will need to submit an estimated construction value for the development, or this value can be calculated using the proposed floor space in the planning application and applying BCIS industry standard build costs (£1,025 m<sup>2</sup>).
- 7.20 The developer may elect to make an in lieu financial contribution in place of delivering an employment and skills plan. The amount of ESC is based on the National Skills Academy for Construction targets and the cost to Wokingham Borough Council of delivering skills and employment support equivalent to the ESP. The cost to WBC to produce an employment outcome (apprenticeship starts or jobs created) as specified in the benchmarks is £3,750. Therefore, the financial contribution is calculated by the number of outcomes (apprenticeship starts and jobs created) multiplied by £3,750. The WBC Guidance for Developers (**Appendix 12**) and WBC note from Skills and Employment Service Manager (**Appendix 13**) set out the full details of how employment skills plans are to be calculated.

Necessary to make the development acceptable in planning terms

7.21 Policy TB12 of the Managing Development Delivery Plan requires major development proposals to delivery training, apprenticeships and vocational initiatives during construction phase to encourage training and use of local labour. The obligation securing the ESP/ESC is, therefore, necessary to make the development acceptable.

Directly related to the development

7.22 The ESP targets are calculated using the CITB benchmarks based on the construction value of the specific development. The contribution or plan is, therefore, proportionate to, and directly generated by, the scale and nature of the proposal. The table of required outcomes (Band 1–10) is directly linked to the value of the construction for the proposed development:

| Outcomes                                                  | Bands     |           |          |           |           |           |           |           |           |           |
|-----------------------------------------------------------|-----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                                                           | 1         | 2         | 3        | 4         | 5         | 6         | 7         | 8         | 9         | 10        |
|                                                           | £1 - 3.5m | £3.5 - 6m | £6 - 10m | £10 - 15m | £15 - 20m | £20 - 30m | £30 - 40m | £40 - 50m | £50 - 60m | £60 - 100 |
| Community Skills Support – CSCS cards, school visits etc. | 3         | 5         | 7        | 9         | 11        | 13        | 16        | 18        | 19        | 21        |
| Apprenticeship starts                                     | 0         | 2         | 4        | 6         | 7         | 8         | 9         | 10        | 11        | 12        |
| Jobs created                                              | 1         | 2         | 3        | 6         | 7         | 8         | 9         | 9         | 11        | 11        |

7.23 This ensures that the obligations correspond only to the workforce demand generated by this specific scheme. Should the developer elect not to deliver an ESP, a defined Employment Skills Contribution is payable instead. The contribution is calculated using the number of outcomes (apprenticeships and jobs) multiplied by £3,750 per outcome, which represents the Council's cost of supporting and delivering these outcomes. This means the contribution is directly linked to the requirements of the development.

Fairly and reasonably related in scale and kind to the development

7.24 The ESP requirements follow CITB (a nationally recognised benchmark) and apply a consistent BCIS construction cost metric to determine outcome bands. This ensures that the scale of obligations (i.e. the number and type of outcomes) is objectively measured and linked to the value of the project. The ESC is calculated by multiplying the number of outcomes by £3,750 which represents the Council's cost of supporting and delivering these outcomes. The scale of required outputs and financial contribution are proportionate to the actual construction value and, therefore, reasonably related in scale and kind to the development.

**Other obligations sought (that did not form part of reasons for refusal):**

**1. Creation of Management Company**

7.25 Core Strategy Policies CP1 and CP3 require high-quality, safe and sustainable development that functions effectively for its lifetime. It is therefore important that where elements of the scheme are not to be adopted, an alternative mechanism exists capable of achieving these requirements.

7.26 The planning obligation requires establishment of Management Company which will be responsible for future management and maintenance of elements such as roads, should these remain private. It will therefore ensure that unadopted elements are properly maintained for the lifetime of the development.

**Necessary to make the development acceptable in planning terms**

7.27 The development includes infrastructure that might not be adopted by the Council. Without legally enforceable long-term management, such infrastructure, e.g. private roads could deteriorate, leading to safety concerns or failure to function well. The Management Company obligation is therefore necessary to secure sustainable development.

**Directly related to the development**

- 7.28 The obligation applies solely to infrastructure within the appeal site, created specifically by this proposal. The obligation is, therefore, directly related to the development.

*Fairly and reasonably related in scale and kind to the development*

- 7.29 The obligation is proportionate because it relates to areas not offered for adoption. Management Company's responsibilities would relate only to those elements. It is therefore fairly and reasonably related to development in scale and kind.

## **2. Public Open Space**

- 7.30 Policy TB08 of the Managing Development Delivery Plan sets out the specific standards for open space provision required from new development based on the expected population increase. An excerpt of MDD TB08 Open Space, sport and recreational facilities standards for residential development are as follows:

| Type~                                                                                                                         | Standards (ha per 1,000 population) |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Parks and public gardens                                                                                                      | 1.1                                 |
| Natural/semi natural green space (excluding Country Parks*)                                                                   | 2.84                                |
| Amenity greenspace                                                                                                            | 0.98                                |
| Provision for children young people (Neighbourhood Equipped Areas of Play; Local Equipped Areas of Play; Local Areas of Play) | 0.25                                |
| Civic Space                                                                                                                   | 0.01                                |
| Outdoor sports facilities                                                                                                     | 1.66                                |
| Cemeteries/Burial Grounds#                                                                                                    | 14.4 plots per 1,000 population     |

- 7.31 MDD Policy TB08, Section 3.37 establishes that developments are expected to deliver public open space on-site consistent with the Open Space, Sport and Recreation Strategy (**Appendix 14**), unless it can be found that the site cannot physically or appropriately accommodate the open space, indoor or outdoor play or sport and recreational facilities. In such circumstances, the Council will seek a financial contribution to fund off-site provision or enhancement at existing facilities.

7.32 Based on the 16 dwelling units proposed by the appellant, the table below illustrates the amount of open space that is required to be provided for each Public Open Space typology:

| POS Typology                     | standard (ha per 1,000 population) | Application Requirement (in ha) |
|----------------------------------|------------------------------------|---------------------------------|
| Parks and public gardens         | 1.1                                | 0.0422                          |
| Amenity greenspace               | 0.98                               | 0.0376                          |
| Play areas                       | 0.25                               | 0.0096                          |
| Civic space                      | 0.01                               | 0.0004                          |
| Outdoor sports facilities        | 1.66                               | 0.0637                          |
| Cemeteries (in plots)            | 14.4                               | 0.5530                          |
| Allotments                       | 0.52                               | 0.0200                          |
| Natural/semi natural green space | 2.84                               | 0.1091                          |

7.33 A contribution for each of the following public open space types is sought, with the statement from WBC Green Infrastructure (Appendix 6) also providing detail on how the contributions have been calculated and the intended use of the contributions:

- Civic Space (contribution of £453.12)
- Outdoor sports facilities (contribution of £57,456)
- Allotments (contribution of £10,982.40)
- Cemeteries/ burial plots (contribution of £1,789.76)

7.34 Contributions have not been sought for play areas, amenity greenspace and parks and public gardens, as per reasoning in the statement of case.

#### **a) Civic space**

##### **Necessary to make the development acceptable in planning terms**

7.35 The new residential population generated by the 16 dwellings would create additional demand for various types of open space, including civic space. To mitigate the direct impact of the additional demand for civic space generated by the development, a contribution towards outdoor sports provision is required.

##### **Directly related to the development**

7.36 The contribution would secure mitigation for the pressure on the existing civic spaces created by the proposal.

*Fairly and reasonably related in scale and kind to the development*

7.37 The requirement to deliver civic space would be met by off-site contribution calculated on a per-dwelling basis. is scaled to the development size and is made up of a land value of £250,000 per hectare (£96 scaled for this development), a construction cost of £40 per m2 (£153.60 scaled for this development), and a maintenance cost of £2.65 per m2 (£203.52 scaled for this development) to cover a maintenance period of 20 years.

**b) Outdoor sports facilities**

7.38 The contribution will be used toward the delivery of new outdoor borough-wide sports facilities at Gray's Farm. The contribution agreed is based on that first established for the Keephatch Beech S106 signed on 25 March 2015 (£2,347) (**Appendix 15**). It has been agreed that to index (BCIS) from 25 March 2015 to date, using today's rate which is £3,591.00 per dwelling. The contribution is derived from work undertaken in respect of outdoor sports provision at Cantley (**Appendix 16**), details of the calculation are provided below:

| Item                                                       | Estimated costs                      |
|------------------------------------------------------------|--------------------------------------|
| Cost of works identified in Cantley Masterplan (Option 3a) | £2,426,125 – £2,669,100              |
| Estimated cost of purchasing Bell Farm (6.275ha) *         | £852,458.75                          |
| <b>Total costs</b>                                         | <b>£3,278,583.75 - £3,521,558.75</b> |
| Per dwelling cost assuming around 1500 in SDL              | £2,185.72 - £2,347.41                |

7.39 The Council did not secure Bell Farm for sports use and pivoted in 2014/15 to an alternative site at Grays Fruit Farm which could deliver sports facilities for both North and South Wokingham SDLs. The contribution calculation has been retained as it represented a reasonable scalable cost for the sports hub facility.

*Necessary to make the development acceptable in planning terms*

7.40 The new residential population generated by the 16 dwellings would create additional demand for various types of open space, including Outdoor Sports Facilities. To mitigate the direct impact of the additional demand for outdoor

sport facilities generated by the development and to ensure compliance with relevant policies, a contribution towards the cost of land acquisition at Gray's Farm, a borough-wide sports hub, is necessary to make the development acceptable in planning terms.

*Directly related to the development*

- 7.41 The contribution would secure mitigation for the pressure on the existing sports facilities created by the proposal. The sports hub at Gray's Farm is envisaged to be the main outdoor sports facility used by future residents of the scheme as well as the wider Borough. The obligation is therefore directly related to the appeal scheme.

*Fairly and reasonably related in scale and kind to the development*

- 7.42 The requirement to deliver outdoor sports facilities would be met by off-site contribution calculated on a per-dwelling basis. It is therefore fairly and reasonably related to the development.

**c) Allotments**

- 7.43 The financial contributions will be used for enhancing, managing, and maintaining existing allotments facilities in sites that serve the development, which are located in Arborfield Green, Wokingham Town, and Finchampstead.

*Necessary to make the development acceptable in planning terms*

- 7.44 The new residential population generated by the 16 dwellings would create additional demand for allotments. The provision of allotments is necessary to ensure the development does not place an unacceptable burden on existing facilities and resources and provides a range of leisure facilities for future residents.

*Directly related to the development*

- 7.45 The quantum of required open space is calculated directly from the population generated by the 16 new dwellings. The obligation is required to meet the needs generated by the development that cannot be appropriately met on-site. The

obligation is therefore directly related to the development as it mitigates a specific recreational need generated by the development.

*Fairly and reasonably related in scale and kind to the development*

- 7.46 Due to the constrained nature and layout of the application site and scale of the proposal, providing allotments on-site is not practical or desirable. It is more sustainable and efficient to enhance a larger, properly managed existing site. The quantum of allotments is calculated based on the population generated by the 16 new dwellings.

**d) Cemeteries/ Burial Plots**

- 7.47 The Briefing Note on Cemeteries (**Appendix 17**) sets out how the contribution has been arrived. The Council is currently exploring an option to deliver a 0.4 hectare site, which is estimated to serve 12,191 dwellings. This option is not at a stage where there is any certainty over the feasibility or costs of delivery and consequently the Council has decided to base required contribution on an indicative costing at this stage. The costings (£1,363,746) are based on the estimated construction costs for a new cemetery located in the neighbouring borough (Easthampstead Cemetery) on a pro-rata basis. The per dwelling figure is calculated as follows: £1,363,746 / 12191 dwellings = £111.86 per dwelling.

*Necessary to make the development acceptable in planning terms*

- 7.48 The development will generate additional population and associated long-term demand for burial space. Given the site cannot physically provide on-site cemetery space, an off-site contribution is necessary to mitigate impacts arising directly from the new dwellings associated with the appeal scheme.

*Directly related to the development*

- 7.49 The need arises solely because new residents will, over the lifetime of the development, create additional demand for burial provision. Therefore, the obligation is directly related to the development.

*Fairly and reasonably related in scale and kind to the development*

- 7.50 The contribution is based on a per dwelling cost model and so is related in scale and kind to the development.

### **3. Biodiversity Net Gain**

- 7.51 The Environment Act 2021 and Schedule 7A to the Town and Country Planning Act 1990 establish a requirement for residential development to deliver a mandatory minimum 10% Biodiversity Net Gain which includes securing the management and monitoring of biodiversity enhancements for at least 30 years. Where on site habitat creation or enhancement is proposed, a Habitat Management and Monitoring Plan (“HMMP”) must be secured, which would be secured via condition. It must specify the type and location of habitat creation and enhancement, management measures to maintain the target habitat condition for the 30 year management period and sets the framework for ongoing monitoring and reporting.

#### *Necessary to make the development acceptable in planning terms*

- 7.52 The HMMP is required to demonstrate how biodiversity enhancements will be managed and maintained for the full statutory 30-year period and this is proposed to be secured by condition. This is required to ensure that the BNG will be delivered. The monitoring fee is necessary as it will cover the Council’s costs in reviewing monitoring reports, undertaking verification site visits and condition assessments.

#### *Directly related to the development*

- 7.53 The requirement for monitoring reports arises solely because BNG, as per the BNG Assessment, is to be intended to be delivered in part within the appeal site

#### *Fairly and reasonably related in scale and kind to the development*

- 7.54 The scale of the monitoring obligations contributions are proportionate because they are based on the expected officer time, ecological expertise and reporting work required over the statutory 30 year period.