

# Appendix B



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## Appeal Decision

Inquiry opened on 31 January 2023

Site visit made on 9 February 2023

**by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> March 2023**

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### **APPEAL REF: APP/X0360/W/22/3309202**

#### **Land East of Lodge Road, Hurst, Reading**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mactaggart and Mickel Homes England Ltd ('the appellant') against the decision of Wokingham Borough Council ('WBC' or 'the Council').
  - The application Ref 220458, dated 16 February 2022, was refused by notice dated 23 June 2022. The development proposed is approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure including the formation of a new highway access road from Lodge Road located adjacent to the existing field access to be closed.
  - The Inquiry sat for 8 days on 31 January to 10 February 2023.
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### **Decision**

1. The appeal is dismissed.

#### **Preliminary and procedural matters**

2. The application was submitted in outline, with only access to be determined at this stage. As originally submitted the development description referred to the primary vehicular access being "*via the existing Lodge Road gated access*". However, this did not accord with the location of the proposed access shown on the detailed drawing in the appellant's Transport Assessment<sup>1</sup> (TA). To address this point the appellant sought to amend the description as set out in the header above, and also submitted amended plans to show this revised access location, along with consequent changes to various parameter plans submitted for approval.
3. Other amendments were also made to the submitted plans, but in my assessment these did not materially alter the scale or nature of the proposed development. In any case, the appellant undertook a consultation exercise on the revised plans and, accordingly, I am satisfied that no-one with an interest in this proposal would be unduly prejudiced by me determining the appeal on the basis of the revised plans<sup>2</sup>.
4. A range of supporting documents, detailed in the Statement of Common Ground<sup>3</sup> (SoCG) between the Council and the appellant accompanied the application, and can be found as un-numbered documents at CD 2. Planning obligations were submitted to the Inquiry by the appellant in the form of a Unilateral Undertaking<sup>4</sup> (UU) made under section 106 (S106) of the Town and Country Planning Act 1990, as amended. I deal with these obligations in more detail under the seventh main issue.

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<sup>1</sup> One of the un-numbered Core Documents (CD) at CD 2

<sup>2</sup> CD 2.1, supplemented by CD 79

<sup>3</sup> CD 1.5

<sup>4</sup> Document (Doc) 29

5. I carried out unaccompanied visits to the site and the surrounding area on 30 January 2023 and on 9 February 2023. On this latter date I also undertook an accompanied site visit in the company of representatives of the appellant, the Council and a Rule 6(6) Party, the St Nicholas Hurst Parish Council (SNHPC).

### **Site description, surrounding area and details of the appeal proposal**

6. The appeal site comprises some 10.68 hectares (ha) of undeveloped greenfield land, mostly consisting of a single, large, fairly level field, currently used for the grazing of horses and ponies. It lies outside but immediately abutting the Development Limits of Hurst, with development in Whistley Green to the north and Hurst to the east and south. It extends from Tape Lane in the east to the tree-lined Hatchgate Ditch which borders the southern length of the site's western boundary. A ditch also runs along the site's southern boundary, with dwellings in Martineau Lane, and allotments, beyond. The northern site boundary is marked by sporadic mature trees, with further undeveloped land immediately to the north. A smaller field abutting Lodge Road comprises the north-western part of the appeal site. Two trees at the southern boundary of this smaller field were removed in March 2021, some time before this planning application was submitted<sup>5</sup>.
7. There are established trees and hedgerows along most of the site boundaries, but there are also some more open lengths of boundary including to the Martineau Lane dwellings and allotments in the south, and along parts of the northern boundary. The site is private land, not accessible to the public, with no Public Rights of Way (PRoW) crossing it. There are 2 existing private access points to the site; one from Lodge Road to the west and the other from the northern stretch of Tape Lane to the east. Some 5.9ha of the site is Grade 3a agricultural land, which is classified as best and most versatile (BMV). The site lies within Flood Zone 1 and is therefore in the 'very low' surface water flood risk category, although there are some very small areas of 'low' surface water flood risk.
8. The site is located about 4 miles north of Wokingham, 3 miles north-east of Winnersh and 1.5 miles south of Twyford. The Rail Station at Twyford has mainline services to Reading and beyond to the west, and to London Paddington to the east. The Elizabeth Line/Crossrail also serves Twyford, providing further services between Reading and London. In addition, bus services provide access to Reading, Twyford, Wokingham and High Wycombe. Dinton Pastures, a 350ha Country Park, is located about 1.6 kilometres (km) south-west of the appeal site and can be reached by means of a permissive footpath on the west side of Lodge Road and Footpath 34 to the south.
9. Under the appeal proposal the site would be developed by the construction of about 200 new homes of mixed types and tenures, predominantly houses but with a small number of apartments. 40% of the new homes (some 80 units), are proposed as affordable housing. The SoCG states that all homes will be no higher than 2 storeys, in keeping with the surrounding area. The scheme would also include parks and gardens, natural/semi-natural green space, amenity space, a tennis court, play areas and community orchards, with the landscaped areas incorporating a sustainable drainage scheme (SuDS).
10. The proposal would not require the removal of any trees but some existing hedgerow along Lodge Road would need to be relocated, to provide the sole vehicular access for the proposed development. The existing field access would be

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<sup>5</sup> Section 7 and Appendix 18 of CD 8.3.2

closed and replaced by new hedgerow. An emergency vehicle access, which would also serve as an access for pedestrians and cyclists, would be provided onto Tape Lane in the north-eastern corner of the appeal scheme. Footway improvements would be provided at the southern end of Tape Lane, at the School Road junction.

11. The scheme would include a network of formal and informal on-site footpaths and cycle routes. On-site vehicle and cycle parking would be provided in accordance with WBC standards, along with electric vehicle charging provision for each dwelling. Nine further parking spaces would be provided to serve the existing allotments adjacent to the site's south-eastern corner.

### **Main issues**

12. The Council refused planning permission for 10 reasons, but in the run-up to the Inquiry, and as a result of discussions and the signing of subject-specific SoCG relating to highways matters, sustainability and ecology<sup>6</sup>, a number of these reasons for refusal were either withdrawn, or not defended by the Council at the Inquiry. The SNHPC did, however, maintain an objection on highway safety grounds, notwithstanding the Council's satisfaction on this matter.
13. With these points in mind, and having regard to the evidence submitted by all parties, I consider the main issues in this case to be:
  - The extent to which the proposed development would be consistent with the development plan for the area, and the weight to be given to relevant policies;
  - The effect of the proposed development on the character and appearance of the appeal site and the surrounding area, in landscape and visual terms;
  - The effect on trees and hedgerows;
  - The effect on BMV agricultural land;
  - Whether the appeal site represents a sustainable location;
  - The effect of the proposed development in terms of highway safety; and
  - Whether the submitted planning obligations would satisfactorily address the impact of the proposed development.
14. Following my assessment of the main issues I look briefly at other matters raised, before moving on to assess the benefits and disbenefits of the proposal. I then carry out a final planning balance and reach my overall conclusion.

### **Reasons**

#### ***Main issue 1 – Consistency with the development plan, and policy weight***

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case includes the Wokingham Borough Local Development Framework Core Strategy<sup>7</sup> (CS), adopted in January 2010, and the Wokingham Borough Development Plan Managing Development Delivery Local Plan<sup>8</sup> (MDDL), adopted in February 2014.
16. The National Planning Policy Framework ('the Framework') is an important material consideration which not only provides national policy guidance, but also sets out the decision-taking process that should be adopted when considering planning

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<sup>6</sup> Appendices 1, 2 & 3 to CD 1.5

<sup>7</sup> CD 5.1

<sup>8</sup> CD 5.2

proposals. It explains in its paragraph 11(c), that development proposals that accord with an up-to-date development plan should be approved without delay. But in situations where the development plan policies which are most important for determining the application are out-of-date – which includes circumstances where the Council cannot demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer – paragraph 11(d) of the Framework makes it plain that planning permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

17. At the time the Council determined this application it considered that it could demonstrate a 5-year supply of deliverable housing land, in accordance with the requirements of the Framework. However, this was disputed by the appellant and although this matter had not been fully agreed between the parties at the time the SoCG was finalised, by the opening of the Inquiry the Council accepted that it could only demonstrate a deliverable housing land supply (HLS) of 3.95 years.
18. The Planning Practice Guidance (PPG) is also an important material consideration in the determination of this appeal, as are a number of the Council's adopted Supplementary Planning Documents (SPDs), as detailed in the SoCG.
19. There is no dispute between the main parties that this proposal is not in accordance with the development plan, taken as a whole. This is because by seeking to develop this countryside location, outside the Hurst settlement boundary, for a large-scale housing scheme, the proposal would be at odds with the spatial vision for the Borough, set out at Section 3 of the CS, and would clearly conflict with a number of adopted policies such as CS Policies CP9 and CP11, as well as MDDL Policy CC02.
20. In summary, the spatial vision explains that in order to deliver the necessary development within the Borough the Council has identified a number of high quality Strategic Development Locations (SDLs) where the majority of the 13,230 new houses to be delivered in the CS Plan period will be located. This approach seeks to locate schemes where they can provide easy access to existing facilities or where improvements are readily deliverable. In addition, the spatial vision seeks to concentrate development in those towns and villages that either have a significant range of infrastructure including facilities and services now – or will have them as a result of the development proposed through the CS. Development is stated to be less likely in locations where these facilities and services will not be available.
21. With these points in mind a number of areas are identified as being the most appropriate locations for growth, and the vision also details '*other locations with facilities and services together with access to the major locations*', and identifies these as appropriate for modest levels of development. Hurst, along with 8 other settlements, falls into the '*other settlements*' category of the spatial vision. Such settlements are deemed appropriate to accommodate limited development, to support the vitality of existing local services.
22. I consider that this spatial vision accords with the requirements of paragraph 11(a) of the Framework as it promotes a sustainable pattern of development which seeks to meet the development needs of the area; align growth and infrastructure; and

make effective use of land in urban areas. These matters are carried forward in CS Policy CP9, which states that the scale of development proposals in Wokingham Borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. It identifies Hurst as one of nine 'Limited Development locations', where development proposals within development limits will be acceptable. The policy's supporting text explains that such locations are those which contain a basic range of services and facilities and are physically and socially cohesive; and that within such settlements limited development would be acceptable, including affordable housing to meet identified local needs.

23. The appeal proposal, however, seeks to develop land outside the development limits of Hurst and, as such, is in conflict with CS Policy CP11 which explains that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits (including countryside), will not normally be permitted. Whilst this policy does allow for some exceptions to this approach, these do not apply in this case.
24. Whilst not directly referred to in any of the reasons for refusal, CS Policy CP17, dealing with Housing Delivery, is also of relevance. It provides a breakdown of how the CS intends to provide for the development of at least 13,230 dwellings in the Borough in the period 2006-2026, indicating that a total of 100 dwellings are expected to be delivered in the Limited Development locations, where they should generally not exceed 25 dwellings from any single site. The appeal proposal clearly would not accord with this policy.
25. Moreover, by seeking to site a significantly-sized new housing scheme outside the development limits of Hurst the appeal proposal would be at odds with the MDDL, which aims to carry forward the approach and objectives set out in the CS by, amongst other things, maintaining the distinct and separate identity of the Borough's settlements through confirming development limits. In this regard MDDL Policy CC02 states that development limits for each settlement are defined on the Policies Map, and then goes on to only discuss development within development limits for locations other than the SDLs.
26. Notwithstanding this development plan conflict, the appellant maintains that there are a number of key considerations which indicate that planning permission should be granted. The first of these is the fact that the Council cannot demonstrate a deliverable 5-year HLS, a matter which, as already noted, the Council does not dispute. The Framework indicates that in such circumstances the policies which are most important for determining the application have to be considered out-of-date, meaning the so-called 'tilted balance' of paragraph 11(d)(ii) comes into play.
27. The most important policies in this case are agreed to be those referred to in the reasons for refusal, but being considered out-of-date does not mean that these policies can carry no weight in the determination of this appeal. The Framework itself clarifies this point in its paragraph 219, where it explains that due weight should be given to development plan policies according to their degree of consistency with the Framework. The closer such policies are to the policies in the Framework, the greater the weight that may be given to them.
28. There is no dispute between the parties that the housing requirement set out in the CS is out-of-date, and that the policies and settlement boundaries detailed in the CS and the MDDL to achieve delivery of this quantum of housing, discussed above, must similarly be regarded as being out-of-date. But it does not automatically follow that the development plan is failing to accord with the requirement in

paragraph 60 of the Framework to significantly boost the supply of homes; nor does it mean that the spatial vision set out in the CS should not still carry weight.

29. On the first of these points, I have been mindful of the Council's evidence which shows that over the 16-year period from 2006/07 to 2021/22 it has achieved a total of 12,465 housing completions compared to a CS Policy CP17 cumulative requirement<sup>9</sup> of 10,738 new dwellings – an excess or 'over-supply' of some 1,727 dwellings<sup>10</sup>. This is a factual position, and I see no reason to dispute the Council's interpretation that it demonstrates a clear boosting of housing delivery to date, in line with Framework requirements.
30. I acknowledge that within this 16-year period there were more years when the actual completions fell behind the policy requirement than exceeded it. But as the appellant accepted in its closing submissions<sup>11</sup>, such a delivery profile is not unexpected where the bulk of housing delivery relies on a small number of very large sites – the SDLs in this case – which can be slow to start delivering houses, and where housing delivery may be unreliable and 'lumpy'.
31. On this point I have noted the Council's assertion that further housing delivery from the SDLs is very likely to add to the housing supply over the next 5-year period<sup>12</sup>, but whilst this may prove to be the case I can place no weight on this matter as things currently stand, as such sites clearly do not fall within the Framework's definition of deliverable. However, I do not consider it unreasonable to have regard to the Council's assertion that if projected completions over the remainder of the CS plan period to 2026 were to be taken into account, then total completions would be 15,448 compared to the CS requirement of 13,230 dwellings, resulting in an excess of some 2,218 dwellings and representing a 16.2% oversupply<sup>13</sup>. In this case the dwellings concerned clearly are considered deliverable and there is no good reason to doubt that they will be completed and add to the housing supply within the overall CS period.
32. In view of these points, and even though the Council is currently unable to demonstrate a deliverable 5-year HLS, falling short by some 863 dwellings, I do not consider it reasonable to ignore the bigger picture, which is that there is a very strong likelihood that the Council will achieve a significant oversupply of dwelling completions over the whole CS period. To my mind this does not signify a Council that is failing in terms of housing provision, but rather one which is performing well and managing to boost the supply of housing over that which it planned for.
33. Reinforcing this view, I note that since the standard method of calculating Local Housing Need (LHN) was introduced in 2018, evidence from the Council shows that housing completions have consistently and significantly exceeded the LHN figure for each of the 4 years in question, providing some 5,391 new dwellings compared to a LHN requirement of 2,166 dwellings<sup>14</sup>.
34. Turning to consider the CS's spatial vision, I see nothing in the evidence placed before me to indicate that the Council's chosen method of distributing new housing throughout the Borough has prevented it from achieving satisfactory housing delivery to date. Whilst the Council's inability to demonstrate a deliverable 5-year

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<sup>9</sup> Based on the average annual requirement figures set out in CS Policy CP17

<sup>10</sup> Table 1 in CD 8.2.2

<sup>11</sup> Paragraph 10 of Doc 34

<sup>12</sup> Paragraphs 3.26 & 3.27 in CD 8.2.2

<sup>13</sup> Paragraph 3.6 in CD 8.2.2

<sup>14</sup> Paragraphs 3.15 - 3.17 in CD 8.2.2

HLS is clearly a matter of concern, no persuasive evidence has been placed before me to indicate that the most sensible or appropriate way to address this issue is to grant planning permission for a significantly-sized development which would run counter to this spatial vision, as would be the case with this appeal proposal.

35. Having regard to all the points set out above, I consider that CS Policies CP9 and CP11, and MDDL Policy CC02 should still carry significant weight in this appeal.
36. Turning to other policies from the reasons for refusal, CS Policy CP1, entitled 'Sustainable Development', sets out a number of criteria which development proposals should comply with in order to be granted planning permission. This policy covers a wide range of topics, and I consider that it is in broad accordance with the Framework. However, whereas Policy CP1 specifically requires new development to avoid BMV land, the Framework only requires that development proposals recognise the economic and other benefits of such land. This means, in my opinion, that the policy cannot be given full weight. But because of the otherwise good consistency with the Framework requirements, I consider it appropriate to accord this policy reduced but still significant weight in this appeal.
37. Sustainable development is also the subject of MDDL Policy CC01. It makes reference to 'relevant' policies, whereas the current version of the Framework uses the phrase "*policies which are most important for determining the application*", but otherwise the policy seems to reflect Framework requirements. As such I consider that it, too, should carry significant weight in this appeal. The sustainability requirements detailed in CS Policy CP1 are built upon in CS Policy CP2, which seeks to ensure that new development contributes to the provision of sustainable and inclusive communities (including the provision of community facilities) to meet long term needs. No evidence has been submitted to suggest that anything other than full weight should be given to this policy.
38. General principles for acceptable development proposals are set out in CS Policy CP3, and whilst these seem to be in broad accordance with the requirements of the Framework, I note that amongst other things the policy requires development proposals to have no detrimental impact upon important landscape features. This does not fully align with Framework paragraph 174(b), which simply requires the intrinsic character and beauty of the countryside to be recognised. Again, this indicates to me that this policy cannot be given full weight, but that its otherwise good consistency with the Framework means that it should carry reduced, but still significant weight in this appeal.
39. CS Policy CP6, entitled 'Managing Travel Demand', states that planning permission will be granted for schemes that, amongst other things, provide for sustainable forms of transport to allow choice; 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. As such, this policy is broadly in accordance with the requirements of the Framework, although it does not recognise that the opportunities available to maximise sustainable transport solutions will vary between urban and rural areas, as detailed in paragraph 105 of the Framework. Nonetheless, the policy's general consistency with the Framework means that in my assessment it should carry significant weight in this appeal.
40. MDDL Policy CC03 deals with green infrastructure, trees and landscaping and, amongst other things, requires development proposals to demonstrate how they have considered and achieved a number of listed criteria within scheme proposals. These include the need to protect and retain existing trees, hedges and other

landscape features, as well as incorporating high quality, ideally, native planting and landscaping as an integral part of the scheme. I consider this policy accords with the Framework and should therefore carry full weight.

41. The Council is updating its Local Plan but there have been problems and delays with this, and there was general agreement between the parties that this emerging plan should carry no weight in this appeal. I share that view.
42. Drawing all the above points together, I conclude that the proposed development would be in conflict with the development plan. In particular it would be at odds with CS Policies CP9 and CP11, and MDDL Policy CC02. Other policy conflicts are explored under later main issues. Notwithstanding the Council's inability to demonstrate a 5-year deliverable HLS, for reasons already stated I further conclude that significant weight should still be given to CS Policies CP1, CP3, CP6, CP9 and CP11, and to MDDL Policies CC01 and CC02; and that full weight should be given to CS Policy CP2 and MDDL Policy CC03.

### ***Main issue 2 – the effect on character and appearance***

43. The appeal site lies within the C2 Hurst River Terrace Landscape Character Area (LCA) as defined by the Wokingham Borough Landscape Character Assessment<sup>15</sup> (WBLCA). In summary, the C2 LCA is described as a relatively flat lowland agricultural landscape lying to the east of the floodplain of the River Loddon with arable fields which tend to be large, with areas of horse and pony grazing. The area has a strong connection to the river valley, with water-filled ditches and ponds throughout. A network of rural roads connects farms and the small settlements of Whistley Green and Hurst. The LCA is considered to be a landscape of moderate condition and sensitivity, with moderate capacity for change.
44. The WBLCA lists a number of key characteristics of the C2 LCA, many of which clearly relate to the appeal site and its immediate environs. These include a simple agricultural landscape of mainly arable farmland, with pasture enclosed in relatively large straight-sided fields, including smaller areas of horse and pony paddocks; an open character with relatively few boundaries marked by vegetation, with hedgerow or roadside trees being relatively scarce and scattered; a network of water features, including deep drainage ditches around fields; and a rural and tranquil area, with only the southern edge affected by movement and noise of the M4 and its junction with the A329(M).
45. A further key characteristic is noted to be villages located around historic cores including Whistley Green and Hurst. Newer linear development within these settlements is noted to be aligned along the network of roads and rural lanes and whilst there is no strong local vernacular there are fine early buildings, with building character being unified by the presence of red brick.
46. In order to maintain the landscape character of the C2 LCA, the stated landscape strategy is *"to conserve and enhance the quiet, rural and agricultural landscape with its scattered rural farmsteads and small red brick villages connected by narrow rural lanes"*. The strategy goes on to say that *"there are opportunities to enhance the landscape through restoration and management of the hedgerows"*, and that *"in terms of development, the aim is to conserve the low-density pattern of settlement centred around Hurst and Whistley Green"*.

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<sup>15</sup> CD 5.5. See also CD 5.5.1 & CD 5.5.2

47. The A321 Wokingham Road/Broadwater Lane forms the main road through the developed area and I saw at my site visit that houses and other buildings line more or less its complete length, although the development is somewhat sparser to the immediate north-west of Hogmore Lane, with some open fields to the north-east of Broadwater Lane. Because of this it is my view that although the 2 former separate villages of Hurst and Whistley Green do now read as one, the Council's description of 'lightly touching', expressed by Mr Hannington, seems to be more appropriate than any suggestion of full coalescence. Be that as it may, the fact remains that development in the area is characterised as being in the shape of a 'reversed C', wrapping round the appeal site and other adjacent, undeveloped land, from Sawpit Road in the south to Whistley Green in the north.
48. The appeal site is not covered by any qualitative landscape designations at a national or local level, but Mr Hannington drew attention to the fact that other Inspectors determining earlier schemes in this general area had referred to the open land within the 'reversed C' as having an enhanced significance as a countryside gap between Lodge Road and Tape Lane<sup>16</sup>. He maintained that this landscape has sufficient features and characteristics of quality to set it above the ordinary, such as attractive and available views over the land, the presence of woodland, trees and hedgerows, terrace landform, field-scape, walks adjacent to the land along country lanes, an absence of built development and a relative tranquillity. Because of this he argued that it should be regarded as a valued landscape for the purpose of paragraph 174(a) of the Framework.
49. However, I do not share that view. I am not persuaded that any of the features referred to by Mr Hannington could be considered as raising this land above 'ordinary' countryside. It is clear that this open area is valued locally, but it seems to me that its value arises more from its current condition as undeveloped land and from the setting it provides for this western side of the settlement, than from any specific features or physical attributes it may possess. None of the features referenced are unusual or special, and in my assessment they do not elevate the land into the category of a valued landscape as referred to in paragraph 174(a) of the Framework.
50. The appellant's Landscape and Visual Impact Assessment<sup>17</sup> (LVIA) concludes that the baseline character of the appeal site is strongly influenced by the surrounding well-vegetated and suburban fringe local context. It acknowledges that the change which would arise from the proposed development would be permanent and irreversible, explaining that at construction stage the significance of the landscape effect would be modest adverse, with the same being the case at operational stage. It states that there would be a reduction in the magnitude of landscape impact over a 15-year assessment period as a result of mitigation measures, including the provision of green infrastructure. Accordingly, the LVIA considers that when compared to the current landscape baseline of fields in equestrian/pastoral use, the appeal proposal would result in beneficial landscape features being created.
51. The construction activities would result in a large magnitude of change in visual terms, resulting in a major/moderate adverse significance of effect. This would also be the case at operational stage, with 7 of the 8 assessed viewpoints experiencing adverse visual effects, with the remaining viewpoint subject to neutral effects. After

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<sup>16</sup> CDs 9.8, 9.8.2 & 70

<sup>17</sup> Carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3), produced by the Landscape Institute and the Institute of Environmental Management & Assessment. It can be found as one of the un-numbered documents at CD 2

15 years, as a worst case, moderate adverse visual effects would be likely from 4 of the 8 assessed viewpoints. However, the LVIA comments that this change would not be adverse but rather would be 'different', because the mitigation measures would have established and created additional linear woodland and parkland that would create enclosure to views from the wider landscape, although it is likely that some limited views from proposed access points would remain.

52. The LVIA's overall conclusion is that the proposal would result in no substantial adverse impacts, but rather would offer beneficial landscape features to the landscape baseline at a residual stage. Although there would be change, this would be seen in the context of a similar settlement fringe pattern with substantial creation of green infrastructure elements and publicly accessible space. The change would be experienced only in close proximity to the site boundary and only very limited change would be perceptible from beyond the roads that bound the site. Therefore the LVIA concludes that the scheme would be acceptable on landscape and visual grounds. The findings and conclusions of the LVIA were supported and echoed by the appellant's landscape witness, Mr Friend, who also submitted a number of Accurate Visual Representations<sup>18</sup> (AVRs), to which I refer later.
53. However, whilst not undertaking a similar GLVIA3 assessment, Mr Hannington for the Council took a significantly different view, arguing that the proposal would harm the landscape character and appearance of the area and undermine a number of valuable landscape character attributes of the C2 Hurst River Terrace LCA. He maintained that the proposals would not reflect the rural settlement pattern of small villages with historic cores and farmsteads but rather, by introducing some 200 new houses, would be a huge bolt-on extension increasing the size of this settlement by some 45%, thereby undermining and urbanising the peaceful and open character of the landscape. The proposed development would also undermine the overall landscape strategy for the C2 LCA which is to "*conserve the low-density pattern of settlement centred around Hurst and Whistley Green*".
54. He also maintained that the proposed screening planting would be alien in such an open landscape and that the clutter of buildings, access roads, lighting, parked cars and all the other paraphernalia of suburban life would be incongruous in a landscape where one of the key features is the open and clear views across the landscape. In addition, he considered that the proposed vehicular access with its visibility splays, road markings, widened carriageway, new footways and associated signage would be an intrusive feature which would have an urbanising effect on Lodge Road, which is particularly rural between Hurst and Whistley Green at the open end of the 'reversed C'<sup>19</sup>.
55. In assessing this proposal I have had regard to the findings of the LVIA and the evidence of the respective landscape witnesses, but I have also relied on my own observations of the appeal site and the surrounding area made at my accompanied and unaccompanied site visits. With all of these points in mind, I consider it reasonable to ascribe a moderate or medium baseline value to the appeal site.
56. The Illustrative Masterplan<sup>20</sup> indicates that the existing boundary vegetation is to be retained, strengthened and managed, with development set back behind new planting and an internal footpath which would run along the eastern, southern and south-western boundaries. It also shows that areas of public open space (POS)

<sup>18</sup> CDs 8.4.1 & 8.4.2

<sup>19</sup> Paragraphs 29 - 47 in Mr Hannington's Summary PoE at CD 8.2.3

<sup>20</sup> See CD 2.1

would be provided centrally and elsewhere within the site, to include a tennis court, play areas and orchards, along with the drainage attenuation areas. Public footpaths and cycle paths would link onto Tape Lane, and would also provide a link across the site to Lodge Road.

57. I saw at my site visit that glimpsed views of the appeal site are available from public vantage points along Tape Lane, through gaps in the roadside vegetation, through the gated access close to the site's north-eastern corner, and from areas of public space at Martineau Lane. Further glimpsed views are also available to those travelling along Lodge Road, such as walkers on the permissive paths, the carriageway and grassed verge, as well as drivers and other vehicle occupants. These visual receptors will currently experience the open, undeveloped nature of this landscape within the 'reversed C', predominantly comprising the appeal site, which makes a significant contribution to the rural setting of Hurst.
58. Residential development already exists close to the appeal site, so the proposal would not introduce an alien form of development into this settlement edge area. It would, however, transform the appeal site from an undeveloped field of medium/moderate landscape value, outside the settlement boundary, to a relatively densely-developed residential area. The wire-frame representations shown on the AVRs indicate that the new dwellings would be very noticeable in glimpsed views from the surrounding roads and the Martineau Lane open space, despite the proposed landscaping. This would appreciably change the experience of users of these nearby roads and open spaces and would inevitably lessen the rural feel of the overall area. Like the Council, I consider that this would be particularly noticeable in the vicinity of the proposed vehicular access on Lodge Road.
59. This road joins the 2 ends of the 'reversed C', from the existing houses fronting Lodge Road close to Sawpit Road in the south, to those at Whistley Green in the north. But the general absence of development in between – with the exception of the 2 isolated houses at The Old Lodge and Badger's Bottom – means that this linking section has a strong rural feel and appearance, with no footways or street-lighting and with grassed verges, hedgerows and trees lining the road, with some trees overhanging the road in places. Widening the road to provide a ghost right-turn lane into the site, introducing a new junction and new northbound footway on the eastern side, and having to remove and replace existing hedging to provide necessary visibility splays would all serve to introduce a much more urban feel to this stretch of road. This would be compounded by the presence of new dwellings which, although set back into the site behind existing and new vegetation and behind the new access road, would still be visible as shown in the submitted AVRs.
60. As such, I consider it self-evident that the appeal proposal would have an adverse impact on the rural character and appearance of the appeal site, and would inevitably have an adverse impact on the visual experience of users of Tape Lane and Lodge Road by bringing a more developed feel to the whole area. Because of the scale of the proposed development and the fact that its impact would be experienced from many different locations, albeit within fairly close proximity to the site itself, I share the view of my colleague Inspector who determined an earlier appeal at Lodge Road<sup>21</sup>, that the harm caused in landscape character and visual terms should be categorised as being at the upper end of the moderate scale.
61. Drawing the above points together I therefore conclude that the appeal proposal would have a moderate adverse impact, at the upper end of the scale, on the rural

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<sup>21</sup> CD 9.8 – Appeal Ref APP/X0360/W/18/3194044

character and appearance of the appeal site and surrounding area, and would fail to conserve the low-density pattern of settlement centred around Hurst and Whistley Green as set out in the C2 LCA landscape strategy. I weigh these harms against the benefits of the appeal proposal in the planning balance section of this decision.

62. As a result of these harms I further conclude that the appeal proposal would conflict with CS Policies CP1 and CP3 to which I have already referred. Whilst these policies do not fully accord with the Framework, for reasons already given I consider that they should both carry reduced, but still significant weight in this appeal. Moreover, as I do not consider that the appeal proposal would retain or enhance the condition, character and features that contribute to the landscape, I also find it to be at odds with MDDL Policy TB21, which I consider should carry full weight in the determination of this appeal.

### ***Main issue 3 – the effect on trees and hedgerows***

63. This matter was included as a main issue for the Inquiry because the Council indicated, in its reasons for refusal, that insufficient and contradictory information had been submitted that did not demonstrate that the proposed development would have an acceptable impact on existing trees and hedgerows which contribute positively to the character and appearance of the area<sup>22</sup>. In this regard it is of note that the appeal site is covered by a recently imposed Tree Preservation Order<sup>23</sup> ('TPO'), with a further TPO having been imposed on land on Lodge Road<sup>24</sup>.
64. Whilst acknowledging that the application was for outline planning permission, with most of the detail to be agreed at reserved matters stage, the Council was nevertheless concerned to see that the submitted plans, albeit illustrative, showed that there would be unjustified incursions into the root protection areas ('RPAs') of protected trees, including veteran trees. However, during the course of the appeal the appellant demonstrated, through the evidence of Mr Hartley<sup>25</sup>, that the proposal could be designed in a way which would acknowledge the likely shape and extent of the RPAs, and which would ensure no unjustified intrusions into them.
65. As such, the Council is content that this matter could adequately be addressed by means of an appropriate planning condition. I share that view, and conclude that the appeal proposal would not have an unacceptable impact upon protected trees and hedgerows. Accordingly, it would not be at odds with the development plan policies or other documents referred to in the reasons for refusal.

### ***Main issue 4 – The effect on BMV agricultural land***

66. Both the appellant and the Council engaged agricultural consultants to investigate and report on issues relating to BMV agricultural land<sup>26</sup>. As a result there is agreement between these main parties that the appeal site contains some 5.6ha (about 52%) of Subgrade 3a land (BMV), located mainly in the western part of the site, with most of the remainder being Subgrade 3b land (43%), with a small amount (5%) along the western boundary shown to be non-agricultural land.
67. The appellant states that the site is farmed as a single block and has always been managed as Subgrade 3b land. Some farming activity was undertaken on the land

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<sup>22</sup> Paragraph 1.6 of CD 1.5

<sup>23</sup> Ref: 1781/2021

<sup>24</sup> Ref: 1869/2022

<sup>25</sup> CD 8.7. See also CDs 80 & 81

<sup>26</sup> Reading Agricultural Consultants (RAC) and Simmons & Sons on behalf of the appellant; and White & Sons for the Council. See Appendix 23 in the appellant's Statement of Case – CD 1.3; Appendix 7 in CD 8.1; Appendix G in CD 8.2.1; and CD 8.10

in the 1970s and early 1980s, including cereal production, growing grass for silage and hay, and grazing by cattle and horses but the appellant's evidence is that none of these activities could successfully be carried out, largely because of difficulties with trespass and vandalism. As a result, farming activities ceased and the land has been grazed by some 30 horses, ponies and donkeys for about the past 40 years, with the occasional cattle also grazed.

68. The farmer has confirmed that the site suffers from surface ponding following heavy rainfall, and states that this water retention is a clear limitation to the possible agricultural use of the land. Arable cropping is also limited due to the enclosure size and the short working lengths. As such, the appellant maintains that the agricultural use of, and benefit from, the land is very limited.
69. The consultants for the appellant also looked at the possibility and viability of using the land for sheep production, summer finishing of cattle, and hay production but concluded that the land cannot be considered viable as a stand-alone holding, or as a holding for farming purposes even as a starter unit, as other off-site supporting land would be required to supplement it and provide hard standing, winter housing, storage buildings and supplemental dry grazing.
70. However, after reviewing the appellant's reports, the Council maintained that whilst it had no doubt been convenient to graze horses on the land now and in the past, the land could be cultivated. It considered that it would be possible to grow a range of arable or horticultural crops as is the case on other farmland surrounding Hurst, and that such uses would not be restricted by flooding from the River Loddon. The Council further maintained that in light of food supply chain disruptions caused by the Covid pandemic and the ongoing war in Ukraine, BMV land has a particularly significant economic value, as well as a health and social value in producing local, healthy and high quality food products. Because of this the Council argued that BMV land is of even greater importance now, and that land of less good quality should be brought forward for housing needs where they exist.
71. I have considered these differing views and have also had regard to CS Policy CP1 which requires development proposals to avoid areas of BMV agricultural land; and the aforementioned Framework paragraph 174(b) which, amongst other things, requires development proposal to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of BMV agricultural land. As can be seen, CS Policy CP1 is not in full accordance with the Framework, and I have to therefore give this aspect of this policy reduced weight, as already noted.
72. I consider that the appellant has undertaken a far more rigorous and detailed assessment of the potential agricultural or horticultural uses of the land than has the Council, and I therefore give the appellant's position and conclusions more weight. It seems clear that viability is a key issue, and whilst the potential of BMV land is recognised, there is no strong evidence to indicate any likelihood of an agricultural use starting up again on this land. Times do change, however, and it is clear that if this development proposal goes ahead, the land would be lost for any future agricultural use. Because of this I conclude that the loss of some 5.6ha of BMV agricultural land would be a disbenefit of this proposed development, and would be at odds with both CS Policy CP1 and paragraph 174(b) of the Framework. But for all the reasons set out above, I consider that this should only carry modest weight against the proposal.

**Main issue 5 – Whether the appeal site represents a sustainable location**

73. The appellant argues that the settlement hierarchy set out in the CS is out of date, not simply because the Council is in the process of updating its Local Plan to meet current needs, but also because the hierarchy was established before the introduction of the Framework and before relevant infrastructure changes such as the opening of the Elizabeth Line at Twyford station. However, whilst these matters are factually correct, I am not persuaded that it automatically follows that the CS settlement hierarchy should be seen as out-of-date, as noted earlier.
74. The Council is clearly going to have to give serious thought to where it wishes to see future development taking place in the Borough as it progresses its new Local Plan to adoption. But I consider that the locational principles guiding the existing CS spatial vision broadly accord with the guidelines and requirements of the Framework, detailed below, and notwithstanding the current shortfall in the 5-year HLS appear to have served the Council well over the CS period to date.
75. Framework paragraphs 104 and 105, in the section entitled 'Promoting sustainable transport' are of particular relevance in this regard. Paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development proposals. This is so that, amongst other things, opportunities from existing or proposed transport infrastructure and changing transport technology and usage are realised – for example in relation to the scale, location or density of development that can be accommodated; and opportunities to promote walking, cycling and public transport use can be identified and pursued.
76. Paragraph 105 makes it clear that the planning system should actively manage patterns of growth in support of these objectives, explaining that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This paragraph also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, stating that this should be taken into account in both plan-making and decision-making. Taken together, these Framework paragraphs indicate that regard should clearly be had to matters of scale when sustainability is being considered.
77. However, the appellant's case, put simply in its closing submissions<sup>27</sup>, is that the scale of the proposed development is irrelevant to the key question in Framework paragraph 105. On its interpretation of the evidence, the appellant argues that the appeal site lies in a sustainable location and offers a genuine choice of transport, with no capacity issues with regards to walk, cycle or bus, such that all residents of the proposed development would have the same genuine opportunities to walk, cycle and use the bus to access local village facilities and those further afield.
78. I do not share that view. Whilst the opportunities to use alternative modes of travel may be the same whether a few houses are involved – as was the case in the recent Sawbridge Road appeal for 4 dwellings<sup>28</sup> – or a couple of hundred houses, as here – the implications of people not being able to take advantage of those opportunities, for whatever reasons, could well differ significantly. Small housing developments are only likely to have a modest impact if new residents need to use the private car, for reasons such as convenience or expediency, whereas larger, more significant developments, possibly housing several hundred people, are likely

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<sup>27</sup> Paragraph 60 in Doc 34

<sup>28</sup> CD 9.7 – Appeal Ref APP/X0360/W/21/3280255 – dated 4 August 2022

to have a much greater impact if these large numbers of people use unsustainable modes of travel. In summary, therefore, I am satisfied that the question of scale of development is an important determinant when the sustainability of a location is under consideration.

79. In CS terms the status of Hurst as a Limited Development Location carries with it the implicit assumption that it contains what the CS refers to as a *"basic range of services and facilities"*. Both the Council and the SNHPC maintained that this is a fair descriptor of what is available within Hurst, whereas the appellant considers that the village has a good range of facilities, echoing the view of the Inspector who determined the Sawbridge Road appeal by the written representations method.
80. That said, any such assessment has to be subjective, at least to some degree, and be based on the facts and evidence available at that time. I do not know the detail of the evidence placed before my colleague Inspector who determined this Sawbridge Road appeal, but I see from his decision that he listed Hurst as having a Post Office and village store, primary school, pre-school, public house, church and village hall, with secondary schools and medical surgeries located further afield.
81. These points led that Inspector to conclude that Hurst offers a *"good range of local facilities to address many everyday needs which are available by walking and cycling"*, but that it would be *"inevitable that there will be demands for travel outside of the village, to higher order settlements in the local area, or to alternative service centres that can offer facilities that Hurst does not"*. He commented that these essential services and facilities, including railway stations, local and supermarket shopping, a General Practitioners (GP) surgery, and employment were provided in Twyford, Reading, Winnersh and Wokingham, which were accessible from the bus stops in the proximity of the site under consideration in that appeal.
82. However, dealing first with the facilities available within the village, I accept that those listed by my colleague Inspector are all within a reasonable walking or cycling distance from the currently proposed development. However, it is not just distance which has to be considered, but also the standard of the network available to pedestrians. Put simply, the existing network of footways within this settlement is not good. As I saw at my site visit, and as is clearly demonstrated in the evidence of Cllr Smith<sup>29</sup>, many lengths of road within the village either have no footways at all, or only on one side of the road, with these footways being of varying standard and width, with most being well less than 2.0m wide.
83. This is not untypical of rural settlements, but whilst it is clearly an accepted fact of life for existing residents, I am not persuaded that it is the sort of network which should simply be expected to absorb and accommodate the additional usage likely to arise from a further 200 dwellings. I acknowledge that the appeal proposal would bring with it a good quality of pedestrian and cycle paths within the development itself, and would also provide a length of new footway on Lodge Road, a small amount of new footway at the Tape Lane/School Road junction and some additional areas of tactile paving on these roads. But these improvements seem very modest in the context of the village as a whole, and would do little to improve the walking network to the local facilities to which I have already referred.
84. Furthermore, with regards to the facilities themselves, I consider that not all of them could be said, realistically, to cater for everyday needs. Whilst the Post Office, village store and the Elephant and Castle Public House may well fall into that

<sup>29</sup> Appendices 6 - 10 in CD 8.3.1

category, it seems to me that many of the other facilities referred to would only cater for a limited number of the village residents, and only on a limited number of occasions. On this point I note that the Bakery is only open infrequently – as was confirmed at my site visit; and that of the 2 additional public houses referred to, the Castle Inn lies somewhat outside the main village and is only accessible from the village by means of roads with no footways and no street lighting; whilst the Green Man, at the north-eastern extremity of the village, is currently closed.

85. Although reference was made to the village also having a Gospel Hall, cricket, football and bowling clubs, with tennis courts available at the Dolphin School some 1.8km away, these would only be of use to a limited number of people and, again, could not be said to satisfy everyday needs. In light of these points I consider that the range of facilities and services within Hurst has to be categorised as basic rather than good, especially when seen in the context of the size of the village, put at some 439 dwellings in the Council's evidence<sup>30</sup>.
86. Turning to consider how easy and convenient it would be for future residents of the proposed development to travel to more distant facilities and services I note, firstly, that the Colleton Primary School in Twyford, Twyford Rail Station, secondary schools, supermarkets and GP surgeries could not reasonably be reached on foot. This is because they lie outside the preferred maximum distance of 1.2km applicable in this case, and also outside the preferred maximum distance of 2.0km considered appropriate for commuting and school trips. Furthermore, whilst several of the facilities referred to, such as Twyford Station and the various secondary schools do lie within acceptable cycling distances, no specific evidence was placed before me to show that cycling to such facilities could reasonably be seen as attractive and viable options.
87. Rather, the submitted evidence highlighted a number of potential problems including Cllr Smith's unchallenged comments that "*Twyford Station is notorious for bike theft with very few lockers available. Winnersh Station is not fully manned and only has 23 Sheffield hoops in a very public area*<sup>31</sup>". Moreover, the route to Waingels College is mostly along Whistley Mill Lane, a country road with a 60mph speed limit and a ford, whilst the route to Piggott School passes through Twyford and would require crossing a busy roundabout junction with the A4. I was not made aware of any specific provision for cyclists on the nearby roads, and although I note that the updated TA<sup>32</sup> referred to a proposed package of pedestrian and cycle improvements to enhance the existing networks in and around Hurst, the only relevant item in the S106 UU<sup>33</sup> seems to relate predominantly to footpath and bridleway improvements, rather than any specific improvements for cyclists.
88. Notwithstanding these problems I acknowledge that cycling could well be a viable travel option for some future residents, if the appeal proposal was to proceed, and I accept that the Illustrative Development Framework Plan<sup>34</sup> shows provision for cyclists within the proposed development, with cycle links to both Tape Lane and Lodge Road. However, that appears to be more or less the full extent of any specific cycle provision. I therefore find it difficult to see how the appeal proposal could be said to have identified and pursued opportunities to promote cycling as is required (amongst other things), by paragraph 104(c) of the Framework.

<sup>30</sup> Table at paragraph 6.20 in CD 8.2.1

<sup>31</sup> Paragraph 6.5 in CD 8.3.1

<sup>32</sup> CD 10

<sup>33</sup> Docs 28 & 29

<sup>34</sup> See CD 2.1

89. The remaining modes of transport to be considered are bus and rail. The only bus route serving the village is that provided by the 128/129 services, which run between Reading and Wokingham, and also serve Twyford and Winnersh. Cllr Smith provided timetable details<sup>35</sup> of these services, which the Council described in closing submissions as 'poor'<sup>36</sup>. The appellant acknowledged that the buses on these services are 'not plentiful'<sup>37</sup>, but maintained that they are usable. That said, the extent to which they will be used is likely to depend on their frequency, and in this regard Cllr Smith summarised the services<sup>38</sup> as not providing a 30 minute frequency during peak times nor an hourly service during off-peak hours, with no bus leaving the village between 07.32 and 09.23 to Twyford or Reading, and just a limited service to Winnersh. He further stated that these routes do not have an evening service and only provide a 2 hourly skeleton service on Saturdays, with the 129 service not running on a Saturday, and no services at all on a Sunday.
90. Mr Whittingham, for the appellant, did show how it would be possible to catch the bus to and from Twyford Station to suit traditional working hours, but the fact remains that there is still only one weekday morning bus service to Twyford Station likely to be suitable for most commuters. Furthermore, there have been reliability issues with the 128/129 services in recent years, as was made clear in the letter from Thames Valley Buses, submitted to the Inquiry in response to a specific query from a local resident<sup>39</sup>. My reading of this bus company response is that reliability is an ongoing issue with this service. I acknowledge that live tracking of buses can be undertaken using the internet or an app on a mobile phone – but not all travellers have access to such facilities, which could well be of limited benefit anyway, if the bus element was part of an overall time-critical journey.
91. Mr Whittingham also maintained that the 128/129 bus services pass relatively close to the secondary schools both north and south of Hurst, and set out in some detail how children's journeys to these schools would feasibly work. However, the Piggott School and Waingels College are more than a 20 minute walk from the nearest bus stop, and to reach the nearest bus stop for the return journey back from Emmbrook School and the Holt School would require walks of 20 minutes and 30 minutes respectively. I share the Council's view that the bus timetable does not align well with most of the schools' finishing times, meaning that there is the potential for children to have to endure a long and inconvenient wait at the bus stop.
92. A final point raised by Cllr Smith and others is that there is only one bus service a day to the GP Surgery in Twyford, at 15.46, with no return journey. Using public transport in such circumstances would clearly be problematic, and like the Council I consider that the limited timetable and the consequent long intervals between services has the potential to cause significant inconvenience and long waits for travellers. A bus service contribution is included within the UU, but as the Council's Mr Adam confirmed, this contribution would not make the service financially self-sustaining, but would simply serve to reduce the funding gap.
93. Having regard to all the above points, I share the view of both the Council and the SNHPC that the 128/129 bus service is unlikely to be seen as an attractive alternative to the private car, and therefore would not offer residents a genuine choice of transport modes.

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<sup>35</sup> Appendix 13 to CD 8.3.1

<sup>36</sup> Paragraph 37 in Doc 33

<sup>37</sup> Paragraph 56 in Doc 34

<sup>38</sup> Paragraph 4.5 in CD 8.3.1

<sup>39</sup> CDs 71 & 72

94. In terms of rail services, reference has already been made to Twyford Rail Station which provides mainline Great Western Railway (GWR) services to Reading to the west and London Paddington to the east. Twyford is also served by the Elizabeth Line/Crossrail, also serving Reading and Paddington, along with stations in between and further east within London. From evidence provided to the Inquiry, including from Hurst residents who regularly commute into London, it was generally accepted that commuters from Twyford are more likely to opt for the pre-existing GWR services through Maidenhead and Slough for journeys east, which are significantly quicker than the Elizabeth Line's stopping service. The main benefit of the Elizabeth Line was seen to be the improved connections for journeys into central London beyond Paddington Station.
95. With these points in mind I share the Council's view that the arrival of the Elizabeth Line does not appear to have overly benefitted Twyford commuters, and that it has not made any dramatic difference to the sustainability of Hurst because of the difficulties of reaching the station by means of transport other than the private car, as detailed above.
96. Drawing the above points together, I conclude that the appeal site is not a location which can currently be considered sustainable for a development of the size and scale proposed through this appeal, nor do I believe it would be made sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself, and the obligations within the UU. Accordingly I further conclude that the proposed development would be at odds with CS Policies CP1, CP2, CP3, CP6 and CP11, MDDL Policies CC01 and CC02, and Section 9 of the Framework.

### ***Main issue 6 – The effect of the proposed development on highway safety***

97. As already noted, the Council has reached agreement with the appellant on matters of highway safety, subject to the imposition of appropriate planning conditions and legal obligations. The Council's concerns had primarily related to the proposed site access on Lodge Road, but the appellant is proposing that the 30mph speed limit on this road be extended further south, past the proposed site entrance to just south of The Old Lodge access, with a consequent reduction in the sight line requirements at the site access<sup>40</sup>. A Road Safety Audit has been undertaken in respect of this access and has been approved by the local highway authority. The Council has raised no other highway safety or highway capacity concerns, and accordingly felt able to enter into a Highways SoCG with the appellant<sup>41</sup>.
98. The SNHPC did, however, maintain its opposition to the appeal proposal on highway safety grounds, although it did not raise any specific objections to the design or operation of the proposed new vehicular access on Lodge Road, or to the proposed emergency access on Tape Lane, or indeed to any of the proposed pedestrian and cycle access points on Tape Lane. Rather, the SNHPC's objection took the form of a generalised concern that the proposed development would worsen what are already considered to be unsafe conditions within the village, arising from such things as the poor quality footway network and the fact that vehicles have been recorded speeding through the village<sup>42</sup>. Indeed, Cllr Smith confirmed to the Inquiry that speeding is the number one issue he deals with as a Parish Councillor.
99. However, existing speeding through the village is a matter which needs to be addressed by enforcement measures and is not a valid reason to oppose the appeal

<sup>40</sup> CD 79

<sup>41</sup> Appendix 1 in CD 1.5

<sup>42</sup> Appendices 18 & 19 in CD 8.3.1

proposal. The same goes for the complaints made by residents that Tape Lane is used as a through route, whereas it should be used for access only. Moreover, although Cllr Smith and residents who spoke at the Inquiry expressed the view that the roads and footways within Hurst are not safe, this is not supported by hard evidence such as reliable Personal Injury Accident (PIA) information. Indeed, data for the latest available 5-year period show just 3 PIAs within the study area of the village, all at different locations on Lodge Road, with two classified as 'slight' and the other being 'serious'. The information provided shows that these accidents were due to driver error or weather conditions leading to a slippery road surface, and do not indicate any inherent problems with the highway network.

100. Although Cllr Smith did provide a Road Traffic Accident Map<sup>43</sup> covering the period 2001 to 2021, no details of these accidents were given and it is therefore difficult to draw any meaningful conclusions from this information. The one accident for which Cllr Smith did provide further details relates to a motorcyclist crashing into a parked car on the A321 near the junction with Tape Lane in December 2022, and receiving serious injuries. But whilst this was clearly an unfortunate incident, no evidence has been submitted to suggest that the cause of this accident was anything other than driver error.
101. I have noted the SNHPC's criticisms of the treatment of highway safety by the appellant in its updated TA, but in light of the PIA data already referred to and the absence of any objection from the local highway authority, it is difficult to see what more the appellant could have done. General concerns about the safety of pedestrians on the village's roads are difficult to address when there is no accident data to highlight or identify specific problem areas. The speed limit and footway improvements which the appellant is proposing along Lodge Road, the new length of footway at the Tape Lane/School Road junction and the introduction of tactile paving at a number of crossing points may have limited impact within the village itself, but such measures could only improve highway safety, not worsen it.
102. In summary, for reasons set out above, I conclude that the proposed development would not have an adverse impact on highway safety. Accordingly I find no conflict with the relevant parts of CS Policies CP1, CP3 and CP6, nor with the relevant parts of sections 9 and 12 of the Framework.

### ***Main issue 7 – Planning obligations***

103. The Council's ninth and tenth reasons for refusal contended that in the absence of a completed legal agreement the proposal would be in conflict with a number of listed development plan policies and sections of the Framework, as it would fail to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills; and would also fail to make adequate provision for affordable housing. The appellant had intended to enter into a S106 agreement with the Council to address these matters.
104. The agreement was also intended to deal with the matter of off-site Biodiversity Net Gain (BNG), as part of the appellant's response to the Council's seventh reason for refusal. This maintained that the appellant had failed to demonstrate that the proposed development would have an acceptable impact on ecology and biodiversity, by reason of the impact on protected species, wildlife, and habitats. However, further discussions between an Ecology Officer for the Council and Mr

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<sup>43</sup> Appendix 16 in CD 8.3.1

Goodwin for the appellant led to these parties signing an Ecology SoCG<sup>44</sup>, prior to the opening of the Inquiry.

105. In this SoCG the Council accepted that necessary and appropriate mitigation and enhancement measures to address its concerns regarding habitats, BNG and protected species could be secured by planning conditions or a legal agreement. Accordingly, the Council withdrew its seventh reason for refusal and agreed that this was not a matter which needed to be discussed at the Inquiry. Moreover, having reviewed the appellant's ecology Proof of Evidence (PoE) the SNHPC indicated that it did not maintain an objection to the appeal proposal on ecology grounds. This meant that Mr Goodwin did not appear at the Inquiry, although his PoE and Appendices remained before the Inquiry as written evidence<sup>45</sup>.
106. But notwithstanding the above points, the Council and the appellant could not reach agreement on issues relating to securing the use of off-site mitigation during the discussions on an intended S106 agreement. Because of this the appellant decided, instead, to secure all necessary planning obligations by means of a S106 UU<sup>46</sup>. I return to this off-site BNG matter shortly.
107. In summary, the UU makes provision for the following specific contributions and obligations:
- A 'Bus Service Contribution' of £106,000 towards the 128/129 bus service;
  - A 'Bus Stop Contribution' of £25,000 towards upgrading bus stops serving the appeal site;
  - An 'Employment Skills Contribution' of £52,500;
  - A 'My Journey Contribution' of £540 per dwelling towards implementation of WBC's My Journey initiative in respect of the proposed development; plus £100 per dwelling towards the provision of bus vouchers for residents of the proposed development; plus £100 per dwelling towards the provision of Car Club vouchers for residents of the proposed development;
  - A 'PRoW Contribution' of £85,032.50 towards any required works towards improvements of ROWIP37 east to west from Lodge Road to the River Loddon, and ROWIP118 south alongside Lodge Road from Sawpit Road to connect to Footpath 34;
  - A 'Traffic Regulation Order (TRO) Contribution' of £6,000;
  - The provision of 40% of the proposed dwellings to be delivered as affordable housing units;
  - The provision of Open Space, a Play Area and Tennis Courts<sup>47</sup>;
  - A variety of Commuted Sums to cover annual maintenance of the relevant parts of the Open Space, the Play Area and the Tennis Courts, for 20 years maintenance;
  - The provision of Off-Site Habitat in accordance with an Off-Site Habitat Creation and Management Plan;
  - The provision of a Sustainable Drainage Scheme (SuDS) in accordance with a Drainage Management and Maintenance Plan;

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<sup>44</sup> Appendix 3 in CD 1.5

<sup>45</sup> CD 8.8

<sup>46</sup> Doc 29

<sup>47</sup> The definition of 'Tennis Courts' in the UU is "*a minimum of 3 tennis courts*", although only a single court is referred to in the Design and Access Statement and the Planning Statement, and only a single court appears to be shown on the Illustrative Masterplan

- The establishment of a Management Company, if necessary and applicable, to hold the legal interest in and have the management and maintenance responsibilities for the Estate Roads, the Open Space, the Play Area, the Tennis Courts and the SuDS.

108. All of the above contributions would be index linked, as appropriate, and leaving aside the issues relating to the provision of off-site habitat for BNG mitigation purposes I am satisfied that the other obligations meet the requirements of paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010<sup>48</sup>.
109. However, with regards to the off-site provision of land to secure BNG, the Council expressed its concerns that because the freehold owner of the off-site land is not a party to the UU, the proposed off-site habitat mitigation would not be secure. In these circumstances the Council maintains that there is a risk that the appellant's lease of the off-site land could be brought to an end within the 30-year monitoring period set out in the UU. The surrender of the lease, or the appellant going into administration or liquidation – all of which the Council contends are foreseeable and plausible scenarios – would result in there being no one to enforce this obligation against. The covenant would not be enforceable against the freeholder, whose title is superior to the leaseholder<sup>49</sup>.
110. I share the Council's view that certainty regarding the provision and security of this off-site mitigation land is important, as according to the appellant's BNG calculations<sup>50</sup>, without off-site mitigation the proposal would result in a net loss of area biodiversity of 45.5%. This means that off-site compensation is necessary in order to make this proposal acceptable in ecological and biodiversity terms.
111. The appellant, however, argues that the requirement to implement and maintain the off-site BNG land is enforceable against the owner/developer of the appeal site, who will have contractual arrangements which enable them to ensure that the third party landowner of the off-site BNG land will carry out what is required. The appellant further points out that the Council's concerns that companies can become insolvent and disappear is a risk inherent in the whole S106 statutory scheme, but that this is not an objection taken by the Council to the rest of the UU.
112. But whether or not the appellant is correct in its approach on this matter, the fact that the freeholder of the off-site mitigation land is not a party to the UU does seem to me to introduce an uncertainty into the provisions of the UU which could reasonably have been avoided. As such I consider there to be a lack of clarity as to whether the UU would adequately secure the off-site mitigation, and a consequent lack of clarity as to whether the appeal proposal would have an acceptable impact on ecology and biodiversity.
113. Taking a precautionary approach on this matter, I am not satisfied that this aspect of the UU would, indeed, ensure the provision of the off-site BNG mitigation land for the full 30-year monitoring period. In these circumstances I have to conclude that in this regard the appeal proposal would be at odds with the relevant provisions of CS Policies CP1, CP3 and CP7, and MDDL Policies CC01 and TB23. Because of this I further conclude that, overall, the submitted UU would not satisfactorily address the impact of the proposed development.

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<sup>48</sup> See Doc 28

<sup>49</sup> Section 106(3) of the Town and Country Planning Act 1990

<sup>50</sup> Table 2 in CD 8.8

## **Other Matters**

### *Flood risk and drainage*

114. The Council did not refuse planning permission for any reasons relating to flooding or drainage, but these were matters raised by many interested persons in written representations and also by many of those who spoke at the Inquiry. In summary, the concerns included that flooding and sewage discharge are frequent problems in the village; that the appeal site has a high water table and frequently has standing water on parts of it; that the appellant's proposed drainage strategy is simplistic and wholly reliant on discharging water away from the development site (including into ditches owned by neighbouring landowners), thereby compounding flooding elsewhere; and that on-site drainage problems could not simply be addressed by raising floor levels of the proposed dwellings.
115. However, whilst I understand and appreciate these concerns, I note that the Flood Risk Assessment (FRA) and Drainage Strategy<sup>51</sup> was prepared in accordance with guidance in the Framework and the PPG, and that the proposed drainage strategy takes account of existing ground conditions and other relevant matters. The overall strategy seeks to attenuate surface water on-site and release it off-site at a restricted rate that would be in accordance with the greenfield run-off rate. To this end there would be an interconnected network of SuDS features, including detention basins, to accommodate some of the surface water run-off from the site, as well as a network of swales which would also provide surface water attenuation and conveyance. In addition, many hard-surfaced areas would use permeable pavements, providing a further opportunity for surface water attenuation and pollution mitigation. These details have been approved by the Lead Local Flood Authority (LLFA). Water butts are also recommended for each property, further providing for small amounts of surface water storage.
116. The drainage strategy notes that existing watercourses on the southern and western boundaries of the appeal site currently serve as receptors for surface water falling on the undeveloped site. As such, they have been identified as the natural and most appropriate discharge points for surface water from the developed site. The appellant indicated that there is the expectation that existing riparian owners deal with drainage matters responsibly and this does not seem to be an unreasonable assumption, as landowners have a responsibility to maintain their ditches. Undisputed calculations show that the attenuation features on site would provide for the storage of about 3,823m<sup>3</sup> of surface water, well in excess of the calculated storage requirement of between 2,627m<sup>3</sup> and 3,518m<sup>3</sup>. In terms of foul water drainage Thames Water has confirmed that there would be capacity in its foul water network to accommodate the proposed development on the appeal site<sup>52</sup>.
117. The Environment Agency (EA) has, however, maintained an objection to this proposal<sup>53</sup>, despite being provided with additional information by Pell Frischmann on behalf of the appellant, which adopted a precautionary approach. The EA's position is that a hydraulic model of the nearby Main River should be carried out to determine a suitable flood level to appraise risk and identify suitable mitigation. However, the appellant maintains that the submitted FRA is proportionate to the scale of development and has been prepared having regard to the criteria for site-specific flood risk assessments as outlined in paragraph 167 of the Framework.

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<sup>51</sup> One of the un-numbered documents in CD 2

<sup>52</sup> Section 8 and Appendix L in the Flood Risk and Drainage Strategy – within CD 2

<sup>53</sup> CDs 22, 25 & 27

118. As such, and in light of further guidance in the PPG<sup>54</sup>, the appellant considers that the construction of a detailed hydraulic model would not be proportionate to the anticipated scale and nature of risk from the watercourse, considering the published information. It further argues that any areas of localised flood risk or residual risk could be secured through appropriate conditions, such as measures outlined in the illustrative layout, comprising suitable standoff from the watercourse, and raising of finished floor levels above current ground levels<sup>55</sup>.
119. Having regard to the points set out above, and noting that both Thames Water and the LLFA are content with the proposals, and that the EA's concerns could be addressed by the conditions discussed at the Inquiry, I consider that matters of flood risk and surface water management should not weigh against this proposal.

#### *Minerals*

120. The Council's third reason for refusal commented that the application was for the development of land with sand and gravel deposits, and that insufficient information had been submitted to demonstrate that the sterilisation of mineral deposits would be acceptable. As such, the Council alleged that the proposal was in conflict with Policy 2 of the Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the Framework.
121. However, following the submission of further information by the appellant, prior to the opening of the Inquiry, the Council agreed that it was unlikely that the site would be promoted for mineral extraction in the future, and this reason for refusal was removed and not defended by the Council. These points were confirmed in the SoCG<sup>56</sup>, and elaborated upon in the PoE submitted by Ms Jones for the appellant<sup>57</sup>. In light of these points, this topic was not discussed at the Inquiry, and it is therefore not a matter which has any bearing on this appeal.

#### *Government planning consultation*

122. There was some discussion at the Inquiry about the Department for Levelling Up, Housing and Communities' ongoing consultation into the proposed updating of the Framework. However, as the outcome of this consultation is not yet known, it can have no bearing on the determination of this appeal.

### **Benefits and disbenefits**

#### *Benefits*

123. I have assessed the benefits likely to arise if the appeal proposal was to proceed, in the context of the 3 overarching objectives for achieving sustainable development set out in paragraph 8 of the Framework. In terms of the economic objective it would provide some economic benefits as a result of the construction and subsequent occupation of some 200 new dwellings. The undisputed figures put forward by the appellant<sup>58</sup> indicate that the benefits would amount to about £46 million from construction investment, with 164 construction jobs per year, plus a further 160 net additional jobs across Wokingham and a Gross Value Added uplift for Wokingham's Economy of £38 million.

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<sup>54</sup> Paragraph: 021 Reference ID: 7-021-20220825

<sup>55</sup> CD 8.9

<sup>56</sup> Table at paragraph 6.2 in CD 1.5

<sup>57</sup> Paragraphs 2.11 - 2.15 of CD 8.1

<sup>58</sup> Paragraphs 5.114 - 5.119 and Appendix 6 of CD 8.1

124. If the new dwellings were to be built and occupied there would be an additional local resident expenditure of about £3.6 million per year, with 55 jobs supported by local spend and 44 net additional jobs across Wokingham. The appellant also points out that that the proposed development would also give rise to £6.2 million in CIL payments, £500,000 in Council Tax per year; an employment skills contribution or training provision of £52,500; S106 contributions for transport and access improvements of about £300,000; and £500,000 in New Homes Bonus payments.
125. However, the benefits during the construction phase would only be for a temporary period, and both these and the longer-term benefits which would arise from new residents' increased spend in the local economy, the Council Tax receipts and the New Homes Bonus payments would also be available with any similarly-sized, development plan-compliant scheme. Furthermore, although the appellant is correct in pointing out that there would be CIL payments and other contributions secured through the UU, these are required to make the development acceptable, and cannot therefore be seen as benefits of the scheme. That said, I do accept that some of the contributions would benefit the wider village community, not just the new residents. Because of this, and for the reasons just given, I consider that the economic benefits should attract moderate weight.
126. The provision of 200 new dwellings, to include 80 affordable houses, would assist in furthering the social objective of sustainable development, but again I am mindful of the fact that such benefits would also arise from any similarly-sized development plan-compliant development. Nevertheless, in view of the Government's objective of significantly boosting the supply of housing I consider it only right to attribute substantial weight to the provision of the market housing, and as there is an under-provision of affordable housing across the Borough substantial weight should also be given to the provision of the proposed 80 affordable units.
127. However, I am not persuaded that the other matters claimed to be benefits under this social objective heading should carry anything like the amount of weight suggested by the appellant. The provision of new amenity space is a requirement of the development itself and so can hardly be seen as a material benefit. Moreover, although the tennis court and trim trail would be benefits, it seems to me that these were simply the facilities which the small number of respondents<sup>59</sup> indicated they would most like to see, if the proposed development went ahead.
128. Furthermore, whilst the appeal proposal could result in greater accessibility to Dinton Country Park, no evidence was placed before me to indicate that existing access is problematic and needs improving. A similar situation arises with the proposal to provide additional car parking for the existing Tape Lane allotments. Whilst this could well be a benefit, I was not made aware of any pressing need for additional parking for the allotments. Finally, although the appellant claimed that the appeal proposal would help to sustain the local Primary School from within the catchment, there is no evidence to suggest that the school would have to close if the proposed development does not proceed. Taken together, I consider that these additional matters should carry only very limited weight.
129. With regards to the environmental objective, I share the Council's view that any benefits under this heading have to be considered limited. In terms of BNG, the appellant's own evidence shows that although on-site linear hedgerow-based

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<sup>59</sup> It appears that only some 21 - 23 persons responded in total, with just 10 putting an outdoor gym as their first preference, with 9 first preference votes for a tennis court

habitat units would be increased by some 93%<sup>60</sup>, without off-site mitigation the proposal would result in a net loss of area-based habitat units of almost 46%<sup>61</sup>. This is not surprising, as much of the currently undeveloped fields would have to accommodate some 200 houses, associated parking areas and new roads.

130. This means that off-site compensation is required to make this proposal acceptable in ecological and biodiversity terms, and I have already indicated my concerns that the failure of the off-site mitigation site landowner to be a party to the UU introduces some uncertainty into the deliverability and security of this BNG. So, whilst it is the case that with this off-site mitigation land the scheme would produce BNG beyond that required to compensate for any habitat lost on site, and also beyond any level required in existing policy or future statutory requirement, this benefit needs to be tempered because of the uncertainty just detailed. Because of this I consider that it can only be given limited weight.
131. I accept that allowing access to the appeal site by means of paths through the site would be a benefit of the scheme, with these paths available not just to new residents of the proposed development but also to other Hurst residents, and I give this modest weight. But I do not consider that the proposed SuDS could be considered a benefit as clearly it is a necessary consequence and requirement of the proposed development. Moreover, although the appellant contends that a benefit of the proposal would be that it would reduce the need to release Green Belt land for development in the short to medium term, no evidence was put forward to support the claim that there is pressure on Wokingham's Green Belt for development to meet housing needs. This matter cannot, therefore, carry any weight in the proposal's favour.
132. The appellant's intention for all of the new dwellings to have electric vehicle charging points is to be welcomed, but in the short to medium term, when petrol and diesel engine vehicles are still likely to predominate, I am not persuaded that this would offer any material environmental benefit.

#### *Disbenefits*

133. As already noted, the spatial vision set out in the CS makes it plain that the planned distribution of new housing development over the plan period is based on a hierarchy of settlements, dependant on the facilities and services they contain or have ready access to, by sustainable means of travel. Hurst is a Limited Development location, at the bottom of the settlement hierarchy. The intention to implement this spatial vision is set out in a number of adopted development plan policies, including CS Policies CP6, CP9 and CP11, and MDDL Policy CC02. For reasons set out earlier in this decision, I consider that the appeal proposal would be in clear conflict with this spatial vision and the aforementioned policies, which I have already concluded should carry significant weight in this appeal, notwithstanding the absence of a deliverable 5-Year HLS. This weighs very heavily against the appeal proposal.
134. The harm just described would also work against both the economic objective of sustainable development and the social objective, as the proposal would not represent land for development of the right type in the right place, and it would not result in a strong, vibrant and healthy community as it would not have accessible services to meet the communities' current and future needs.

<sup>60</sup> From 12.66 to 24.99

<sup>61</sup> From 60.55 to 32.98

135. There would be a moderate adverse impact, at the upper end of the scale, on the rural character and appearance of the appeal site and surrounding area. The proposal would also fail to conserve the low-density pattern of settlement centred around Hurst and Whistley Green as set out in the C2 LCA landscape strategy. These disbenefits should carry moderate weight. As a result, the appeal proposal could not be said to protect and enhance the natural environment and this aspect of the environmental objective of sustainable development is therefore not achieved.
136. A further disbenefit of the proposal is that it would result in the loss of some 5.6ha of BMV agricultural land. This harm carries modest weight against the proposal.

***Summary, planning balance and overall conclusion***

137. In summarising the matters set out above, the starting point is the fact that the proposed development would be in conflict with key policies in the development plan. These policies have to be considered out-of-date, because the Council cannot demonstrate a deliverable 5-Year HLS and, as a result, the 'tilted balance' detailed in paragraph 11(d)(ii) of the Framework comes into play. However, notwithstanding this point, I have found that the policies which are most important for determining this proposal accord strongly with the requirements of the Framework, especially with regard to the need to promote and secure a sustainable pattern of development, and I have therefore concluded that these policies should still carry significant weight in this appeal.
138. I have further found that the appeal proposal would not fully accord with the 3 objectives of sustainable development as set out in paragraph 8 of the Framework, and would not represent development in a location which can currently be considered sustainable, or could be made sustainable by the improvements and contributions offered by the appellant. The appeal proposal would therefore not represent sustainable development and does not benefit from the presumption in favour of such development.
139. I consider that substantial harm arises from the fact that the appeal proposal is plainly in conflict with the Council's spatial vision set out in the adopted development plan policies to which I have already referred. This harm is added to, at the upper end of the moderate scale, by the adverse impact which the proposed development would have on landscape character and in visual terms. Modest harm also arises from the loss of BMV agricultural land. In addition, and taking a precautionary approach on this matter, some further harm arises as a result of the lack of clarity as to whether the appeal proposal would have an acceptable impact on ecology and biodiversity. Whilst the appeal proposal would give rise to some benefits, as detailed above, my clear conclusion is that the adverse impacts of the proposal would significantly and demonstrably outweigh these benefits, such that the proposal should not succeed.
140. I have had regard to all other matters raised, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be dismissed.

*David Wildsmith*

**INSPECTOR**

## APPEARANCES

### FOR THE COUNCIL

Mr Matt Lewin of Counsel

instructed by Wokingham Borough Council (WBC)

**He called:**

Mr Chris Hannington  
*BSc MPhil CMLI MRTPI*  
Mr Ian Church  
*BA(Hons) MA MRTPI*  
Mrs Fiona Jones  
*BSc(Hons) BTP MRTPI*  
Mr Gordon Adam  
*BA DipEcon MA FCIHT MILT*

Team Manager, Trees and Landscape (Development Management) Team, WBC  
Team Manager, Growth and Delivery Team, WBC  
Cameron Jones Planning Ltd  
  
Principal Development Control Engineer, Highways Department, WBC

### FOR THE APPELLANT

Mr Rupert Warren KC

instructed by Boyer Planning Limited

**He called:**

Mr John-Paul Friend  
*HND (LGD) BA(Hons) PGDipLA CMLI*  
Mr Daniel Allum-Rooney  
*BSc(Hons) MSc MCIWEM*  
Mr Andrew Whittingham  
*BSc(Hons) MSc CEng MICE*  
Miss Alyson Jones  
*BSc(Hons) MPhil MRTPI*  
Mr Jon Hartley  
*BSc(Hons) MArborA*

Director, LVIA Ltd  
  
Technical Director, Pell Frischmann  
  
Director, Motion  
  
Director, Boyer Planning Limited  
  
Principal Arboricultural Consultant, Arbtech Consulting Ltd

### FOR THE ST NICHOLAS HURST PARISH COUNCIL (SNHPC) (RULE 6 PARTY)

Mr Alex Shattock of Counsel

instructed by the SNHPC

**He called:**

Cllr Wayne Smith

Chairman, SNHPC and WBC Borough Councillor

### INTERESTED PERSONS OPPOSING THE PROPOSAL

|                                      |                                                                                                                     |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Mr Andrew Alsop                      | Local resident                                                                                                      |
| Mrs Clare Woodward                   | Local resident                                                                                                      |
| Mr John Osborne <i>BSc(Hons) MSc</i> | Local resident and spokesperson for The Hurst Village Society Committee                                             |
| Mrs Frances Davis                    | Local resident                                                                                                      |
| Mrs Jessica Lake                     | Local resident                                                                                                      |
| Mr Graham Welch                      | Local resident                                                                                                      |
| Mr John Edwards                      | Local resident                                                                                                      |
| Mr Alastair Lyon                     | Parish Councillor for SNHPC and local resident, speaking on his own behalf, and also on behalf of Mr & Mrs Dolinski |
| Mr Paul Martin                       | Local resident                                                                                                      |

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|----------------------|---------------------------------------------------------------------|
| Mr Jonathan Norris   | Local resident                                                      |
| Mr John Vimpany      | Local resident                                                      |
| Mr Geoff Manning     | Local resident                                                      |
| Mr Huw Griffiths     | Local resident                                                      |
| Ms Aisling Humphries | Local resident                                                      |
| Mr Victor Boardman   | Local resident                                                      |
| Dr Gemma Moore       | Local resident and Associate Professor at University College London |
| Mrs Sarah Barnard    | Local resident                                                      |
| Mrs Katherine Howe   | Local resident                                                      |
| Dr Heidi Hamer       | Local resident                                                      |
| Ms Ged Humphries     | Local resident                                                      |

## CORE DOCUMENTS REFERRED TO IN THIS DECISION

|                                                                                       |                                                                                          |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| CD 1.3                                                                                | Appellant's Statement of Case, with Appendices                                           |
| CD 1.5                                                                                | SoCG with appendices                                                                     |
| CD 2 - un-numbered documents relating to the original planning application submission | Design & Access Statement – Feb 2022                                                     |
|                                                                                       | Community Infrastructure Levy (CIL) - Form 1                                             |
|                                                                                       | Planning Statement with Appendices                                                       |
|                                                                                       | Outline Application Form                                                                 |
|                                                                                       | Arboricultural Assessment & Method Statement – 3 Dec 2021                                |
|                                                                                       | Ecological Impact Assessment – Dec 2021                                                  |
|                                                                                       | Historic Environment Desk-Based Assessment – Nov 2021                                    |
|                                                                                       | Landscape and Visual Impact Assessment – Feb 2022                                        |
|                                                                                       | Framework Travel Plan – 9 Feb 2022                                                       |
|                                                                                       | Transport Assessment – 9 Feb 2022                                                        |
|                                                                                       | Flood Risk Assessment and Drainage Strategy – 10 Feb 2022                                |
|                                                                                       | Desktop Subsurface Utility Report                                                        |
|                                                                                       | Statement of Community Involvement – Feb 2022                                            |
|                                                                                       | Energy Strategy Statement – Dec 2021                                                     |
| CD 2.1                                                                                | Plans for Approval and Key Illustrative Plans                                            |
| CD 5.1                                                                                | WBC Core Strategy – Jan 2010                                                             |
| CD 5.2                                                                                | WBC Managing Development Delivery Local Plan – Feb 2014                                  |
| CD 5.5                                                                                | WBC Landscape Character Assessment (LCA) (extracts)                                      |
| CD 5.5.1                                                                              | WBC extract from LCA – C2 – Hurst River Terrace                                          |
| CD 5.5.2                                                                              | WBC extract from LCA – B1 – Loddon River Valley with Open Water                          |
| CD 8.1                                                                                | Appellant's Planning PoE, Summary and Appendices – Miss Jones                            |
| CD 8.2.1                                                                              | WBC Planning PoE and Appendices – Mrs Jones                                              |
| CD 8.2.2                                                                              | WBC Planning Policy PoE and Appendices – Mr Church                                       |
| CD 8.2.3                                                                              | WBC Landscape and Trees PoE, Summary and Appendices – Mr Hannington                      |
| CD 8.3.1                                                                              | Rule 6 Party's Sustainability and Transport PoE, Summary and Appendices – Cllr Smith     |
| CD 8.3.2                                                                              | Rule 6 Party's Landscape Character and Locality PoE, Summary and Appendices – Cllr Smith |
| CD 8.4.1                                                                              | Appellant's Landscape and Visual PoE– Appendices Cover Note                              |
| CD 8.4.2                                                                              | Appellant's Landscape and Visual PoE – Appendices – Accurate Visual Representations      |

|          |                                                                                                                                                            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CD 8.7   | Appellant's Arboricultural PoE – Mr Hartley                                                                                                                |
| CD 8.8   | Appellant's Ecology PoE, Summary PoE and Appendices – Mr Goodwin ( <i>treated as written submissions – Mr Goodwin was not called to present evidence</i> ) |
| CD 8.9   | Appellant's Flood Risk PoE – Mr Allum-Rooney                                                                                                               |
| CD 8.10  | Appellant's Agricultural BMV Rebuttal – Reading Agricultural Consultants                                                                                   |
| CD 9.7   | Appeal decision APP/X0360/W/21/3280255 – 2022 - Land at Junction of Sawpit Road and School Road, Hurst, Berkshire                                          |
| CD 9.8   | Appeal decision APP/X0360/W/18/3194044 – 2020 - Land at Lodge Road, Hurst - Redetermination                                                                |
| CD 9.8.2 | Appeal decision APP/X0360/W/18/3194044 – 2018 - Land at Lodge Road, Hurst                                                                                  |
| CD 10    | Transport Assessment, 18 Nov 2022                                                                                                                          |
| CD 22    | Response Note: Matters Raised by Environment Agency – Dec 2022                                                                                             |
| CD 25    | Environment Agency Consultation Response – Sep 2022                                                                                                        |
| CD 27    | Email exchange between WBC and Ecology Solutions, BNG and Bats – Dec 2022                                                                                  |
| CD 70    | Appeal decision APP/H0330/A/89/114279 and 114065/P7 – 1990 – Land between Pool House and Sandford, off Lodge Road, Hurst                                   |
| CD 71    | Mr Dolinski's request to Thames Valley Buses for information                                                                                               |
| CD 72    | Thames Valley Buses Letter 24 Jan 2023                                                                                                                     |
| CD 79    | Proposed Ghosted Right Turn Lane Drawing 2101015-01 Rev 5                                                                                                  |
| CD 80    | Arbtech Arboricultural Impact Assessment Arbtech AIA 02 Rev 7 A (sheets 1-4) (Oct 2022)                                                                    |
| CD 81    | Arbtech Tree Protection Plan Arbtech TPP 02 Rev 7 A (sheets 1-4) (Oct 2022)                                                                                |

## DOCUMENTS SUBMITTED AT THE INQUIRY

|          |    |                                                          |
|----------|----|----------------------------------------------------------|
| Document | 1  | Opening submissions on behalf of the Appellant           |
| Document | 2  | Opening submissions on behalf of the Council             |
| Document | 3  | Opening submissions on behalf of SNHPC                   |
| Document | 4  | Statement submitted by Mr Andrew Alsop                   |
| Document | 5  | Statement submitted by Mrs Clare Woodward                |
| Document | 6  | Statement submitted by Mr John Osborne                   |
| Document | 7  | Statement submitted by Mrs Frances Davis                 |
| Document | 8  | Statement submitted by Mrs Jessica Lake                  |
| Document | 9  | Statement submitted by Mr Graham Welch                   |
| Document | 10 | Statement submitted by Mr John Edwards                   |
| Document | 11 | Statement submitted by Mr Alastair Lyon                  |
| Document | 12 | Statement submitted by Mr Andrew & Mrs Jean Dolinski     |
| Document | 13 | Statement submitted by Mr Paul Martin                    |
| Document | 14 | Statement submitted by Mr Jonathan Norris                |
| Document | 15 | Statement submitted by Mr John Vimpany                   |
| Document | 16 | Statement submitted by Mr Geoff Manning                  |
| Document | 17 | Statement submitted by Mr Huw Griffiths                  |
| Document | 18 | Statement submitted by Ms Aisling Humphries              |
| Document | 19 | Statement submitted by Mr Victor & Mrs Jennifer Boardman |
| Document | 20 | Statement submitted by Dr Gemma Moore, with attachment   |
| Document | 21 | Statement submitted by Mrs Sarah Barnard                 |
| Document | 22 | Statement submitted by Mrs Katherine Howe                |
| Document | 23 | Statement submitted by Dr Heidi Hamer                    |

|          |    |                                                                                                  |
|----------|----|--------------------------------------------------------------------------------------------------|
| Document | 24 | Statement submitted by Ms Ged Humphries                                                          |
| Document | 25 | Letter submitted by Ms Liz Chaderton, dated 24 January 2023                                      |
| Document | 26 | Written submission from Mr Duncan Kendall                                                        |
| Document | 27 | Schedule of Draft Conditions as discussed at the Inquiry                                         |
| Document | 28 | Community Infrastructure Levy (CIL) Regulation 122 Compliance Schedule, submitted by the Council |
| Document | 29 | Certified copy of the signed and completed S106 Unilateral Undertaking                           |
| Document | 30 | Closing Statement made by Mr Huw Griffiths                                                       |
| Document | 31 | Closing Statement made by Dr Gemma Moore                                                         |
| Document | 32 | Closing Submissions on behalf of SNHPC                                                           |
| Document | 33 | Closing Submissions on behalf of the Council                                                     |
| Document | 34 | Closing Submissions on behalf of the Appellant                                                   |