

MAC MIC
GROUP

Planning Statement

Land east of Lodge Road, Hurst



London



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Bristol

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Executive Summary

An outline planning application is submitted on behalf of Mactaggart and Mickel Strategic Land (Mac Mic) on the land to the east of Lodge Road, Hurst. The development proposes up to 99 new homes, alongside a range of comprehensive benefits, which are to be delivered alongside the development and agreed through a suitably worded S106 Agreement.

The Site has recent planning history, with an appealed application being dismissed in 2023 for up to 200 dwellings and associated infrastructure. The Appeal was dismissed on several issues, but the main reasons comprised the location of the Site and the level of proposed development being unsustainable. The proposals were not considered to be suitable for Hurst at this quantum, but the Inspector did set out that some level of development may be appropriate if suitably justified.

Hurst is identified as a settlement suitable for limited development and the application site is located beyond the development limits set out in adopted planning policy. The site itself is a contained agricultural field, and the site is flat and is bounded by existing hedgerows and trees. It is deemed that the site is capable of accommodating a residential development that would retain the existing character and settlement pattern of Hurst. However, as concluded by the Inspector in the recent Appeal decision, 200 homes on the site were inappropriate and could not be supported by the village of Hurst.

This application therefore seeks to deliver less than half the amount of housing, reducing any perceived harm by more than half, but will also deliver a much larger package of benefits to help offset the perceived harm considerably. The raft of contributions that will be delivered alongside the development, include an above policy level of affordable housing and significant off site highways contributions, alongside further on-site delivery, detailed in this planning statement and supporting documents.

The application seeks to contribute significantly to the councils housing targets and help contribute to reducing the shortfall in the five-year housing land supply, which has not been resolved in over a year, with no progress towards a New Local Plan being made either. The application is supported by a comprehensive suite of supporting documents, which demonstrate that the development proposals are acceptable and address the concerns raised through the previous application.

1. Introduction

1.1. This planning statement is written in support of an outline planning application at land to the east of Lodge Road, Hurst, hereafter referred to as 'the Site'. The application is made on behalf of our client, Mactaggart and Mickel Strategic Land (Mac Mic), hereafter referred to as 'the Applicant', to Wokingham Borough Council (WBC).

1.2. The description of development is as follows.

Outline application for up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements (all matters reserved except access).

1.3. The application is supported by the following comprehensive range of technical documents.

- Application Form and Fee
- Planning Statement (Planning Potential)
- Site Location Plan (Mosaic)
- Parameters Plan (Mosaic)
- Illustrative Masterplan (Mosaic)
- Design and Access Statement (Mosaic)
- Character Area Statement (Mosaic)
- Transport Assessment (i-Transport)
- Framework Travel Plan (i-Transport)
- Arboricultural Assessment (Tyler Grange)
- Ecology Assessment (Tyler Grange)
- Biodiversity Net Gain Matrix (Tyler Grange)
- Drainage Strategy and Flood Risk Assessment and Drainage Plan (SLR)
- Landscape Visual Impact Assessment (Pegasus)
- Illustrative Landscape Strategy (Pegasus)
- Statement of Community Involvement (Connect)

1.4. The planning statement is organised into the following chapters.

- Site and Surroundings
- Planning History
- Proposals
- Planning Policy
- Five-Year Housing Land Supply Statement
- Planning Assessment
- Planning Obligations

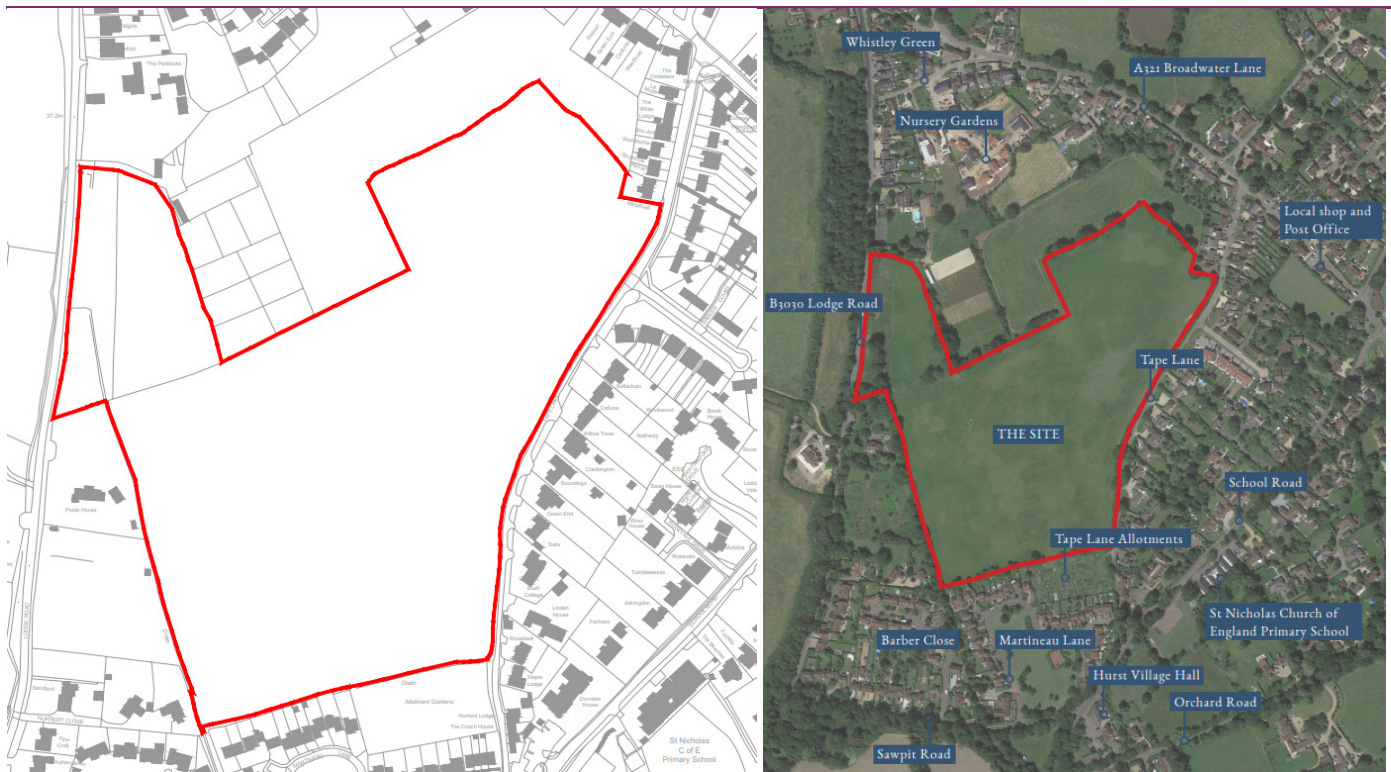
- Conclusion
- Appendices
 - Appendix 1 – Site's Appeal decision
 - Appendix 2 – Agricultural Land Considerations Report
 - Appendix 3 – Swallowfield Appeal decision
 - Appendix 4 – Draft Heads of Terms

2. Site and Surroundings

Site Description

- 2.1. The Site comprises 10.68Ha of agricultural fields located between Lodge Road to the west, and Tape Lane to the east, in the village of Hurst.
- 2.2. The Site is largely flat and is used for the grazing of farm animals, predominantly horses. The site is well bounded on all sides by hedgerows and trees, which also feature on other areas of the Site. There is a band of mature trees, which run from east to west on the northern boundary of the site. There is also an area of mature trees at the west of the site. Six English oak trees are considered to meet the criteria of a Veteran tree, located sporadically on the Site boundary.
- 2.3. The Site comprises private land, and no Public Rights of Way (PRoW) feature on the Site. There are existing access points along both Lodge Road and Tape Lane via gates associated with the existing and previous farming uses.
- 2.4. The Site is designated as Countryside and outside of settlement boundaries.
- 2.5. The Site is located in Flood Zone 1, low risk of flooding, according to the Environment Agency mapping tool.
- 2.6. There are no Listed buildings on the Site and it is not located within a conservation area.
- 2.7. The Site is located in an area for the following designations.
 - Area of Search for Sand and Gravel
 - Mineral Safeguarding Area
 - Groundwater Consultation Zone
 - Great Crested Newt Impact Risk Zone
 - Sites of Special Scientific Interest Impact Risk Zone

Figure 2.1 Site Location



Source: Mosaic

Surrounding Area

- 2.8. The Site is located in the village of Hurst, which is located 1.7miles south of Twyford and 1.6miles north of Winnersh. The village of Hurst surrounds the Site in a 'reverse C' shape, to the north, east and south. The settlement of Whistley Green is also found just beyond the village of Hurst to the north.
- 2.9. Residential areas directly border Tape Lane at the east of the Site, predominantly comprising two storey semi-detached dwellings. Rear gardens and Tape Lane Allotments directly abut the south of the Site.
- 2.10. Further residential properties are found at the north of the Site, including the more recent Nursery Gardens development.
- 2.11. To the west of the Site, beyond Lodge Road sits further fields and wetlands – the open countryside.
- 2.12. The Site's location, a 10-minute cycle from Winnersh train station, and an 8-minute cycle from Twyford train station, demonstrate that it is a sustainable one. Twyford station is on the recently introduced Elizabeth Line, providing regular access into London, and Reading. Twyford and Winnersh are both also served by Great Western services, providing quick and regular access to London and surrounding areas.
- 2.13. Twyford and Winnersh further provide a wide range of services and facilities, which serve Hurst. The village of Hurst itself contains essential facilities including a Post Office, Village Shop, Village Hall, Sports Clubs, Primary School, and Pubs.
- 2.14. Road access to the Site is also good, providing quick routes to the M4, whilst the Site is located on the A321, connecting Twyford and Wokingham.
- 2.15. Although there are no Listed buildings on the Site, there are several Grade II Listed assets found across the village of Hurst, particularly to the north of the Site. There is a row of Grade II Listed houses along Broadwater Lane to the north of the Site, the closest approximately 60m. However, all listed buildings are screened from the Site through existing trees and therefore are not visible to or from the Site.

3. Planning History

3.1. The Site has a recent planning history, which this section explores, alongside the surrounding planning history.

Site Planning History

3.2. A Screening Opinion application for an Environmental Impact Assessment (EIA) was made in September 2021.

- 212986 | Screening Opinion application for an Environmental Impact Assessment for a proposed development of up to 300 homes, open space, pedestrian and cycle links and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements. Land East of Lodge Road, Hurst.

3.3. The decision issued 21st of September 2021 stated that *"the development is not considered to meet any of the indicative thresholds requiring an EIA. The proposal is therefore not considered to be EIA development."*

3.4. This Screening Opinion was applied for under the scope of up to 300 homes, which triggered the need for an Opinion to be requested.

3.5. The Screening Opinion established that this level of development did not require an EIA. The proposed development under this application is a significant reduction in scope, of up to 99 homes.

3.6. Notwithstanding that the Site meets the threshold as it exceeds 5 hectares, the Site has already been established as not to be EIA development through the Opinion of WBC and through the Secretary of State, through the Appeal decision. As the proposals have been reduced by half and in the last 18 months there has been no material change in relevant policy or regulations, the development cannot be considered as EIA development. Therefore, a further Screening Opinion is not required.

3.7. The Site's planning history is comprised of the following applications.

- F/1999/70600 | Proposed Erection of Building For Use As Farm Shop And Equipment Store And Siting Of One Mobile Home. Refused December 1999
- F/2001/3149 | Proposed erection of an agricultural building incorporating farm shop, parking and access. Refused and Appeal dismissed September 2002
- CLE/2004/1099 | Application for certificate of existing lawful use of field for keeping of horses. Approved April 2004
- F/2007/2154 | Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers. Storage building for tree nursery. Refused October 2007
- F/2008/1748 | Proposed siting of a mobile home. Refused and Appeal dismissed February 2009.
- F/2008/1017 | Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers. Refused and Appeal dismissed February 2009.
- 220458 | Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access). Land East of Lodge Road, Hurst. Refused 22/06/2022

3.8. There is a historic appeal related to the Site. The Appeal, in 1986, relates to a proposed outline application for a residential development, including accommodation for the elderly and shops and medical centre. The Appeal was dismissed, however it is judged that due to the significant period of time that has passed, the Appeal is not relevant to the current time, as the national and local policy position has changed considerably.

3.9. The most recent application was refused for the following reasons:

- Principle of development
 - Unsustainable pattern of development.

- Development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land (However, please note in paragraph 3.23 that the Inspector only gave this reason modest weight at Appeal).
- The application results in the development of land with sand and gravel deposits.
- Impact character and appearance of the area and landscape.
- The application site is within an unsustainable location that would not encourage a modal shift towards sustainable modes of transport.
- Insufficient and contradictory information has been submitted that does not demonstrate an acceptable impact on existing trees and hedgerows.
- The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity.
- The application fails to demonstrate that the proposed vehicle access, highway alterations.
- Absence of a completed legal agreement / affordable housing S106.

3.10. The refused application was taken to Appeal, which is explored under the following heading.

Appeal History

3.11. Application reference 220458, for the outline application for 200 homes was appealed by the applicant, reference APP/X0360/W/22/3309202, found at **Appendix 1**. The Appeal was dismissed in March 2023, in which the Inspector focused on the main following reasons. In the absence of a 5-YHLS in Wokingham and out-dated planning policies, the Inspector applied the 'tilted balance' in their decision, as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

Sustainable Location and Highways

- 3.12. The Inspector did not agree with the case in terms of the site being situated in a sustainable location and offering a genuine choice of transport, with no capacity issues for sustainable modes of transport. The Inspector found that the level of development proposed impacted on the sustainability of the location, and therefore the quantum of development would result in unsustainable impacts on local transport and highways.
- 3.13. In addition to this, the facilities that would serve the development within Hurst were not deemed to be accessible through the existing highways network, as footways across the village are often non-existing or insufficient widths. The facilities available in Hurst were also considered as not sufficient to support the proposed level of development.
- 3.14. Access to Twyford station was agreed as achievable by cycling, however evidence of cycling facilities were deemed as insufficient. This, in combination with the existing bus service and rail services, led the Inspector to conclude that the site's location is not *"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."* (our emphasis added)
- 3.15. The Inspector referenced that a development of the size and scale proposed was not sustainable but did not rule out that some level of development could be sustainable in this location.

Views / Landscape Harm

- 3.16. The Appeal was also dismissed for the adverse impact that was perceived on the surrounding landscape by the Inspector. The Site is located within the C2 Hurst River Terrace Landscape Character Area within the Wokingham Borough Landscape Character Assessment.
- 3.17. The Inspector viewed that the development would contribute towards the formerly two separate settlements of Hurst and Whistley Green now reading as one. Reference was given to the gap that the Site serves between Lodge Road and Tape Lane. The Inspector did not agree with the council that the Site should be considered as valued landscape as the site does not feature any unusual or special elements and should be classed as 'ordinary' countryside.

- 3.18. However, the Site was considered to make a significant contribution to the rural setting of Hurst by the Inspector, and that development would *“transform the appeal site from an undeveloped field of medium/ moderate landscape value, outside the settlement boundary, to a relatively densely-developed residential area.”*, whilst also changing the experience of users of nearby road users, reducing the rural feel of the area.
- 3.19. This led the Inspector to conclude 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.”* And that *“**Because of the scale** of the proposed development and the fact that its impact would be experienced from many different locations...the harm caused in landscape character and visual terms should be categorised as being at the upper end of the moderate scale.”* (our emphasis added)
- 3.20. Overall, the proposals were deemed to *“have a moderate adverse impact, at the upper end of the scale, on the rural 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.”*

Other Reasons

- 3.21. Other reasons that factored into the Inspectors decision include;
- Consistency with the development plan, and policy weight.
 - Loss of Best and Most Versatile Agricultural Land (BMV)
 - The effect on trees and hedgerows.
 - The effect of the proposed development on highway safety.
 - Failure to agree the planning obligations.
- 3.22. Hurst falls within the ‘other settlements’ category of Wokingham’s adopted spatial vision and in line with the spatial policy, development of this site falls outside a developable location.
- 3.23. The Inspector gave modest weight to the BMV point as there is no indication that the land will be returned to agricultural use, however the loss of BMV would be a disbenefit of the proposed development. As seen in a more recent Appeal decision in WBC (Paragraph 3.33 of this planning statement), an Inspector provided the loss of BMV was considered to carry no material weight. An Agricultural Land Considerations Report was submitted alongside this Appeal. This can be found at **Appendix 2**, and it can be considered that the findings remain for this application.
- 3.24. The effect on trees and hedgerows was not considered an issue by the Inspector and could be resolved through detailed planning or planning condition.
- 3.25. The Inspector also found that Highways was not a reason to dismiss the appeal, however, as with the debate on the site being a sustainable location, consideration must be given to access and current highways in and around the site.
- 3.26. An acceptable S106 agreement will also need to be made for any revised application.

Local Planning History

- 3.27. There have been several planning applications of note within Hurst, including the following.
- 153431 | Full application for the proposed erection of 12no dwellings, garages and creation of new vehicular access off lodge road. Land at Lodge Road, Hurst. Refused May 2016
 - 172894 | Full application for the proposed erection of 5 no. new dwellings and garages with creation of a new vehicular and pedestrian access to Lodge Road and footway provision. Land at Lodge Road, Hurst. Refused December 2017
 - 162219 | Full planning application for the proposed erection of 16no. dwellings with garages and parking spaces with new access to Whistley Green following demolition of derelict greenhouses. Valley Nurseries, Whistley Green. Refused December 2016, Appeal allowed June 2017.

- 230074 | Land adjacent to School Road and Orchard Road, Hurst, Reading Proposal: Outline planning application for the proposed erection of 23 dwellings with associated access and 15 carparking spaces for the local Primary school. Access only to be considered (with Appearance, Landscaping, Layout and Scale to be reserved). Land adjacent to School Road and Orchard Road, Hurst. Refused February 2024, currently at Appeal, Hearing set for September 2024.
 - 240583 | Outline application for the proposed erection of 9No dwellings and associated access, (with Landscaping, Layout, scale and Appearance reserved) and only Access to be considered. Revised plans and information received to provide biodiversity net gain, details of bat surveys, landscape information, highways information, road safety audit, pedestrian improvements inside and outside of the site, street scene visuals and sustainability measures. Land north-west of Hogmoor Lane, Hurst. Awaiting determination.
- 3.28. A recent Appeal, reference APP/X0360/W/24/3340006, has been allowed in Swallowfield, Wokingham, found at **Appendix 3**. The development proposed is the erection of 81 dwellings (including 40% affordable homes), open space, SuDS, landscaping, biodiversity enhancements, new vehicular access off Trowes Lane, pedestrian and cycle links, and associated infrastructure.
- 3.29. The main issues of the Appeal were:
- The spatial objectives of the Local Plan as regards the location of new development
 - Landscape
 - Accessibility to facilities and services
 - Housing land requirement and supply
- 3.30. Similarly to the application Site, this Appeal site in Swallowfield is designated as a limited development location, and the site lies outside the development limits of Swallowfield. It was considered by the Inspector that the development would conflict with the spatial strategy of the development plan and runs counter to its approach to the location of new residential development.
- 3.31. This Appeal site also comprises an arable field and it was considered that a housing estate would inevitably harm its contribution to the landscape by introducing built development on what is currently open agricultural land. However, the effect on the landscape would be largely confined to the site itself but the effect of the development on the landscape would be moderately adverse in terms of its local impact, and at most slightly adverse in terms of its wider impact on the landscape. It was concluded that the proposal would cause harm to the landscape.
- 3.32. The Inspector also provided weight to the lack of capacity of local services and facilities, which also conflicts with the Local Plan in terms of the impact of development.
- 3.33. With regards to BMV, it is stated in this Appeal that *“part of the appeal site used as an arable field is classified as best and most versatile agricultural land, containing grade 2 and grade 3a soils. No objection has been raised by the Council to the loss of the field in terms of agricultural production. As any development on agricultural land in the area is likely to result in the loss of best and most versatile land, I do not consider that the loss of this parcel of land carries material weight.”*
- 3.34. The Inspector applied the tilted balance and given the inability of WBC to demonstrate an adequate housing land supply, the presumption carried significant weight.
- 3.35. The benefits of the scheme, particularly the provision of affordable housing were deemed to outweigh the harms of the development and the Appeal has been allowed.

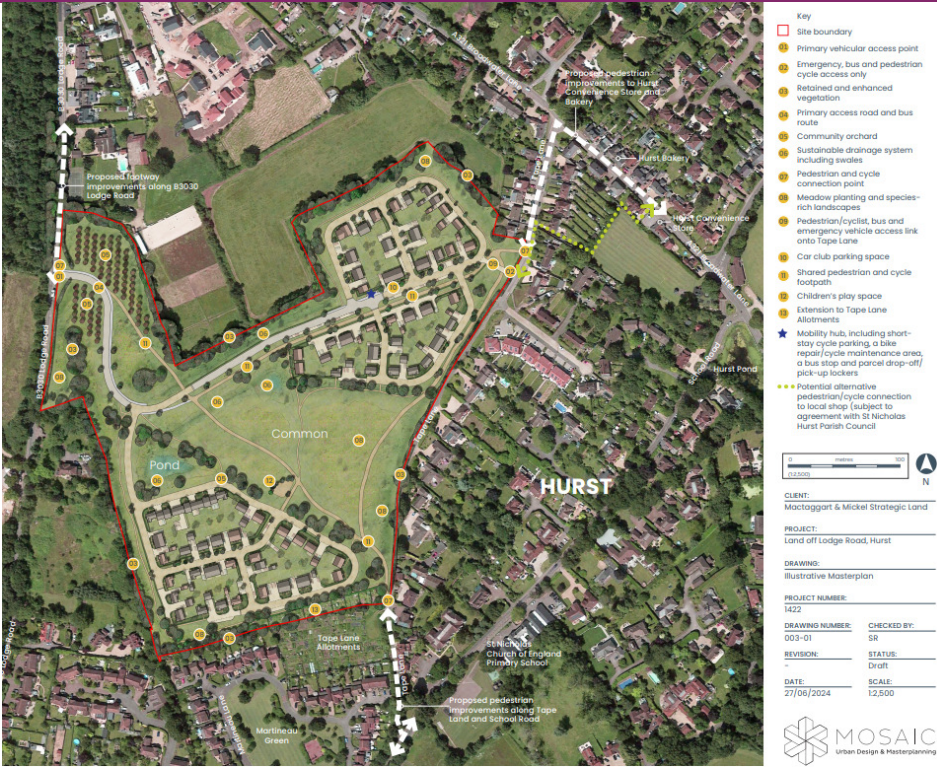
4. Proposals

- 4.1. This outline planning application seeks planning permission for:
- Outline application for up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements (all matters reserved except access).*
- 4.2. The proposed development is subject to detailed design and technical work to be considered at Reserved Matters stage, following the grant of outline planning permission.
- 4.3. The application is supported by the following plans
- Parameter Plan 002 C
 - Illustrative Masterplan 003-01B
- 4.4. The development is comprised of the following aspects.

Residential

- 4.5. The residential provision will comprise up to 99 new homes, which will provide a mix of tenure, which responds to planning policy and local need. The homes will be provided as houses, predominantly 2-storey.
- 4.6. The development will provide an on-site provision of 50% affordable housing, exceeding local policy requirements and the mix will also respond to local need and planning policy.
- 4.7. The Illustrative Masterplan, seen below provides an indication of how the homes can be delivered. The layout is one that works with the proposed access and maintains a good level of existing and proposed amenity, replicating the character and density of the settlement.

Figure 4.1 – Illustrative Masterplan



Source: Mosaic

- 4.8. The proposed design of the houses has considered adopted policy and guidance to inform the character and typology of the development.
- 4.9. The Design and Access Statement details five proposed character areas.
- Village Lanes
 - The Avenue
 - Lodge Pond Gateway
 - The Common
 - Green Lanes
- 4.10. The residential street character areas are designed to respond to the immediate local context at their position within the masterplan. They contribute to creating a sense of place and a cohesive development that is visually and functionally integrated with its surroundings. These street areas are determined by various placemaking tools, including density, building types, architectural treatment, materials and landscape. This section explores the diverse yet cohesive range of character areas within Land east of Lodge Road. It is expected that future applications for reserved matters should align with the vision for residential street character areas outlined in this chapter.
- 4.11. Further details are set out in the submitted Design and Access Statement.

Open Space and Green Infrastructure

- 4.12. A significant proportion of the Site, 62%, will be kept free from development and retained as open space and enhanced with green infrastructure features.
- 4.13. The proposed development consists of two distinct clusters of residential buildings at the northern and southern ends of the site, with the central area remaining undeveloped. The new central 'common' will feature a species rich meadow, enhancing the landscape for enjoyment and access by both new and existing residents. The majority of the site would be transformed into publicly accessible open space and allotments, and existing trees and hedgerow will be enhanced.
- 4.14. The full landscape features proposed are as follows.
- A central area of public open space (the 'Common'), that could include a species rich meadow grassland.
 - A new community orchard to the northwestern edge of the site near the access on to Lodge Road that would typically include fruiting trees of local provenance, set within a wildflower meadow. This will provide a more rural frontage to Lodge Road, screening the Site.
 - New individual and groups of native tree planting to areas of open space and enhanced planting to the site boundary to reinforce existing hedgerows including infilling hedgerow gaps and hedgerow tree planting.
 - Sustainable urban drainage systems to manage surface water runoff that is likely to include ponds and swales enriched with appropriate native wetland planting.
- 4.15. The following proposals are also to be integrated into the public open space.
- Pedestrian and cycle routes to provide connections through the site between Lodge Road to the west and Tape Lane to the northeastern and southeastern corners of the site.
 - Circular footpath routes around the perimeter of the site and through the central common, connecting the new residential parcels,
 - A naturalistic equipped play space (Local Landscaped Area for Play) within the central open space, well connected with pedestrian and cycle routes.
 - An extension to Tape Lane Allotments to the southeastern edge of the site, providing new residents with opportunities to grow food.

- 4.16. The development strategy, coupled with the retention and enhancement of existing hedgerows, aims to minimise the visibility of the proposed development from Tape Lane. The proposed access point onto Lodge Road is designed with sensitivity in mind, involving the removal of a localised section of existing hedgerow and planting a new species-rich native hedgerow behind the visibility splay.
- 4.17. Groups and belts of new tree planting along the edges of the central Common would connect with and visually extend the existing belts of trees within the site and along the boundary, to help define the areas of public open space and partially restrict views of the nearby new housing. New vehicular access road and internal streets would be tree-lined, with larger stature, extra heavy standard trees where appropriate, breaking up the new built form and helping to integrate the new development into the already established settlement edge context.
- 4.18. An indicative location for a local landscape area for play (LLAP) is proposed at the centre of the Site, next to a pond and further areas of orchard.
- 4.19. Biodiversity net gain is to exceed statutory guidelines, delivering 11.04% on site.

Transport and Highways

- 4.20. Vehicular access will be provided onto Lodge Road, of which the arrangements mirror those presented as part of the earlier Appeal scheme, which were considered acceptable to WBC. A 3.7m wide emergency vehicle / bus only access is also proposed onto Tape Lane at the north-eastern extent of the site.
- 4.21. Pedestrian access is proposed onto Lodge Road, through the delivery of the proposed site access junction which comprises a new footway that will tie into the existing provision along the eastern side of Lodge Road. Additionally, two points of pedestrian/cycle access onto Tape Lane are proposed at the north-eastern and south-eastern boundaries respectively.
- 4.22. The internal site layout is not for determination at this stage and the future Reserved Matters application will detail and demonstrate the suitability of the proposed site layout, including providing evidence on street geometry, surface treatment, visibility, service vehicle access, refuse arrangements and emergency vehicle access. However, the internal roads will be designed in accordance with the principles of MfS, WBC's 'Living Streets' guidance and are to adoptable standards. A network of shared footways/cycleways will be provided across the site ensuring permeability between Lodge Road and Tape Lane at the western and eastern site boundaries respectively.
- 4.23. Parking is to be provided in line with WBC policy standards.
- 4.24. The Site is located within the vicinity of a good range of local services and facilities giving future residents the opportunity to travel by sustainable transport modes. However, it is acknowledged from the outcomes of the recent Appeal for the previous scheme at the application site that an appropriate package of sustainable transport measures is necessary to ensure that these opportunities can be taken up.
- 4.25. Whilst the reduction in the proposed development quantum has the effect of significantly reducing the overall impacts of the development on the village of Hurst and the wider local highway network, the delivery of a comprehensive and much enhanced sustainable transport offer is proposed.

Pedestrian Improvements

- 4.26. A comprehensive suite of pedestrian infrastructure improvements is proposed to be delivered, to ensure there are improved opportunities for both existing and future residents of Hurst to access local facilities and services on foot. These proposals include:
 - Footway improvements along Lodge Road, leading north from the proposed site access.
 - Footway improvements at the southern extent of Tape Lane and along School Road.
 - Footway improvements along the northern extent of Tape Lane and along Broadwater Lane towards Hurst Shop and post office.

Cycle Improvements

- 4.27. WBC published its Local Cycling and Walking Infrastructure Plan (LCWIP) in March 2023. The document provides a strategy setting out what WBC want to achieve to encourage walking and cycling across the Borough, particularly amongst those that do not travel

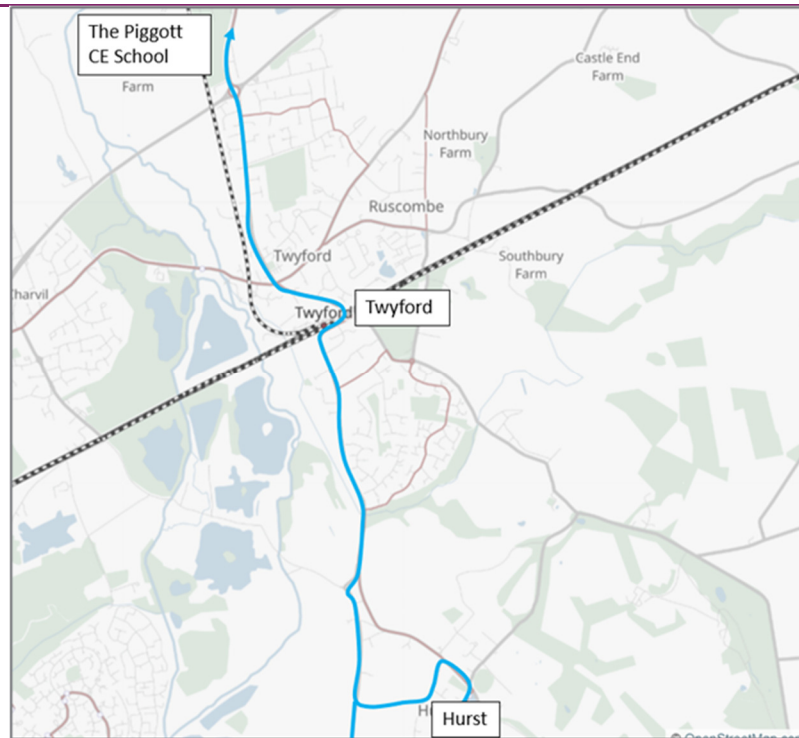
via these modes at present. This includes a route between Hurst and Twyford, which comprises a long-term strategy aspiration of WBC and is unlikely to be delivered without development funding.

- 4.28. The development proposals will deliver a comprehensive cycle improvement scheme between Hurst and Twyford Railway Station. The route improvements will cover an approximate 2km length of Lodge Road, Broadwater Lane and Hurst Road between the application site and Twyford Railway Station.
- 4.29. In conjunction with the improvements to cycle infrastructure along Lodge Road, Broadwater Lane and Hurst Road, the scheme proposes substantial improvements to the existing cycle and bus infrastructure at Twyford Railway Station by:
- Introducing improved covered cycle parking facilities within the vicinity of the station.
 - Relocating the existing bus stop layby adjacent to the station and providing a bus shelter to create an improved interchange.
 - Providing a new bus shelter for westbound services towards Hurst from Twyford.
 - Providing an improved pedestrian interface at the station, through the delivery of footway improvements along the railway station frontage.
- 4.30. During pre-application discussions, WBC confirmed that they support the principles of the cycle improvement strategy, given they align with the intentions of the LCWIP. Moreover, WBC agreed that the cycle improvement scheme to Twyford Railway Station is only likely to be delivered through funding from development, and that the application site at Lodge Road likely provides the only real opportunity to deliver the connection between Hurst and Twyford.

Bus Improvements

- 4.31. WBC's Bus Service Improvement Plan was updated in January 2023 and provides a long-term strategy for the transformation of the Boroughs' bus network.
- 4.32. The village of Hurst is served by the existing 128/129 bus service, with the nearest bus stops located approximately 330m from the site on either side of Broadwater Lane. The route runs between Reading to the north and Wokingham to the south via Woodley, Twyford and Hurst. Whilst the service provides a useful and locally valuable connection to key destinations (and local schools) it is understood, following discussions held with TVB in August 2023 and January 2024 respectively, that the existing service faces various issues, including – questions over viability, network issues, patronage is relatively low in Hurst.
- 4.33. Despite these issues, the core 128/129 service is considered one of the better subsidised routes and TVB's view is that WBC are keen to maintain / improve the service.
- 4.34. as part of the improvement strategy for bus services and infrastructure within Hurst, the scheme will look to deliver improved connectivity to:
- Rail Services at Twyford Railway Station – including infrastructure improvements to the existing bus waiting facilities.
 - Local Schools.
 - Local facilities and services within Twyford.

Figure 4.2 Potential New Bespoke Bus Service Route



Source: i-Transport

4.35. The new bespoke service would operate:

- As a large mini-bus (16-seater) Monday to Saturday (07:00-10:00) and (15:00-19:00).
- Along a bespoke route between Hurst and Twyford, calling at Twyford Railway Station, Twyford town centre and the Piggott CE School

4.36. The tailored operational hours will allow for a twice per hour service being attainable between Hurst and Twyford (and its railway station) and the delivery of a sustainable connection to a local secondary school that is not well served by the existing 128/129 bus service. The new bespoke service would supplement the existing 128/129 service and would provide a significant betterment to the existing public transport connections to/from Hurst.

4.37. Initial engagement with TVB has identified that the cost to operate such a bespoke service would be c. £173k p.a. The funding for the service would be secured in the following manner:

- A developer bus fund – this would comprise a c. £86.5k annual contribution to the service over a 10-year period (c. 50% of the annual cost) to be secured in the S106.
- Service charge contributions – these would be on-going contributions provided by residents of the proposed development as part of their normal service charge. In total, this would contribute c. £76.5k to the service p.a. (c. 45% of the annual cost).
- Additional local revenue – this would comprise revenue generated by the service from existing residents of Hurst. This would contribute remaining operational funds necessary (c. £10k p.a.). If this funding is not realised, the difference would be achieved through either the bus fund or services charges.

4.38. The service would be open for use by all residents of Hurst with residents of the proposed development riding free of charge and all other Hurst passengers riding for a nominal fee that aligns with that currently applied to the existing 128/129 bus service.

4.39. In addition to the introduction of a new service, the Site offers the opportunity to divert the existing 128/129 service through the Site without material impact to its routing or viability and bringing services closer to core patronage and potential revenue. TVB support the principle of this diversion which would be subject to further engagement with WBC. In combination with the existing 128/129 bus service, the new bespoke service will be a significant betterment to the existing public transport offering in Hurst and will ensure that

reliable bus service connections are achievable to a range of secondary schools that have catchment areas that encompass the application site.

Mobility Hub

- 4.40. In addition to the comprehensive infrastructure improvements, the proposed development parameters plan includes the potential to deliver an on-site mobility hub within the development. The on-site mobility hub could include a range of measures, such as:
- Access to a local Car Club, including one capable of supporting an electric vehicle;
 - A bus stop (for the proposed new bus service), including Real Time Passenger Information (RTPI) for the new service and existing 128/129 bus service within Hurst;
 - Short-stay cycle parking for visitors of the proposed development;
 - A bike repair / cycle maintenance area; and
 - Parcel lockers, which will enable parcel drop-off and storage for local residents of the development and Hurst.
- 4.41. The mobility hub will bring together a range of sustainable travel measures so that they can be easily accessed by residents, and act as a 'one stop shop' for sustainable travel needs. In combination with the wider infrastructure improvement proposals, the on-site mobility hub would actively increase the connectivity to nearby Twyford for new and existing residents of Hurst.
- 4.42. Sustainable travel vouchers will also be offered to residents, which can be used for public transport tickets and cycle equipment, worth up to £500.
- 4.43. It is considered that this wider package of transport and highways investments help significantly contribute to achieving a more sustainable development that can be supported within the surrounding area, titling the balance in favour of sustainable development. The supporting Transport Assessment and Travel Plan produced by i-Transport provide full details of the transport and highways matters.

5. Planning Policy

- 5.1. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. It also provides guidance on how to draw up Development Plans and policies.

National Planning Policy Framework

- 5.2. The overarching National Planning Policies comprise the National Planning Policy Framework (NPPF) (2023), supported by the National Planning Practice Guidance. The most recent update to the NPPF in December 2023 replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.
- 5.3. Labour have been elected into power following the General Election on the 4th of July 2024. Labour have indicated that a revised NPPF will be published and consulted on in late July, however at the time of writing, we have not had sight of any changes.

Development Plan Policies

- 5.4. WBC's Development Plan documents are comprised of the following:

- Core Strategy (2010)
- Managing Development Delivery Plan (2014)
- Joint Minerals and Waste Plan (2023)

- 5.5. The relevant Supplementary Planning Documents (SPDs) are:

- Infrastructure Delivery and Contributions SPD
- Sustainable Design and Construction SPD
- Affordable Housing SPD
- A Design for Hurst SPD

- 5.6. It is noted that the adopted plan is out of date. The NPPF, Paragraph 33 requires LPA's to review their Local Plan at least once every five years.
- 5.7. In the Appeal decision, the Inspector recognises in Paragraph 28 that the policies and settlement boundaries must be regarded as being out-of-date.

Emerging Local Plan

- 5.8. WBC have commenced the process of working on a New Local Plan. The New Local Plan will replace the current Core Strategy and Managing Development Delivery Plan.
- 5.9. The Draft, Regulation 18 Local Plan was submitted for consultation over the period February to April 2020.
- 5.10. A Revised Growth Strategy Consultation took place between November 2021 and January 2022. This consultation focussed on where new housing should be located and the designation of Local Green Space.
- 5.11. The Regulation 19 Local Plan was originally timetabled to be issued in November 2023. However, progress on the New Local Plan was paused when the Government announced they would be reviewing national planning policy in 2023. The Government published an updated NPPF in December 2023, in response, WBC announced that they are reflecting on the changes made and considering their approach for the New Local Plan. At the time of writing, WBC have not progressed their plan (at least publicly) any further in the preceding 7 months.
- 5.12. A revised Local Development Scheme is to be published and whilst the next stage of engagement was advertised for Summer 2024, at the time of writing, no further updates have been provided by WBC.

- 5.13. Within the Appeal decision (APP/X0360/W/22/3309202), the Inspector gave significant weight to the work that WBC were undertaking in terms of the progress of the New Local Plan and meeting the 5-year housing land supply requirement. However, with no further progress since this time, and with the Plan on pause, it can be seen that weight can no longer be attributed to this.
- 5.14. The lack of progress by WBC in the intervening period establishes that a 5-year housing land supply is not and will not be able to be demonstrated in the near future.

6. Five-Year Housing Land Supply Statement

- 6.1. WBC have not been able to demonstrate a 5-YHLS. In the recent Appeal decision, discussed earlier in this statement, reference APP/X0360/W/22/3309202, the Inspector found that the council could only demonstrate 3.95 years of housing land supply (paragraph 17).
- 6.2. The NPPF requires local planning authorities to maintain a five-year housing land supply. The presumption in favour of sustainable development, set out in Paragraph 11 of the NPPF, is applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, including where a council cannot demonstrate a five-year supply of housing (footnote 8). Decisions for planning applications are therefore taken in favour of sustainable development.
- 6.3. Paragraph 76 of the NPPF provides two exceptions why a local planning authority would not need to demonstrate a minimum of five years' worth of housing.
- a) their adopted plan is less than five years old.
 - b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 6.4. The adopted planning framework of WBC exceeds five years and the adopted plan does not identify at least a five year supply of specific, deliverable sites. Neither of these two exceptions apply and therefore WBC are not exempt from demonstrating a five-year housing land supply.
- 6.5. It is therefore established in the case of WBC that the presumption in favour of development must be applied for planning applications relating to housing, due to the inability to meet the requirement of demonstrating a five-year housing land supply.
- 6.6. The Inspector provided weight to the fact that WBC were working on a New Local Plan at the time, of which would contribute to the housing supply issues and resolve the lack of housing projected over the next five years. However, since this decision in March 2023, WBC have not made any further progress with the New Local Plan.
- 6.7. Over this period, no work has been undertaken towards demonstrating a five-year housing land supply, and the New Local Plan process has been paused, with no date for its continuation published. Therefore, it can be established that the weight provided by the Inspector in March 2023 on this point, can no longer retain the same weight.

7. Planning Assessment

The Site as a Sustainable Location

- 7.1. The location of the Site is considered outside of development limits. Policy CC02 Development Limits defines the limits for each settlement and Policy CP11 Proposal Outside Development Limits (including Countryside) seeks to protect the separate identity of settlements and maintain the quality of the environment.
- 7.2. The Inspector in the dismissed Appeal decision, relayed that there was scope for some level of development across the Site, however any development would need to demonstrate that the proposals could be supported within the surrounding area.
- 7.3. Policy CP1 Sustainable Development sets out the criteria for acceptable development. This includes maintaining or enhancing the high quality of the environment, ensuring the provision of adequate drainage, avoiding areas of best and most versatile agricultural land, and demonstrating support for opportunities to reduce the need to travel, particularly by private car, amongst others.
- 7.4. Policy CP9 Scale and Location of Development Proposals 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. Hurst is identified as a settlement acceptable for limited development, albeit there is no definition for limited development set out in adopted local policy. The proposals demonstrate a considerate level of development for the settlement of Hurst and the size of the Site. Although the Site is outside of a development location, the proposed level of residential development will not alter the existing character of Hurst, whilst being supported by a comprehensive range of obligations.
- 7.5. Policy CP3 General Principles for Development provides further criteria that should be adhered to. This includes achieving an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life, provides a functional, accessible, safe, secure and adaptable scheme, has no detrimental impact upon important ecological, heritage, landscape. Additionally, proposals should contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings, provide for a framework of open space in secure community use, amongst others.
- 7.6. Although the settlement of Hurst in its nature is modest, and is identified as acceptable for limited development only, it is considered that the level of development proposed will not drastically alter the character of the village, nor adversely impact the settlement pattern. The proposals seek to address the criteria set out in policy, whilst providing the appropriate suite of supporting technical documents.
- 7.7. Development is proposed at less than half the quantum of the refused application. The reduction in development is supported by significant investment into the surrounding highways infrastructure. Significant access and highway works will improve the sustainability of the Site, offsite highways improvements will improve the connectivity in and around Hurst.
- 7.8. A bus service is to be delivered, with a route through the Site, much improving the wider service and accessibility to public transport. Cycleway Improvements to Twyford, pedestrian improvements on Tape Lane and Broadwater Lane, pedestrian improvements on Tape Lane to School Road will also heavily contribute to improved sustainability of the Site.
- 7.9. As a whole, in comparison to the dismissed appeal scheme, the current development proposals reduce the proposed number of occupants by over half, reduce car trips and vehicle movements by half, and in effect halve the physical impacts of the scheme which were identified by the Inspector.
- 7.10. In addition to this, the benefits of the development are increasing significantly. Through an increase in accessible open space; significant investment into pedestrian ways, cycle ways and highways, improving the accessibility and useability of sustainable transport methods; a higher, above policy level provision of affordable housing at 50%; an above policy level BNG to be delivered on site, it is considered that the balance is tilted in favour of sustainable development.

Highways

- 7.11. Policy CP6 Managing Travel Demand states that development should provide for sustainable forms of transport to allow choice and should be 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. Development should also improve the existing infrastructure network, including road, rail and public transport, enhance facilities for pedestrians and cyclists, including provision for those with reduced mobility, and provide appropriate vehicular parking.

- 7.12. Policy CC07 Parking refers to the required parking provisions, and that new schemes should retain an appropriate overall level of off-street parking.
- 7.13. Policy CP10 Improvements to the Strategic Transport Network includes improvements to the quality and frequency of public transport services along any part of the network, improvements to increase the use of bicycles, including cycle paths, and enhancements to footpath and cycle networks to improve access to services and facilities.
- 7.14. A Transport Assessment and Travel Plan have been submitted as part of this application. The Transport Assessment demonstrates that the proposed development is forecast to generate only modest traffic flow increases in both the base year and future year scenarios, equating to no more than a 2% increase at any one junction on the local highway network during the busiest periods of the day. This is a very modest increase in traffic that would not lead to any material, let alone 'severe' impact on the operation of the local highway network.
- 7.15. Further junction modelling has been undertaken at three junctions on the local highway network (including the proposed site access). The analysis confirms that the junctions will continue to operate well within capacity, with no material queueing or delay, and that the proposed development traffic impacts are limited.
- 7.16. As mentioned previously, significant investment is proposed to be delivered to improve the highways network in and around the Site. This comprises footpath improvements, cycle infrastructure improvements, bus improvements, including the delivery of a new service, and a mobility hub.
- 7.17. The reduction in development quantum by over half from the appeal scheme has resulted in the amount of traffic and impact on highways being reduced by half. This, in combination with the significant package of transport benefits results in a development that can be viewed to outweigh the harms raised in the previous Appeal.
- 7.18. The proposals are considered acceptable in transport terms, and significant work has been undertaken to ensure that the Site and development proposals are sustainable and can be supported in the wider surroundings.

Landscape and Views

- 7.19. Landscape and views were an important consideration of the Appeal decision. This application has followed a landscape-led approach in order to propose a sensitive development, which responds to the surroundings and existing nature of the Site.
- 7.20. Policy CC03 Green Infrastructure Trees and Landscaping states that development proposals should demonstrate how they have considered and achieved a wide range of criteria within scheme proposals. This includes promoting accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways.
- 7.21. Policy CC03 also states that existing trees, hedges and other landscape features should be retained and protected. Proposals should incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.
- 7.22. The development has followed a landscape-led approach, seeking to protect the existing landscape value and views across the Site. existing trees and hedgerows are retained and appropriately protected. The proposals will also seek to enhance existing hedgerows and propose green infrastructure across the Site.
- 7.23. Policy TB21 Landscape Character states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals shall retain or enhance the condition, character and features that contribute to the landscape.
- 7.24. The proposed development retains a significant area of open space through the centre of the Site, to maintain the views across the Site from Lodge Road to Tape Lane, and vice versa. The reduction in development has facilitated this reduction of the layout, which has enabled the centre of the Site to be retained as open.
- 7.25. The submitted landscape assessment concludes that there would be a moderate adverse effect on landcover from the loss of pastoral farmland to new residential development and a minor adverse effect upon topography where the landform would be largely retained at existing levels. No existing trees would be lost, and localised sections of hedgerows would be removed to accommodate pedestrian and vehicular access. They would be a notable quantity of new tree planting comprising a community orchard, a belts of native tree planting, and tree lined streets with further tree planting along the perimeter of the site. There would be the potential for moderate beneficial effects upon the tree resource within the site and the potential for minor beneficial effects upon hedgerows.

- 7.26. The baseline landscape character has been considered with reference to National Character Area 61, and the Wokingham Landscape Character Assessment (2019) that identifies the site as lying within the “Hurst River Terrace” Landscape Character Area. The landscape is summarised as being in a ‘moderate condition’ with a ‘suburban character’. Key issues relevant to the site include the lack of species rich grassland and the use of land for pony grazing. The increase in linear development along rural lanes and the push towards the amalgamation of close settlements of Whistley Green and Hurst is cited.
- 7.27. The LVIA concludes that the landscape character of the site has a medium overall sensitivity to the type of development proposed.
- 7.28. It is assessed that there would be an overall medium magnitude of change and a moderate adverse effect upon baseline landscape character, but the development allows for notable green infrastructure enhancement.
- 7.29. A review of the NPPF and the Wokingham Borough Development Plan indicates that the proposed development has the potential to comply with the relevant landscape planning policies. This has been achieved by the adoption of a landscape led approach to the Parameters Plan that could be delivered as set out in the Illustrative Landscape Masterplan. The approach has minimised adverse effects upon visual amenity and existing landscape features, whilst providing landscape elements and features for the benefit of both the existing and proposed community, potentially including a community orchard, large wildflower meadow as part of the central common, naturalistic play space and an extension to the existing allotments.
- 7.30. The proposed development has the potential to respect the surrounding landscape context and relationship to the existing village edge of both Hurst and Whistley Green. Overall, it is considered that the receiving landscape has the capacity to accommodate the proposed development without causing unacceptable harm to the existing landscape and visual resource.

Housing Provision

- 7.31. Policy CP17 Housing Delivery states that provision will be made for the development of at least 13,230 dwellings and associated development and infrastructure in the Borough in the period 2006- 2026. Over the period of April 2021 to March 2026 – an average of 623 dwellings per annum should be delivered. This development will help deliver a valuable number of homes to contribute towards this housing need in WBC.
- 7.32. The proposed development seeks to deliver up to 99 new homes. The proposed number of homes will provide a valuable contribution towards local housing targets, detailed in Policy CP17 Housing Delivery.
- 7.33. Policy CP5 Housing Mix, Density and Affordability and Policy TB05 Housing Mix state that planning permission will be granted for residential development providing a mix and balance of densities, dwelling types, tenures and sizes.
- 7.34. The proposed development will seek to respond to planning policy and the Housing Needs Assessment (2023) to deliver the preferred mix. The Needs Assessment (2023) seeks a larger proportion of 2-bed and 3-bed market homes, and a higher proportion of 3-bed and 4-bed affordable homes to be delivered.
- 7.35. Policy CP5 states that development outside development locations should deliver 40% affordable housing. The proposed development will exceed this requirement, delivering 50% affordable housing. The mix of the affordable housing will also respond to planning policy and recent evidence to deliver a policy compliant development. This demonstrates a significant contribution towards meeting the needs of affordable housing in WBC.
- 7.36. Accessible units will also be provided in line with policy requirements, and the housing mix will respond to the needs set out by the latest evidence base.
- 7.37. It is therefore demonstrated that the development will provide a valuable contribution towards local housing targets and will contribute to meeting the required 5-year housing land supply. The mix of the houses proposed through any subsequent reserved matter application will respond to policy and up to date evidence to provide a policy compliant scheme that responds to local need.

Principle of Development

- 7.38. It is considered that the revised development proposals have reduced the quantum by more than half, reducing from 200 homes, to up to 99 homes, and therefore have reduced the harms by half at least. The revised layout takes into considerations the comments made during the previous application and Appeal to propose a more sensitive scheme, which responds to the existing character of Hurst, and rural character of the Site.

- 7.39. In addition to reducing the quantum by more than half, a wide range of benefits will be secured as a wider commitment of the application to respond to the matters raised by the previous application. A wide range of transport and highways benefits will be secured, and explored further in this chapter.
- 7.40. Policy CC01 Presumption in Favour of Sustainable Development states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise.
- 7.41. Although the proposed development is in conflict with the development plan due to the designation of Hurst as a limited development location, the tilted balance clearly applies, and given the wide range of comprehensive benefits and investment to be delivered, it is considered that the harms do not (significantly and demonstrably) outweigh the benefits.
- 7.42. As detailed in the previous chapter, WBC are unable to demonstrate a five-year housing land supply and the NPPF sets out that the presumption in favour of sustainable development should be applied or is engaged in this instance. No progress has been made by WBC towards the Emerging Local Plan, or addressing the shortfall in the five-year housing land supply and therefore the tilted balance must be applied in this case.

Other Matters

Residential Quality and Amenity

- 7.43. Policy TB07 Internal Space Standards states that proposals for new residential units, including change of use or conversions, should ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers. All proposed homes will meet and exceed minimum space standards to ensure that there is a high level of housing quality for future residents.
- 7.44. High quality design is encouraged and has been considered throughout the development proposals. The design will seek to retain and enhance the character of Hurst, utilising similar form and materiality to create a development which slots into the existing settlement, without appearing out of place.
- 7.45. Rear gardens are proposed for all homes to provide desirable private outdoor amenity space, with good access to open spaces for all residents.
- 7.46. Additionally, existing amenity in Hurst will not be adversely impacted. The Site is isolated in itself and sits beyond the existing settlement of Hurst. The proposed houses do not directly overlook any surrounding existing properties. Existing hedgerows and trees provide good screening on the boundary of the Site, protecting existing amenity for those closest. Building heights are proposed at a maximum of 2-storeys to maintain the prevailing character of Hurst and to prevent the development becoming overbearing on the surroundings.

Open Space and Recreational Facilities

- 7.47. Policy TB08 Open Space, Sport and Recreational Facilities Standards for Residential Development sets out the required standards of provision of open space and recreational facilities for new development.
- 7.48. The following table demonstrates the proposed open space, sport and recreational facilities provision.

Figure 7.1 Open Space, sport and recreational facilities provision

Open Space Typology	Standard Ha (per 1,000 population)	Required Provision	Onsite Provision
Parks and Gardens	1.1	0.26	1.77
Natural and Semi-Natural	2.84	0.68	3.68
Amenity Greenspace	0.98	0.23	0.22
Provision for Children and Young People	0.25	0.06	0.06
Civic Space	0.01	0.00	-
Outdoor Sports Facilities	1.65	0.39	Contribution to offsite provision
Cemetaries / Burial Grounds	-	-	-
Allotments (including Community Orchard)	0.52	0.12	0.84
Total		1.75	6.57
Note: Based upon 2.4 persons per household			

Source: Mosaic

- 7.49. It is demonstrated that the proposed development will exceed the required provision for this scale of development significantly. This provides a significant benefit of the development, providing a reduced level of development but exceeding the minimum standard for open space and recreational facilities.

Ecology and Trees

- 7.50. Policy CP7 Biodiversity and Policy TB23 Biodiversity and Development seek to protect designated sites, but also habitats, trees, features of the landscape, flora and fauna to ensure development proposals do not harm the vitality of the existing ecology.
- 7.51. Policy CC03 Green Infrastructure Trees and Landscaping similarly sets out the criteria required to be considered in order to protect these features. Development should promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways, and should promote the integration of the scheme with any adjoining public open space or countryside. Existing trees should be retained and protected, along with hedges and other landscape features, and proposals should incorporate high quality, native planting and landscaping as an integral part of the scheme.
- 7.52. In response to policy, the required ecology surveys have been undertaken. An Ecological Impact Assessment has been submitted as part of the proposals. This assessment included a UK Habitat Classification survey and Preliminary Bat Roost Assessment.
- 7.53. It was found that the site is comprised of modified grassland (negligible ecological importance), native hedgerows with trees, lines of trees, native hedgerows, and ditches (all of local ecological importance, with the hedgerows being priority habitats), and the site contains habitats that could support great crested newt, roosting bats, commuting and foraging bats, nesting birds, reptiles [REDACTED].
- 7.54. Habitats of negligible ecological importance to be lost to the development, such as modified grassland, require no specific mitigation. Habitats of low ecological importance to be lost, such as small sections of hedgerow, will be more than compensated for through replacement planting in the form of native species tree and grassland planting. Retained and enhanced habitats of importance, namely hedgerows, a line of trees, and ditches, will be protected during the construction phase through the implementation of a Construction and Environment Management Plan and tree protection.
- 7.55. It is concluded that the proposed development complies with relevant policy and legislation regarding biodiversity, including policy CP7 of the Wokingham Borough Local Development Framework: Adopted Core Strategy Development Plan, policies CC03 and TB23.
- 7.56. A biodiversity net gain of 11.04% will be achieved as part of the proposals, exceeding the statutory requirement recently set by government. The site will also see a 34.47% net gain in hedgerow units, and 23.75% in watercourse units. This provides a significant benefit of the scheme, and an enhancement on the existing position of the site in ecological terms.
- 7.57. The proposals seek to retain all existing trees, and seek to enhance existing hedgerows to provide a significant enhancement to biodiversity and improve screening of the Site.

- 7.58. A tree survey was undertaken and identified 62no. individual trees, 17no. groups of trees, 5no. hedgerows and 1no. woodland. 6no. English oak trees are considered to meet the criteria of a Veteran tree.
- 7.59. Only two areas of hedgerow are sought to be removed, and this is in order to facilitate the access points on Lodge Road and Tape Lane. No further loss of vegetation or trees is deemed necessary at this stage. This has been achieved by designing the development parameters around existing trees and providing sufficient buffers from development along the boundaries.
- 7.60. Tree constraint information has informed the development parameters to ensure that the proposals avoid impact to trees.
- 7.61. The Parameter Plan shows opportunities for enhancement along the site boundaries. These are areas with either no existing vegetation or where the vegetation has reduced screening functions. The arboricultural impact assessment demonstrates that the proposals are supported and the proposed scheme is considered consistent with the policy aspirations.
- 7.62. An Arboricultural Method Statement and Tree Protection Plan is recommended to be agreed through a planning condition.

Flooding and Drainage

- 7.63. Policy CC09 Development and Flood Risk states that all sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding.
- 7.64. Policy CC10 Sustainable Drainage states that all development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner. Development proposals must Reproduce greenfield runoff characteristics and return run-off rates and volumes back to the original greenfield levels, for greenfield sites, Incorporate Sustainable Drainage Systems (SuDS), provide clear details of proposed SuDS, and not cause adverse impacts to the public sewerage network.
- 7.65. A flood risk assessment and drainage strategy has been submitted in support of this application. The flood risk assessment confirms that the risk from all sources of flooding is low at the Site.
- 7.66. The finished floor levels for the proposed buildings should be set higher than the equivalent existing ground levels. The drainage strategy has been carried out and accommodates the 1 in 100 year plus appropriate climate change event and discharge to a suitable location at agreed rates. This will mitigate the impact of direct rainfall. Permeable paving and swales should be considered when designing the final scheme to manage any potential spills and hydrocarbons.
- 7.67. In terms of drainage, the greenfield rate has been defined as 17.85 litres per second. In accordance with the NPPF and local guidance, the proposed site discharge rate will be restricted to 17.85 litres per second. A sustainable urban drainage system has been developed in accordance with guidance.
- 7.68. The northern most development plot will be drained via an on-plot gravity sewer system which will incorporate on-plot attenuation measures (below / above ground attenuation, permeable paving) prior to discharging to a swale. A manhole and pipe system shall then discharge to the southern drainage network before ultimately discharging to the onsite watercourse located along the western site boundary. All development areas south of the main access road described above shall be directed to a swale and basin / pond system, comprising of one detention basin and one attenuation pond connected by a swale.
- 7.69. The proposed foul drainage strategy for this development is to discharge the on-site foul flows to the existing Thames Water public combined sewer location in Tape Lane.
- 7.70. The development has been designed in accordance with current best practice to provide adequate capacity not the flood for the critical 1 in 30-year storm event and flood water generated for up to the critical 1 in 100-year plus 40% climate change storm event shall be constrained within the areas on site so as not to cause damage to buildings, essential services, adjoining developments, and services.
- 7.71. The proposals are in line with Policy CC09 and Policy CC10 of the adopted local plan.

Community Engagement

- 7.72. A communications strategy has been undertaken to engage with local residents. A public consultation period was progressed utilising a range of communication methods and materials.

- 7.73. Leaflets were distributed in the wider area to approximately 2,200 residential and business properties surrounding the Site. The leaflet provided recipients with an overview of the proposals and details of how to engage in consultation activities.
- 7.74. A website was also created to host further information for the consultation materials on a digital platform, as well as provide an additional contact point for users to leave feedback or put their questions to the project team.
- 7.75. Feedback forms were provided for interested parties to complete, and a meeting was offered to local stakeholders, however this was declined.
- 7.76. Full details of the consultation strategy can be found in the submitted Statement of Community Involvement, including a summary of the responses.

Tilted Balance

- 7.77. Through a review of the matters raised through the dismissed Appeal, and the revised proposals, the following table establishes that the tilted balance must be applied.

Issue	Proposed Application and Tilted Balance
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 site is located in a location designated for limited development. Although the development of the site may still be at odds with the development plan, it must be considered that the development plan is out of date (2010). The NPPF, Paragraph 33 requires LPA's to review their Local Plan at least once every five years. Since the appeal decision, 18 months ago, no progress has been made with the new local plan, or towards addressing the shortfall in the five-year housing land supply. Additionally, a wide package of benefits is to be delivered alongside the development, which outweighs the considered harm. Therefore, considerable weight must be attributed to this, and the tilted balance must be applied, leading the decision maker to be able to come to a different view.
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 quantum of development has been reduced by more than half, which has allowed the development parcels to be reduced to two smaller areas at each end of the site. The reduction in quantum has allowed for views to be retained from Lodge Road to Tape Lane and vice versa. The reduction in level of development has reduced the level of harm on the character of Hurst, allowing the development to integrate into the existing character, without disrupting the settlement pattern. As a result of this, the new decision maker can come to a different view.
The effect on trees and hedgerows	The development protects and retains all trees on site, including all veteran trees. Only two areas of hedgerow are to be removed to facilitate the access points. Significant enhancements are proposed elsewhere. Albeit, this was not considered a reason for dismissal for the Inspector, this application provides the required

	detail, and the proposed development parameters have been established to ensure trees, hedgerows and root protection areas are secured.
The effect on BMV agricultural land	With the reduced level of development, a considerable area of the BMV agricultural land is to be retained as common land. This will retain the quality of the BMV land, in keeping with its historic use. Retaining a larger area of this site as open space will protect BMV land, and allows the new decision maker to come to a different view.
Whether the appeal site represents a sustainable location	The quantum of development has been reduced by more than half. The number of trips made to and from the site will therefore be halved. The level of demand on local services will also be reduced by more than half. In addition to this, the package of benefits has been increased considerably. A new bus service is to be delivered to serve the site and surrounding area. Investment into offsite highways, sustainable forms of transport, and improvement of pedestrian and cycleway links will also ensure that the site will be sustainable. The reduction in quantum by over half, in addition to the increased package of benefits will ensure that the site is sustainable and the new decision maker can come to a different view.
The effect of the proposed development in terms of highway safety	As mentioned above, there are improved investment into highways to improve safety. Access / Highway works and offsite highways improvements include; Access to Lodge Road and associated footway connections, cycleway Improvement to Twyford, pedestrian improvements on Tape Lane and Broadwater Lane, and pedestrian improvements on Tape Lane to School Road. Investment into pedestrian access into the site, and in the surrounding area, will ensure that highways safety is improved appropriately. The fact that the development has been reduced by over half, will result in trips being reduced by more than half, which in turn will also improve highway safety. It is due to these reasons that the new decision maker can come to a different view.

8. Planning Obligations

- 8.1. The proposed development seeks to deliver a comprehensive scheme, which aligns with the parameters of WBC planning policy, whilst contributing a valuable number of new homes towards local housing targets. The proposed development is supported by a comprehensive package of benefits and planning obligations, to be secured through a separate and appropriately worded Section 106 legal agreement.
- 8.2. The following list of Heads of Terms to be secured in the proposed S106 Obligation to be delivered alongside the development of the proposals. Further exploration of these details can be discussed during the determination of the application between the applicant and stakeholders at WBC.
- Affordable Housing
 - Allotments
 - Biodiversity Net Gain
 - Bus Improvements
 - Employment Skills
 - Estate Roads
 - Management Company
 - Mobility Hub / Community Facility
 - Open Space
 - Orchard
 - Sustainable Transport
 - Sustainable Drainage
- 8.3. A draft Section 106 Heads of Terms is attached at **Appendix 4**.
- 8.4. CIL is charged at £365 (plus indexation) per sqm for residential development. The development will therefore make a significant financial contribution through CIL payments.

9. Conclusion

- 9.1. This outline planning application is submitted on behalf of Mactaggart and Mickel Strategic Land, on the land east of Lodge Road, Hurst.
- 9.2. The proposals come forward after an iterative design and landscape-led approach, which has sought to deliver a development that responds firstly to the Site and surrounding context, but also to the concerns raised in the recent application which was refused and dismissed at Appeal. We have set out why a decision maker can easily come to a different conclusion and find in favour of the proposals.
- 9.3. The proposals seek to deliver up to 99 new homes, which is less than half of the previously proposed quantum of development. This, alongside a comprehensive range of benefits which seek to reduce the level of perceived harm significantly through contributing to infrastructure in the surrounding area.
- 9.4. This package of benefits will address the concerns relating to the Site, particularly with reference to the sustainability of the location and landscape harm. Although Hurst is designated as a location for limited development, and this application is therefore in conflict with the development plan, it is considered that this harm does not (significantly and demonstrably) outweigh the significant package and delivery of significant public benefits.
- 9.5. In addition to this, the sustainability of the location is carefully considered through the layout and high-quality design, which seeks to respond to the existing settlement of Hurst. The considerable changes to the scheme in comparison to the dismissed Appeal scheme, which include the protection of views across the Site, and also the significant investments that these proposals will bring into highways improvements and sustainable methods of transport, will ensure that the location will be considered as highly sustainable.
- 9.6. The development will help contribute significantly towards local housing targets, and provide a valuable proportion of affordable housing, greatly exceeding policy requirements. In the absence of a five-year housing land supply, the presumption of sustainable development **must** be applied for planning applications relating to housing, and the proposals should be seen to comprise a beneficial offer. Nothing in Paragraph 11 of the Framework suggests otherwise.
- 9.7. Paragraph 8 of the NPPF sets out the definition of sustainable development, and the three objectives – economic, social, and environmental. The development seeks to meet all three objectives, in line with national guidance.
 - Economic – the delivery of 99 new homes will support the employment of 306 people, and 3 apprentices. The development would generate £1,193,247 in tax revenue, including £111,816.54 in council tax revenue, alongside further investments into other local services (figures provided by the Home Builders Federation).
 - Social – the development will deliver 50 affordable houses, whilst also investing into local sports, schools, and healthcare facilities, providing a significant enhancement of these services.
 - Environmental – the development will deliver 11.04% biodiversity net gain on site, exceeding statutory requirements. Significant investment will be made into enhancing the existing trees and hedgerows on Site, whilst providing new green infrastructure across the Site. Significant investment will also be made into sustainable transport in and around the Site.
- 9.8. This planning application is submitted with the comprehensive range of technical and supporting documents, which demonstrate that the application adheres with national and local planning policy, as well as the acceptable technical justification for the application to be granted.
- 9.9. We look forward to working with council officers through the determination period and welcome any discussion required.

Appendices

Appendix 1 – Site’s Appeal decision



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: 9th March 2023

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.
-

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 Assessment¹ (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 plans².
4. A range of supporting documents, detailed in the Statement of Common Ground³ (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 Undertaking⁴ (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.

¹ One of the un-numbered Core Documents (CD) at CD 2

² CD 2.1, supplemented by CD 79

³ CD 1.5

⁴ 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 submitted⁵.
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

⁵ 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 ecology⁶, 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 Strategy⁷ (CS), adopted in January 2010, and the Wokingham Borough Development Plan Managing Development Delivery Local Plan⁸ (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

⁶ Appendices 1, 2 & 3 to CD 1.5

⁷ CD 5.1

⁸ 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 requirement⁹ of 10,738 new dwellings – an excess or 'over-supply' of some 1,727 dwellings¹⁰. 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 submissions¹¹, 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 period¹², 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% oversupply¹³. 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 dwellings¹⁴.
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

⁹ Based on the average annual requirement figures set out in CS Policy CP17

¹⁰ Table 1 in CD 8.2.2

¹¹ Paragraph 10 of Doc 34

¹² Paragraphs 3.26 & 3.27 in CD 8.2.2

¹³ Paragraph 3.6 in CD 8.2.2

¹⁴ 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 Assessment¹⁵ (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"*.

¹⁵ 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 Lane¹⁶. 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 Assessment¹⁷ (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

¹⁶ CDs 9.8, 9.8.2 & 70

¹⁷ 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 Representations¹⁸ (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'¹⁹.
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 Masterplan²⁰ 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)

¹⁸ CDs 8.4.1 & 8.4.2

¹⁹ Paragraphs 29 - 47 in Mr Hannington's Summary PoE at CD 8.2.3

²⁰ 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 Road²¹, 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

²¹ 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 area²². In this regard it is of note that the appeal site is covered by a recently imposed Tree Preservation Order²³ ('TPO'), with a further TPO having been imposed on land on Lodge Road²⁴.
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 Hartley²⁵, 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 land²⁶. 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

²² Paragraph 1.6 of CD 1.5

²³ Ref: 1781/2021

²⁴ Ref: 1869/2022

²⁵ CD 8.7. See also CDs 80 & 81

²⁶ 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 submissions²⁷, 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 dwellings²⁸ – 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

²⁷ Paragraph 60 in Doc 34

²⁸ 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 Smith²⁹, 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

²⁹ 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 evidence³⁰.
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*³¹". 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 TA³² 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 UU³³ 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 Plan³⁴ 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.

³⁰ Table at paragraph 6.20 in CD 8.2.1

³¹ Paragraph 6.5 in CD 8.3.1

³² CD 10

³³ Docs 28 & 29

³⁴ 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 details³⁵ of these services, which the Council described in closing submissions as 'poor'³⁶. The appellant acknowledged that the buses on these services are 'not plentiful'³⁷, 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 services³⁸ 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 resident³⁹. 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.

³⁵ Appendix 13 to CD 8.3.1

³⁶ Paragraph 37 in Doc 33

³⁷ Paragraph 56 in Doc 34

³⁸ Paragraph 4.5 in CD 8.3.1

³⁹ 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 access⁴⁰. 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 appellant⁴¹.
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 village⁴². 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

⁴⁰ CD 79

⁴¹ Appendix 1 in CD 1.5

⁴² 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 Map⁴³ 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

⁴³ Appendix 16 in CD 8.3.1

Goodwin for the appellant led to these parties signing an Ecology SoCG⁴⁴, 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 evidence⁴⁵.
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 UU⁴⁶. 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 Courts⁴⁷;
 - 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;

⁴⁴ Appendix 3 in CD 1.5

⁴⁵ CD 8.8

⁴⁶ Doc 29

⁴⁷ 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 2010⁴⁸.
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 leaseholder⁴⁹.
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 calculations⁵⁰, 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.

⁴⁸ See Doc 28

⁴⁹ Section 106(3) of the Town and Country Planning Act 1990

⁵⁰ 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 Strategy⁵¹ 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 3,823m³ of surface water, well in excess of the calculated storage requirement of between 2,627m³ and 3,518m³. 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 site⁵².
117. The Environment Agency (EA) has, however, maintained an objection to this proposal⁵³, 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.

⁵¹ One of the un-numbered documents in CD 2

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

⁵³ CDs 22, 25 & 27

118. As such, and in light of further guidance in the PPG⁵⁴, 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 levels⁵⁵.
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 SoCG⁵⁶, and elaborated upon in the PoE submitted by Ms Jones for the appellant⁵⁷. 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 appellant⁵⁸ 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.

⁵⁴ Paragraph: 021 Reference ID: 7-021-20220825

⁵⁵ CD 8.9

⁵⁶ Table at paragraph 6.2 in CD 1.5

⁵⁷ Paragraphs 2.11 - 2.15 of CD 8.1

⁵⁸ 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 respondents⁵⁹ 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

⁵⁹ 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%⁶⁰, without off-site mitigation the proposal would result in a net loss of area-based habitat units of almost 46%⁶¹. 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.

⁶⁰ From 12.66 to 24.99

⁶¹ 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

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

Appendix 2 – Agricultural Land Considerations Report



September 2022

Mactaggart & Mickel Homes England

Land East of Lodge Road, Hurst, RG10 0EG

Agricultural Land Considerations

Beechwood Court,
Long Toll, Woodcote,
RG8 0RR

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www.reading-ag.com

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1 Introduction

1.1 Reading Agricultural Consultants Ltd (RAC) is instructed by Mactaggart & Mickel Homes England to consider the effect of the proposed development on land to the east of Lodge Road, Hurst on agricultural land quality, in particular on the best and most versatile (BMV) agricultural land.

1.2 Outline application reference 220458 for *“the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matter reserved except for access)”* was refused by Wokingham Borough Council on 23rd June 2022 for ten reasons.

1.3 Reason for refusal number 2 states that:

“The application results in the development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.”

1.4 This report:

- describes the background to the Agricultural Land Classification (ALC) system;
- summarises the results of the survey undertaken;
- sets out relevant policies for development involving agricultural land; and
- appraises the proposed development of the site against these policies.

2 Agricultural Land Classification

- 2.1 Guidance for assessing the quality of agricultural land in England and Wales is set out in the Ministry of Agriculture, Fisheries and Food (MAFF) revised guidelines and criteria for grading the quality of agricultural land¹, and summarised in Natural England's Technical Information Note 049².
- 2.2 Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. The principal physical factors influencing grading are climate, site conditions and soil which, together with interactions between them, form the basis for classifying land into one of the five grades.
- 2.3 Grade 1 is excellent quality agricultural land with very minor or no limitations to agricultural use. Grade 2 is very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting. Grade 3 land has moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield, and is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Grade 4 is poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. Grade 5 is very poor quality land, with very severe limitations which restrict use to permanent pasture or rough grazing.
- 2.4 Land which is classified as Grades 1, 2 and 3a in the ALC system is defined in Annex 2 of the National Planning Policy Framework (NPPF³) as BMV agricultural land.
- 2.5 The site is shown on the Provisional ALC map as undifferentiated good to moderate quality Grade 3 agricultural land, which is described in the ALC guidelines as:

“Land with moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in Grades 1 and 2.”

¹ **MAFF (1988).** *Agricultural Land Classification of England and Wales. Revised guidelines and criteria for grading the quality of agricultural land.* MAFF Publications.

² **Natural England (2012).** *Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land,* Second Edition.

³ **Ministry of Housing, Communities and Local Government (2021).** *National Planning Policy Framework.*

- 2.6 However, the Provisional ALC map is not suitable for assessing the quality of individual sites, as explained in Natural England's TIN049:

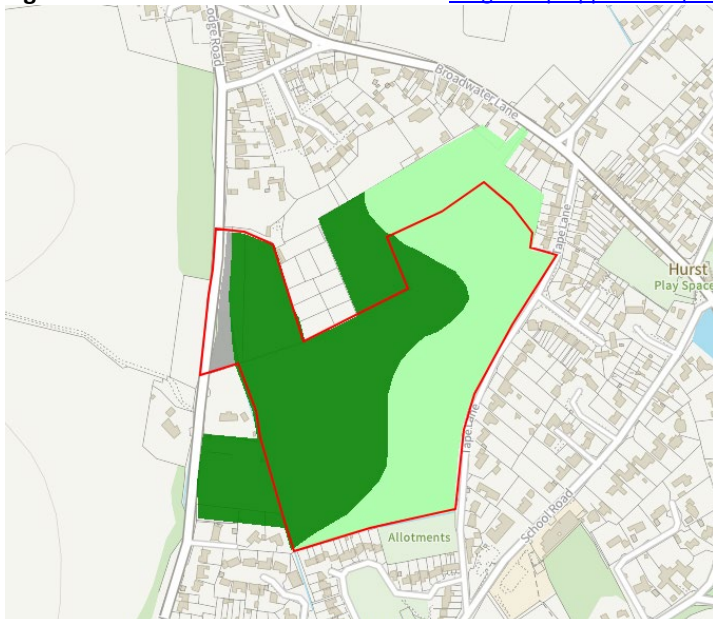
"These maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance. They show only five grades: their preparation preceded the subdivision of Grade 3 and the refinement of criteria, which occurred after 1976. They have not been updated and are out of print. A 1:250 000 scale map series based on the same information is available. These are more appropriate for the strategic use originally intended ..."

- 2.7 TIN049 goes on to say:

"Since 1976, selected areas have been resurveyed in greater detail and to revised guidelines and criteria. Information based on detailed ALC field surveys in accordance with current guidelines (MAFF, 1988) is the most definitive source. Data from the former Ministry of Agriculture, Fisheries and Food (MAFF) archive of more detailed ALC survey information (from 1988) is also available on <http://magic.defra.gov.uk/>."

- 2.8 The site (and adjacent land) was surveyed in detail in 1996 by ADAS⁴ on behalf of MAFF in connection with the Wokingham District Local Plan. The survey report and map are contained in Appendix 1, with the current site shown below in Figure 1.

Figure 1: Detailed ALC of the site Source: [Magic Map Application \(defra.gov.uk\)](http://magic.defra.gov.uk/)



⁴ **ADAS (1996).** *Wokingham District Local Plan, Sites SA03/SA04/SA05, Hurst, Berkshire.* ADAS Reference: 0206/169/95. MAFF Reference: EL 02/01176

- 2.9 Within the current site area of 10.7ha, an area of 5.6ha (52%) in the west was classified as Subgrade 3a (dark green), with 4.6ha (43%) in the east classified as Subgrade 3b (light green), and 0.5ha (5%) along the western boundary shown as non-agricultural land.
- 2.10 The Subgrade 3a land was classified on the basis of both soil droughtiness and soil wetness limitations. Soil profiles have medium sandy loam or medium clay loam topsoils which are very slightly to slightly stony (1-10% total hard stones).
- 2.11 There are two separate Subgrade 3a soils within the current site: the first is where deep profiles occur with medium sandy loam or medium clay loam upper subsoils passing into loamy sand or sandy clay loam or clay, with loamy sand or medium sand at depth. This land is well to imperfectly drained and is limited by soil droughtiness.
- 2.12 The second type contains very slightly stony, medium clay loam or sandy clay loam upper subsoils, which sometimes pass into stoneless, loamy medium sand lower subsoils, and overlie slowly permeable clay horizons. These soils are classified on the basis of a soil wetness limitation.
- 2.13 The Subgrade 3b land in the east contains slightly stony (8% hard stones), medium sandy loam topsoils over gleyed upper subsoils which have similar textures and stone contents. Lower subsoils are moderately stony, sandy clay loams (30% total hard stones), which become very stony and pass into gravel at approximately 75cm depth. These soils are limited by soil droughtiness to Subgrade 3b.
- 2.14 The survey report also notes that high groundwater in the shallow soils over gravels in the east of the site gives rise to the pools of surface water observed at the time of survey (February, when the water table is expected to be approaching its highest level), which are also evident from Google Earth images for both the Subgrade 3a and the Subgrade 3b land shown in Figure 2.

Figure 2: Google Earth 2014



Google Earth 2021



- 2.15 Nevertheless, as the ALC system is concerned with the long-term inherent physical characteristics of land and soil, rather than the short-term use or management, the results obtained in 1996 remain valid and the classification will not have changed in the interim.

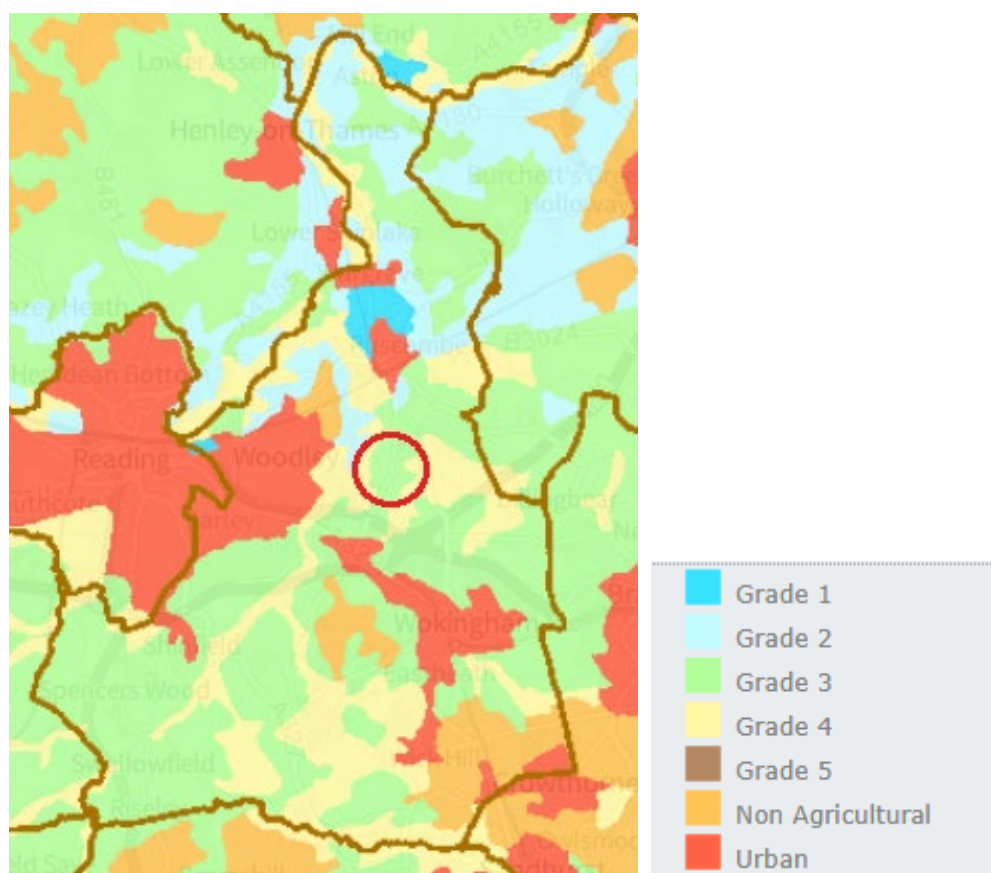
3 Relevant Policies

- 3.1 Paragraph 174 of the NPPF indicates that planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing soils; and
 - recognising, amongst other matters, the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV agricultural land.
- 3.2 Paragraph 175 goes on to state that plans should allocate land with the least environmental or amenity value, where consistent with other policies in the NPPF, and footnote 58 explains that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 3.3 Policy CP1 of the Wokingham Core Strategy (2010) indicates that planning permission will be granted for development proposals that, amongst other matters, *“avoid areas of best and most versatile agricultural land.”*
- 3.4 No further guidance on development involving agricultural land is provided in the Core Strategy.

4 Appraisal

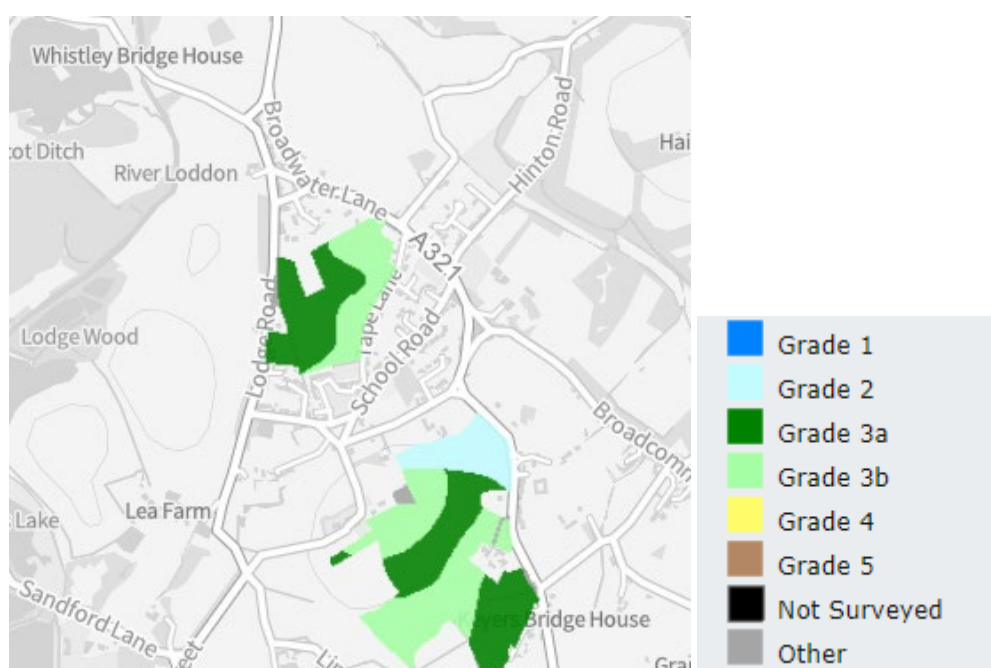
- 4.1 The proposed development would involve the loss of 5.6 ha of BMV land in Subgrade 3a. National policy does not preclude the loss of BMV land but indicates that decisions should recognise the economic and other benefits of BMV agricultural land.
- 4.2 In this case, the economic benefits of BMV land are very limited. The site is farmed as a single block of approximately 10ha in the same management regime, with no differentiation between the Subgrade 3a and the Subgrade 3b land. It has been grazed by about 30 horses, ponies and donkeys in the past 40 years, with the occasional cattle also grazed. The farmer has also confirmed that the site suffers from surface ponding following heavy rainfall. The agricultural use of, and benefit from, the land is therefore very limited.
- 4.3 The ALC guidelines define land of Subgrade 3b quality as:
- “Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.”*
- 4.4 This description is an accurate reflection of the current and historic land use at the site. Although 5.6ha is inherently of Subgrade 3a quality, which is within the BMV category, the whole site is and always has been managed as Subgrade 3b. There are therefore considered to be no economic or other benefits arising at this site by virtue of it containing land of BMV quality.
- 4.5 Core Strategy policy seeks to avoid areas of BMV agricultural land. The Provisional ALC mapping reproduced for Wokingham District in Figure 3 shows a prevalence of Grade 3 land surrounding Hurst, with Grade 4 at some distance associated with lower-lying land and floodplains. Better quality land in Grades 1 and 2 is provisionally mapped further north.

Figure 3: Extract from the Provisional ALC map for Wokingham (approximate location of Hurst circled in red)
Source: [Magic Map Application \(defra.gov.uk\)](https://magic.defra.gov.uk/)



- 4.6 Detailed ALC data is available for another site to the south of Hurst. The survey classified 5 ha (16%) as Grade 2; 11.8 ha (39%) as Subgrade 3a; and 14 ha (45%) as Subgrade 3b, as shown in Figure 4 (along with the ALC of the Lodge Road site).

Figure 4: Detailed ALC data at Hurst Source: [Magic Map Application \(defra.gov.uk\)](https://magic.defra.gov.uk/)



- 4.7 The lowest quality agricultural land that is theoretically available in the locality of Hurst, that provisionally mapped as Grade 4, is functional floodplain and is therefore not suitable for development.
- 4.8 Detailed soil survey has shown the areas provisionally mapped in this locality as Grade 3 to comprise roughly equal proportions of Subgrade 3a and Subgrade 3b quality land, with additional Grade 2 quality confirmed to be present to the south of Hurst.
- 4.9 It is therefore evident that it is not possible to avoid BMV land in meeting local development needs around Hurst and that, of the known ALC, the site east of Lodge Road represents the lowest quality available.

5 Summary

- 5.1 The site extends to 10.7ha of which 10.2ha is grassland, which has been used for grazing horses, ponies and donkeys, and occasionally cattle for the past forty years.
- 5.2 The site is provisionally mapped as Grade 3 agricultural land. Detailed ALC survey has classified the site as 5.6ha of Subgrade 3a and 4.6ha of Subgrade 3b.
- 5.3 Planning permission for development of the site was refused in June 2022. Reason for refusal no.2 concerned the unjustified loss of agricultural land of BMV quality in Subgrade 3a.
- 5.4 National policy does not preclude the loss of BMV land but indicates that decisions should recognise the economic and other benefits of BMV agricultural land. In this case, the economic benefits of BMV land are, and have been, very limited. The site is farmed as a single block with no differentiation in management between the Subgrade 3a and the Subgrade 3b land, and the land managed in accordance with the lowest grade present.
- 5.5 Core Strategy policy seeks to avoid areas of BMV agricultural land. However, it is evident that it is not possible to avoid BMV land in meeting local development needs around Hurst and that, of the known ALC, the site east of Lodge Road represents the lowest quality land available.

Appendix 1: Detailed ALC Survey Report and Maps

A1
Wokingham District Local Plan
Sites SA03/ SA04/ SA05, Hurst, Berkshire
Agricultural Land Classification
February 1996

Resource Planning Team
Guildford Statutory Group
ADAS Reading

ADAS Reference: 0206/ 169/ 95
MAFF Reference: EL 02/01176
LUPU Commission: 02301

AGRICULTURAL LAND CLASSIFICATION
WOKINGHAM DISTRICT LOCAL PLAN
SITES SA03/ SA04/ SA05, HURST, BERKSHIRE

Introduction

1. This report presents the findings of a detailed Agricultural Land Classification (ALC) survey of a total of 14.0 ha of land on three sites between Tape Lane and Lodge Road at Hurst, near Winnersh in Berkshire. The survey was carried out in February 1996
2. The survey was commissioned by the Ministry of Agriculture, Fisheries and Food (MAFF) from its Land Use Planning Unit in Reading, in connection with the Wokingham District Local Plan. This site was previously surveyed in 1976 (ADAS Ref 0206/006/76), although not under the current guidelines and the current survey therefore supersedes all previous ALC surveys on this land.
3. The work was conducted by members of the Resource Planning Team in the Guildford Statutory Group of ADAS. The land has been graded in accordance with the published MAFF ALC guidelines and criteria (MAFF, 1988). A description of the ALC grades and subgrades is given in Appendix I.
4. At the time of survey all land on the site was under pasture.

Summary

5. The findings of the survey are shown on the enclosed ALC map. The map has been drawn at a scale of 1:10 000. It is accurate at this scale but any enlargement would be misleading.
6. The area and proportions of the ALC grades and subgrades on the surveyed land are summarised in the tables below. Table 1 presents the ALC statistics for the three combined sites. Table 2 presents the statistics for SA03, and Table 3 the statistics for SA 05. There is no separate table for SA04; all of the site (1.0 hectare) is classified as Subgrade 3a.

Table 1: Area of grades and other land, Sites SA03, SA04 and SA05 combined

Grade/ Other land	Area (hectares)	% Total site area	% Agricultural Land
3a	7.7	55.0	55.8
3b	6.1	43.6	44.2
Other land	0.2	1.4	
Total agricultural area	13.8	98.6	100.0
Total site area	14.0	100.0	-

Table 2: Area of grades and other land, Sites SA03

Grade/ Other land	Area (hectares)	% Total site area	% Agricultural Land
3a	0.9	36.0	36.0
3b	1.6	64.0	64.0
Total agricultural area	2.5	100.0	100.0
Total site area	2.5	100.0	-

Table 3: Area of grades and other land, Sites SA05

Grade/ Other land	Area (hectares)	% Total site area	% Agricultural Land
3a	5.8	55.2	56.3
3b	4.5	42.9	43.7
Other land	0.2	1.9	
Total agricultural area	10.3	98.0	100.0
Total site area	10.5	100.0	-

7. The fieldwork was conducted at an average density of one boring per hectare with supplementary borings where necessary. On this site 14 borings and 2 soil pits were described.

8. The soil textures and structures observed in some auger borings and in one inspection pit, indicate that a crop would suffer from a lack of water in the summer months which could depress yields. Referred to as soil 'droughtiness' this can restrict the versatility of the land to varying degrees, depending on its severity.

9. The profiles described in other borings suggest that soil drainage is impeded by slowly permeable horizons at varying depths, imposing a limitation on land quality due to soil 'wetness'. Seasonal waterlogging reduces the number of days on which the land can be worked with machinery, or grazed without the risk of poaching, and root development is restricted by prolonged wet conditions.

10. Land quality was mapped as Subgrade 3a, (good quality), in the west of the site, with moderate limitations of both soil droughtiness and soil wetness in this area.

11. The east of the site was limited to Subgrade 3b on the basis of more extreme soil droughtiness, having shallow profiles which overlie gravelly horizons.

Factors Influencing ALC Grade

Climate

9. Climate affects the grading of land through the assessment of an overall climatic limitation and also through interactions with soil characteristics.

10. The key climatic variables used for grading this site are given in Table 4 and were obtained from the published 5km grid datasets using the standard interpolation procedures (Met. Office, 1989).

Table 4: Climatic and altitude data

Factor	Units	Values
Grid reference	N/A	SU 795 737
Altitude	m, AOD	37
Accumulated Temperature (>0°C Jan-June)	day°C	1479
Average Annual Rainfall	mm	673
Field Capacity Days	days	140
Moisture Deficit, Wheat	mm	116
Moisture Deficit, Potatoes	mm	111

11. The climatic criteria are considered first when classifying land as climate can be overriding in the sense that severe limitations will restrict land to low grades irrespective of favourable site or soil conditions.

12. The main parameters used in the assessment of an overall climatic limitation are average annual rainfall (AAR), as a measure of overall wetness, and accumulated temperature (AT0, January to June), as a measure of the relative warmth of a locality.

13. The combination of rainfall and temperature on this site mean that there is no limitation on grade due to climate. Neither exposure nor frost are considered to be a problem, and this site is climatically Grade 1.

Site

14. The site is bounded by gardens and a nursery to the north, and by roads to the east and west. The area directly to the south has been built on since the Ordnance Survey map was produced. The site is almost level, at an average altitude of 37 m AOD. Extensive areas of water were observed on the surface when the site was first visited on 17 January. A week later, much of the surface water had drained away, although the occupier stated that the field was often waterlogged and he had great difficulty in driving over it in the winter.

Geology and soils

15. The most detailed published geological information (BGS, 1971: Sheet 268), shows the site to be underlain by a solid geology of London Clay, with a drift cover of valley gravels.

16. The most detailed published soils information (SSEW, 1983), records the whole area as having soils corresponding to the Hurst association. Hurst soils are described as 'coarse and fine loamy permeable soils, mainly over gravel, variably affected by groundwater' (SSEW, 1984).

Agricultural Land Classification

17. The details of the classification of the site are shown on the attached ALC map and the area statistics of each grade are given in Table 1.

18. The location of the auger borings and pits is shown on the attached sample location map and the details of the soils data are presented in Appendix III.

Subgrade 3a

19. Good quality land was mapped in an area broadly described as the western half of the site, on the basis of both soil droughtiness and soil wetness limitations.

20. Profiles have medium sandy loam or medium clay loam topsoils which are very slightly to slightly stony (1-10% total hard stones), and fall into three main types.

21. The first type is found where deep profiles occur with medium sandy loam or medium clay loam upper subsoils passing into loamy sand or sandy clay loam or clay, with loamy sand or medium sand at depth. No slowly permeable horizons were encountered here, as confirmed in inspection pit 2P. Horizons are very slightly to slightly stony. This land is well to imperfectly drained (Wetness Class I or II(Appendix II)), and is limited to Grade 2 or Subgrade 3a by slight soil droughtiness.

22. The second main type of soil profile occurs towards the east of the site, where moderately to very stony horizons, which are impenetrable to the auger, occur. Where soil depth extends to approximately 60 cm over these stony horizons, the amount of water available to a crop is insufficient for its needs, to such a degree that the land is restricted to Subgrade 3a on the basis of a moderate soil droughtiness limitation.

23. Profiles are imperfectly drained (Wetness Class II). No slowly permeable horizons were encountered, and the land is not limited in quality by soil wetness. Medium clay loam upper subsoils overlie heavy clay loam lower subsoils above moderately to very stony horizons. Soil inspection pit 1P at boring 4 showed that similar horizons contained 30% total stones to approximately 50 cm depth, and 50% total stones to approximately 75 cm depth. Beyond 75 cm depth, the horizons are classed as gravel, having over 70% total stones

24. The third soil type relates to those soils in which slowly permeable horizons were encountered. The presence of these poorly structured layers results in the soils being less well drained (Wetness Class III). Very slightly stony medium clay loam or sandy clay loam upper subsoils (1-2% total hard stones), which sometimes pass into stoneless loamy medium sand lower subsoils, overlie slowly permeable clay horizons. These soils fall into Subgrade 3a on the basis of soil wetness limitations.

25. In most of this Subgrade 3a mapping unit, the texture, soil depth, and stone content of the soils result in there being a limited amount of available soil water in the profile that a crop could utilise, which could produce drought stress. This would affect the crop during the drier months of the year and it imposes a limitation on the type of crops that can be grown or on their potential yield. This soil droughtiness restricts the land quality to Subgrade 3a.

26. Land quality in other areas was limited to Subgrade 3a by soil wetness. Generally, soils with slowly permeable subsoils can prove difficult to work during the wetter months of the year and the yield potential and choice of crops grown are limited by poor drainage.

Subgrade 3b

27. Moderate quality land was mapped in the eastern half of the site, on the basis of soil droughtiness.

28. High groundwater in the shallow soils over gravels in the east of the site gives rise to the pools of surface water observed at the time of survey, although the water table is expected to be approaching its highest level at this time of year.

29. Slightly stony medium sandy loam topsoils (8% total hard stones), overlie gleyed upper subsoils which have similar textures and stone contents. Lower subsoils are moderately stony sandy clay loams (30% total hard stones), which are impenetrable to the auger at 40-70 cm depth but were confirmed by inspection pit 1P. Lower horizons become very stony (50% total hard stones), and pass into gravel at approximately 75 cm depth. No slowly permeable horizons were encountered, and the land is not limited in quality by soil wetness, falling into Wetness Class II.

30. In the north of the site, some profiles were found to be deeper over the stony horizons, although their light, sandy textures do not provide sufficient available water to improve their quality above Subgrade 3b.

31. Sandy textures, combined with the often shallow profiles and stony subsoils of these soils, result in there being a limited amount of soil water that a crop could utilise, which would result in a greater degree of drought stress than in the areas of the site mapped as Subgrade 3a. This would affect a crop during the drier months of the year and it imposes a more severe limitation on the type of crops that can be grown or on their potential yield. This restricts the land quality to Subgrade 3b.

Haidee Bishop
Resource Planning Team
ADAS Reading

SOURCES OF REFERENCE

British Geological Survey (1971) *Sheet No.268, Reading*
BGS: London.

Ministry of Agriculture, Fisheries and Food (1988) *Agricultural Land Classification of England and Wales: Revised guidelines and criteria for grading the quality of agricultural land.* MAFF: London.

Met. Office (1989) *Climatological Data for Agricultural Land Classification.*
Met. Office: Bracknell.

Soil Survey of England and Wales (1983) *Sheet 6, Soils of South-East England.*
SSEW: Harpenden.

Soil Survey of England and Wales (1984) *Soils and their Use in South East England*
SSEW: Harpenden

APPENDIX I

DESCRIPTIONS OF THE GRADES AND SUBGRADES

Grade 1: Excellent Quality Agricultural Land

Land with no or very minor limitations to agricultural use. A very wide range of agricultural and horticultural crops can be grown and commonly includes top fruit, soft fruit, salad crops and winter harvested vegetables. Yields are high and less variable than on land of lower quality.

Grade 2: Very Good Quality Agricultural Land

Land with minor limitations which affect crop yield, cultivations or harvesting. A wide range of agricultural or horticultural crops can usually be grown but on some land of this grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1 land.

Grade 3: Good to Moderate Quality Land

Land with moderate limitations which affect the choice of crops, the timing and type of cultivation, harvesting or the level of yield. When more demanding crops are grown, yields are generally lower or more variable than on land in Grades 1 and 2.

Subgrade 3a: Good Quality Agricultural Land

Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops.

Subgrade 3b: Moderate Quality Agricultural Land

Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass, or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

Grade 4: Poor Quality Agricultural Land

Land with severe limitations which significantly restrict the range of crops and/or the level of yields. It is mainly suited to grass with occasional arable crops (e.g. cereals and forage crops) the yields of which are variable. In moist climates, yields of grass may be moderate to high but there may be difficulties in utilisation. The grade also includes very droughty arable land.

Grade 5: Very Poor Quality Agricultural Land

Land with severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

APPENDIX II

SOIL WETNESS CLASSIFICATION

Definitions of Soil Wetness Classes

Soil wetness is classified according to the depth and duration of waterlogging in the soil profile. Six soil wetness classes are identified and are defined in the table below.

Wetness Class	Duration of waterlogging ¹
I	The soil profile is not wet within 70 cm depth for more than 30 days in most years. ²
II	The soil profile is wet within 70 cm depth for 31-90 days in most years or, if there is no slowly permeable layer within 80 cm depth, it is wet within 70 cm for more than 90 days, but only wet within 40 cm depth for 30 days in most years.
III	The soil profile is wet within 70 cm depth for 91-180 days in most years or, if there is no slowly permeable layer present within 80 cm depth, it is wet within 70 cm for more than 180 days, but only wet within 40 cm depth for between 31-90 days in most years.
IV	The soil profile is wet within 70 cm depth for more than 180 days but not wet within 40 cm depth for more than 210 days in most years or, if there is no slowly permeable layer present within 80 cm depth, it is wet within 40 cm depth for 91-210 days in most years.
V	The soil profile is wet within 40 cm depth for 211-335 days in most years.
VI	The soil profile is wet within 40 cm depth for more than 335 days in most years.

Assessment of Wetness Class

Soils have been allocated to wetness classes by the interpretation of soil profile characteristics and climatic factors using the methodology described in *Agricultural Land Classification of England and Wales: Revised guidelines and criteria for grading the quality of agricultural land* (MAFF, 1988).

¹ The number of days is not necessarily a continuous period.

² 'In most years' is defined as more than 10 out of 20 years.

APPENDIX III

SOIL DATA

Contents:

Sample location map

Soil abbreviations - Explanatory Note

Soil Pit Descriptions

Soil boring descriptions (boring and horizon levels)

Database Printout - Horizon Level Information

SOIL PROFILE DESCRIPTIONS: EXPLANATORY NOTE

Soil pit and auger boring information collected during ALC fieldwork is held on a computer database. This uses notations and abbreviations as set out below.

Boring Header Information

1. **GRID REF:** national 100 km grid square and 8 figure grid reference.
2. **USE:** Land use at the time of survey. The following abbreviations are used.

ARA: Arable	WHT: Wheat	BAR: Barley
CER: Cereals	OAT: Oats	MZE: Maize
OSR: Oilseed rape	BEN: Field Beans	BRA: Brassicae
POT: Potatoes	SBT: Sugar Beet	FCD: Fodder Crops
LIN: Linseed	FRT: Soft and Top Fruit	FLW: Fallow
PGR: Permanent Pasture	LEY: Ley Grass	RGR: Rough Grazing
SCR: Scrub	CFW: Coniferous Woodland	DCW: Deciduous Wood
HTH: Heathland	BOG: Bog or Marsh	FLW: Fallow
PLO: Ploughed	SAS: Set aside	OTH: Other
HRT: Horticultural Crops		

3. **GRDNT:** Gradient as estimated or measured by a hand-held optical clinometer.
4. **GLEYSPL:** Depth in centimetres (cm) to gleying and/or slowly permeable layers.
5. **AP (WHEAT/POTS):** Crop-adjusted available water capacity.
6. **MB (WHEAT/POTS):** Moisture Balance. (Crop adjusted AP - crop adjusted MD)
7. **DRT:** Best grade according to soil droughtiness.
8. If any of the following factors are considered significant, 'Y' will be entered in the relevant column.

MREL: Microrelief limitation **FLOOD:** Flood risk **EROSN:** Soil erosion risk
EXP: Exposure limitation **FROST:** Frost prone **DIST:** Disturbed land
CHEM: Chemical limitation

9. **LIMIT:** The main limitation to land quality. The following abbreviations are used.

OC: Overall Climate	AE: Aspect	EX: Exposure
FR: Frost Risk	GR: Gradient	MR: Microrelief
FL: Flood Risk	TX: Topsoil Texture	DP: Soil Depth
CH: Chemical	WE: Wetness	WK: Workability
DR: Drought	ER: Erosion Risk	WD: Soil Wetness/Droughtiness
ST: Topsoil Stoniness		

Soil Pits and Auger Borings

1. **TEXTURE:** soil texture classes are denoted by the following abbreviations.

S:	Sand	LS:	Loamy Sand	SL:	Sandy Loam
SZL:	Sandy Silt Loam	CL:	Clay Loam	ZCL:	Silty Clay Loam
ZL:	Silt Loam	SCL:	Sandy Clay Loam	C:	Clay
SC:	Sandy Clay	ZC:	Silty Clay	OL:	Organic Loam
P:	Peat	SP:	Sandy Peat	LP:	Loamy Peat
PL:	Peaty Loam	PS:	Peaty Sand	MZ:	Marine Light Silts

For the sand, loamy sand, sandy loam and sandy silt loam classes, the predominant size of sand fraction will be indicated by the use of the following prefixes:

F:	Fine (more than 66% of the sand less than 0.2mm)
M:	Medium (less than 66% fine sand and less than 33% coarse sand)
C:	Coarse (more than 33% of the sand larger than 0.6mm)

The clay loam and silty clay loam classes will be sub-divided according to the clay content: **M:** Medium (<27% clay) **H:** Heavy (27-35% clay)

2. **MOTTLE COL:** Mottle colour using Munsell notation.
3. **MOTTLE ABUN:** Mottle abundance, expressed as a percentage of the matrix or surface described.

F: few <2% **C:** common 2-20% **M:** many 20-40% **VM:** very many 40% +

4. **MOTTLE CONT:** Mottle contrast

F:	faint - indistinct mottles, evident only on close inspection
D:	distinct - mottles are readily seen
P:	prominent - mottling is conspicuous and one of the outstanding features of the horizon

5. **PED. COL:** Ped face colour using Munsell notation.
6. **GLEYS:** If the soil horizon is gleyed a 'Y' will appear in this column. If slightly gleyed, an 'S' will appear.
7. **STONE LITH:** Stone Lithology - One of the following is used.

HR:	all hard rocks and stones	SLST:	soft oolitic or dolimitic limestone
CH:	chalk	FSST:	soft, fine grained sandstone
ZR:	soft, argillaceous, or silty rocks	GH:	gravel with non-porous (hard) stones
MSST:	soft, medium grained sandstone	GS:	gravel with porous (soft) stones
SI:	soft weathered igneous/metamorphic rock		

Stone contents (>2cm, >6cm and total) are given in percentages (by volume).

8. **STRUCT:** the degree of development, size and shape of soil peds are described using the following notation:

<u>degree of development</u>	WK: weakly developed	MD: moderately developed
	ST: strongly developed	

<u>ped size</u>	F: fine	M: medium
	C: coarse	VC: very coarse

<u>ped shape</u>	S : single grain	M: massive
	GR: granular	AB: angular blocky
	SAB: sub-angular blocky	PR: prismatic
	PL: platy	

9. **CONSIST:** Soil consistence is described using the following notation:

L: loose	VF: very friable	FR: friable	FM: firm	VM: very firm
EM: extremely firm		EH: extremely hard		

10. **SUBS STR:** Subsoil structural condition recorded for the purpose of calculating profile droughtiness: **G:** good **M:** moderate **P:** poor
11. **POR:** Soil porosity. If a soil horizon has less than 0.5% biopores >0.5 mm, a 'Y' will appear in this column.
12. **IMP:** If the profile is impenetrable to rooting a 'Y' will appear in this column at the appropriate horizon.
13. **SPL:** Slowly permeable layer. If the soil horizon is slowly permeable a 'Y' will appear in this column.
14. **CALC:** If the soil horizon is calcareous, a 'Y' will appear in this column.
15. Other notations
- | | |
|-------------|--|
| APW: | available water capacity (in mm) adjusted for wheat |
| APP: | available water capacity (in mm) adjusted for potatoes |
| MBW: | moisture balance, wheat |
| MBP: | moisture balance, potatoes |

SOIL PIT DESCRIPTION

Site Name : WOKINGHAM DLP SA03/04/05 Pit Number : 1P

Grid Reference: SU79607390 Average Annual Rainfall : 673 mm
 Accumulated Temperature : 0 degree days
 Field Capacity Level : 140 days
 Land Use : Permanent Grass
 Slope and Aspect : degrees

HORIZON	TEXTURE	COLOUR	STONES >2	TOT.STONE	LITH	MOTTLES	STRUCTURE	CONSIST	SUBSTRUCTURE	CALC
0- 20	MSL	10YR41 00	3	8	HR	C				
20- 40	MSL	10YR41 51	0	5	HR	C	MDCSAB	FR	M	
40- 52	SCL	10YR52 00	0	30	HR	C	MDCSAB	FR	M	
52- 75	SCL	10YR52 00	0	50	HR	C			M	
75-120	GH	10YR52 00	0	0		C			M	

Wetness Grade : 1 Wetness Class : II
 Gleying : 0 cm
 SPL : No SPL

Drought Grade : 3B APW : 089mm MBW : -27 mm
 APP : 087mm MBP : -24 mm

FINAL ALC GRADE : 3B
 MAIN LIMITATION : Droughtiness

SOIL PIT DESCRIPTION

Site Name : WOKINGHAM DLP SA03/04/05 Pit Number : 2P

Grid Reference: SU79407360 Average Annual Rainfall : 673 mm
 Accumulated Temperature : 0 degree days
 Field Capacity Level : 140 days
 Land Use : Permanent Grass
 Slope and Aspect : degrees

HORIZON	TEXTURE	COLOUR	STONES >2	TOT.STONE	LITH	MOTTLES	STRUCTURE	CONSIST	SUBSTRUCTURE	CALC
0- 25	MSL	10YR42 00	3	10	HR	F				
25- 45	SCL	25 Y62 00	0	18	HR	C	WKCSAB	FR	M	
45- 60	HCL	25 Y62 00	0	30	HR	M	WKCSAB	FR	M	
60- 90	LMS	05 Y62 00	0	15	HR	C	WKCSAB	FR	M	
90-115	MS	05 Y71 00	0	15	HR	C	WKCSAB	FR	M	
115-120	GH	05 Y71 00	0	0		C			M	

Wetness Grade : 1 Wetness Class : II
 Gleying : 025 cm
 SPL : No SPL

Drought Grade : 3A APW : 098mm MBW : -18 mm
 APP : 087mm MBP : -24 mm

FINAL ALC GRADE : 3A
 MAIN LIMITATION : Droughtiness

SAMPLE		ASPECT		--WETNESS--			-WHEAT-		-POTS-		M.REL		EROSN	FROST	CHEM	ALC	COMMENTS
NO.	GRID REF	USE	GRDNT	GLEY	SPL	CLASS	GRADE	AP	MB	AP	MB	DRT	FLOOD	EXP	DIST	LIMIT	
1	SU79607400	PGR			020	2	1	068	-48	072	-39	3B					DR 3B IMP 70, SEE 1P
1P	SU79607390	PGR			0	2	1	089	-27	087	-24	3B					DR 3B AT BORING 4
2	SU79407390	PGR			020	2	1	119	3	106	-5	3A					DR 3A
2P	SU79407360	PGR			025	2	1	098	-18	087	-24	3A					DR 3A AT BORING 12
3	SU79507390	PGR			0	2	1	084	-32	086	-25	3B					DR 3B SEE 1P
4	SU79607390	PGR			020	2	1	092	-24	096	-15	3B					DR 3B IMP 57, SEE 1P
5	SU79307380	PGR			030 100	2	1	142	26	110	-1	2					DR 2
6	SU79507380	PGR			045	1	1	137	21	113	2	2					DR 2
7	SU79607380	PGR			0 075	2	2	135	19	117	6	2					WD 2
8	SU79407370	PGR			0 055	3	3A	144	28	114	3	2					WE 3A
9	SU79507370	PGR			0	1	1	088	-28	088	-23	3B					DR 3B SEE 1P
10	SU79607370	PGR			030	2	2	070	-46	070	-41	3B					DR 3B IMP 40, SEE 1P
11	SU79307360	PGR			030 050	3	3A	111	-5	109	-2	3A					WD 3A IMP 90, SEE 2P
12	SU79407360	PGR			025 045	3	3A	130	14	105	-6	2					DR 3A NOT SP, SEE 2P
13	SU79507360	PGR			0	2	2	097	-19	103	-8	3A					DR 3A IMP 60
14	SU79407350	PGR			0	2	2	077	-39	077	-34	3B					DR 3B BORDER 3A

SAMPLE	DEPTH	TEXTURE	COLOUR	-----MOTTLES-----		CONT	COL.	GLE	-----STONES-----			STRUCT/	SUBS	SPL	CALC
				COL	ABUN				>2	>6	LITH				
1	0-20	msl	10YR42 00						0	0	HR	4			
	20-30	msl	10YR42 00 10YR58 00 C					Y	0	0	HR	4	M		
	30-50	lms	10YR53 00 75YR58 00 C					Y	0	0	HR	5	M		
	50-60	lms	10YR53 00 75YR58 00 C					Y	0	0	HR	30	M		
	60-70	ms	10YR74 00 75YR58 00 C					Y	0	0	HR	2	M		IMP 70, GRAVELLY
1P	0-20	msl	10YR41 00 75YR46 00 C					Y	3	0	HR	8			AT BORING 4
	20-40	msl	10YR41 51 75YR46 00 C					Y	0	0	HR	5	MDCSAB FR M		
	40-52	sc1	10YR52 00 75YR68 00 C					Y	0	0	HR	30	MDCSAB FR M		
	52-75	sc1	10YR52 00 75YR68 00 C					Y	0	0	HR	50	M		
	75-120	gh	10YR52 00 75YR68 00 C					Y	0	0		0	M		
2	0-20	msl	10YR43 00 10YR58 00 F						0	0	HR	3			
	20-30	msl	10YR52 00 10YR58 00 C					Y	0	0	HR	5	M		
	30-70	msl	10YR52 00 75YR58 00 C					Y	0	0	HR	3	M		
	70-90	lms	10YR64 00 75YR58 00 C					Y	0	0		0	M		
	90-120	ms	10YR64 00 75YR58 00 C					Y	0	0		0	M		
2P	0-25	msl	10YR42 00 10YR68 00 F						3	0	HR	10			AT BORING 12
	25-45	sc1	25 Y62 00 10YR68 00 C			10YR61 00	Y	0	0	HR	18	WKCSAB FR M			
	45-60	hc1	25 Y62 00 75YR58 00 M				Y	0	0	HR	30	WKCSAB FR M			
	60-90	lms	05 Y62 00 10YR58 00 C				Y	0	0	HR	15	WKCSAB FR M			
	90-115	ms	05 Y71 00 10YR58 00 C				Y	0	0	HR	15	WKCSAB FR M			
	115-120	gh	05 Y71 00 10YR58 00 C				Y	0	0		0	M			
3	0-30	mc1	10YR42 00 10YR58 00 C					Y	0	0	HR	7			
	30-50	mc1	10YR52 00 75YR58 00 C					Y	0	0	HR	10	M		
	50-60	lms	10YR63 00 75YR58 00 C					Y	0	0	HR	10	M		IMP 60 GRAVELLY
4	0-20	msz1	10YR31 00						2	0	HR	2			SEE 1P
	20-45	msz1	10YR41 00 75YR46 00 C					Y	0	0	HR	2	M		
	45-55	mc1	10YR52 00 10YR56 00 C					Y	0	0	HR	10	M		
	55-57	hc1	10YR52 00 10YR56 00 C					Y	0	0	HR	25	M		IMP 57 GRAVELLY
5	0-30	msl	10YR42 00						7	2	HR	7			
	30-40	mc1	10YR53 00 10YR56 00 C					Y	0	0	HR	3	M		
	40-80	mc1	10YR52 00 10YR56 00 C					Y	0	0	HR	2	M		
	80-100	sc1	05 Y62 00 05 Y71 68 M					Y	0	0		0	M		
	100-120	c	10YR63 00 10YR71 68 M					Y	0	0		0	P	Y	
6	0-30	msz1	10YR42 00						2	0	HR	2			
	30-45	msl	10YR42 00 10						0	0	HR	7	M		
	45-90	sc1	10YR42 00 05YR46 00 C					Y	0	0	HR	4	M		
	90-120	lms	10YR53 00 000C00 C					Y	0	0		0	M		
7	0-30	mc1	10YR42 00 10YR46 00 C					Y	1	0	HR	1			
	30-75	mc1	10YR41 00 10YR58 00 C					Y	0	0	HR	1	M		
	75-90	c	10YR63 00 75YR68 00 C					Y	0	0		0	P	Y	
	90-120	lms	10YR76 00 10YR58 00 C					Y	0	0		0	M		

SAMPLE	DEPTH	TEXTURE	COLOUR	-----MOTTLES-----			PED		-----STONES-----			STRUCT/ CONSIST	SUBS			
				COL	ABUN	CONT	COL.	GLE	>2	>6	LITH	TOT	STR	POR	IMP	SPL CALC
8	0-35	mzc1	10YR41 00 10YR46 00 C					Y	2	0	HR	2				
	35-55	sc1	10YR52 00 10YR58 00 C					Y	0	0	HR	2	M			
	55-120	sc	10YR63 00 10YR68 00 M				25 Y63 00	Y	0	0		0	P		Y	
9	0-40	mzc1	10YR41 00 10YR46 00 F						2	0	HR	2				
	40-50	mzc1	10YR41 00 10YR46 00 F						0	0	HR	25	M			IMP 50 GRAVELLY
10	0-30	mzc1	10YR42 00						5	0	HR	5				SEE 1P
	30-40	mzc1	10YR41 00 75YR56 00 C					Y	0	0	HR	8	M			IMP 40 GRAVELLY
11	0-30	mc1	10YR42 00						1	0	HR	1				
	30-40	mc1	10YR52 00 10YR56 00 C					Y	0	0		0	M			
	40-50	ms1	10YR63 00 10YR68 00 C					Y	0	0		0	M			
	50-90	c	10YR63 00 10YR68 71 M					Y	0	0	HR	5	P		Y	
12	0-25	mc1	10YR42 00 10YR46 00 F						2	0	HR	2				
	25-45	hc1	10YR52 00 10YR71 68 C					Y	0	0	HR	5	M			
	45-70	c	10YR63 00 10YR68 71 C					Y	0	0	HR	8	M			
	70-90	ms1	05 Y63 00 10YR68 00 C					Y	0	0		0	M			
	90-120	lcs	05 Y62 00					Y	0	0		0	M			
13	0-30	mzc1	10YR41 00 10YR46 00 C					Y	2	0	HR	2				SEE 1P
	30-45	mc1	10YR52 00 10YR58 00 C					Y	0	0	HR	5	M			
	45-60	hc1	10YR51 00 10YR58 71 C					Y	0	0	HR	6	M			IMP 60, GRAVELLY
14	0-30	mc1	10YR42 00 10YR48 00 C					Y	2	0	HR	2				SEE 1P
	30-40	hc1	10YR52 00 10YR56 00 C					Y	0	0		0	M			
	40-45	hc1	10YR62 00 10YR68 00 M					Y	0	0		0	M			IMP 45 GRAVELLY

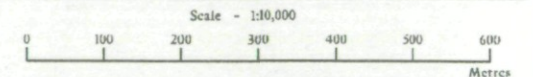
Agricultural Land Classification

Wokingham District Local Plan

Sites SA03, SA04, SA05, Hurst

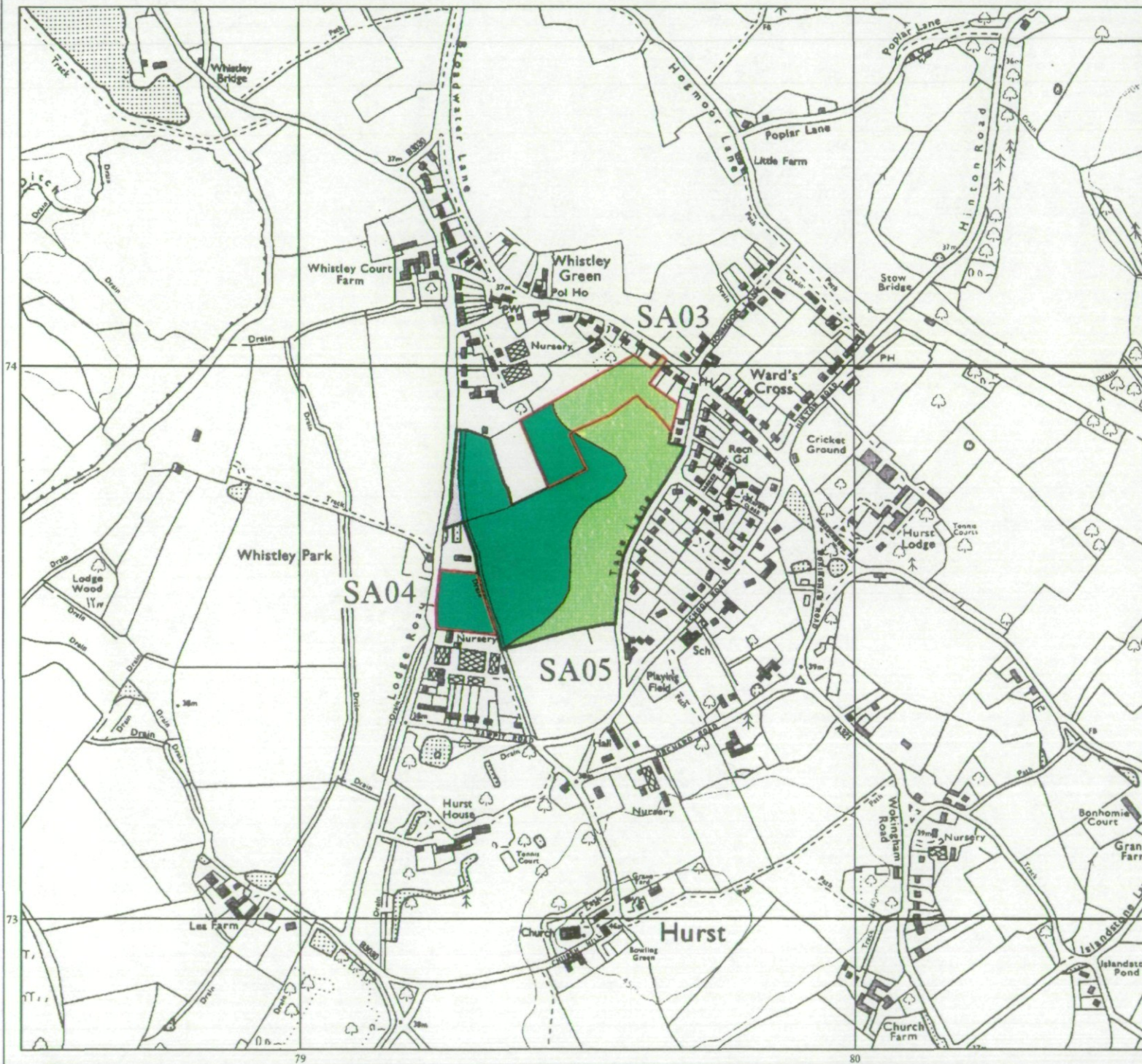
Legend

	Quality	Area (ha)
Grade 1	Excellent	nil
Grade 2	Very Good	nil
Grade 3a	Good	7.7
Grade 3b	Moderate	6.1
Grade 4	Poor	nil
Grade 5	Very Poor	nil
	Agricultural land not surveyed	nil
	Other land	0.2
	Boundary of survey area	
Total agricultural land area		13.8
Total survey area		14.0
* Not present within survey area		



Further details contained in MAFF (1988) Agricultural Land Classification of England and Wales - Revised guidelines and criteria for grading the quality of agricultural land. MAFF (publications), London SE99 7TP. The information is accurate at base map scale but any enlargement would be misleading. Reproduction in whole or in part by any means is prohibited without the prior permission of MAFF.

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Reference no: 0206/169/95 © Crown Copyright Reserved 1996



Agricultural Land Classification

Wokingham District Local Plan

Sites SA03, SA04, SA05, Hurst

SAMPLE POINT MAP

- LOCATION OF SOIL PIT
• 1 LOCATION OF AUGER
SAMPLE POINT

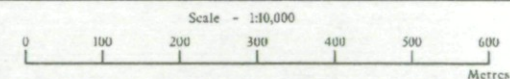


	Area (ha)
 Agricultural land not surveyed	nil
 Other land	0.2

Total agricultural land area 13.8

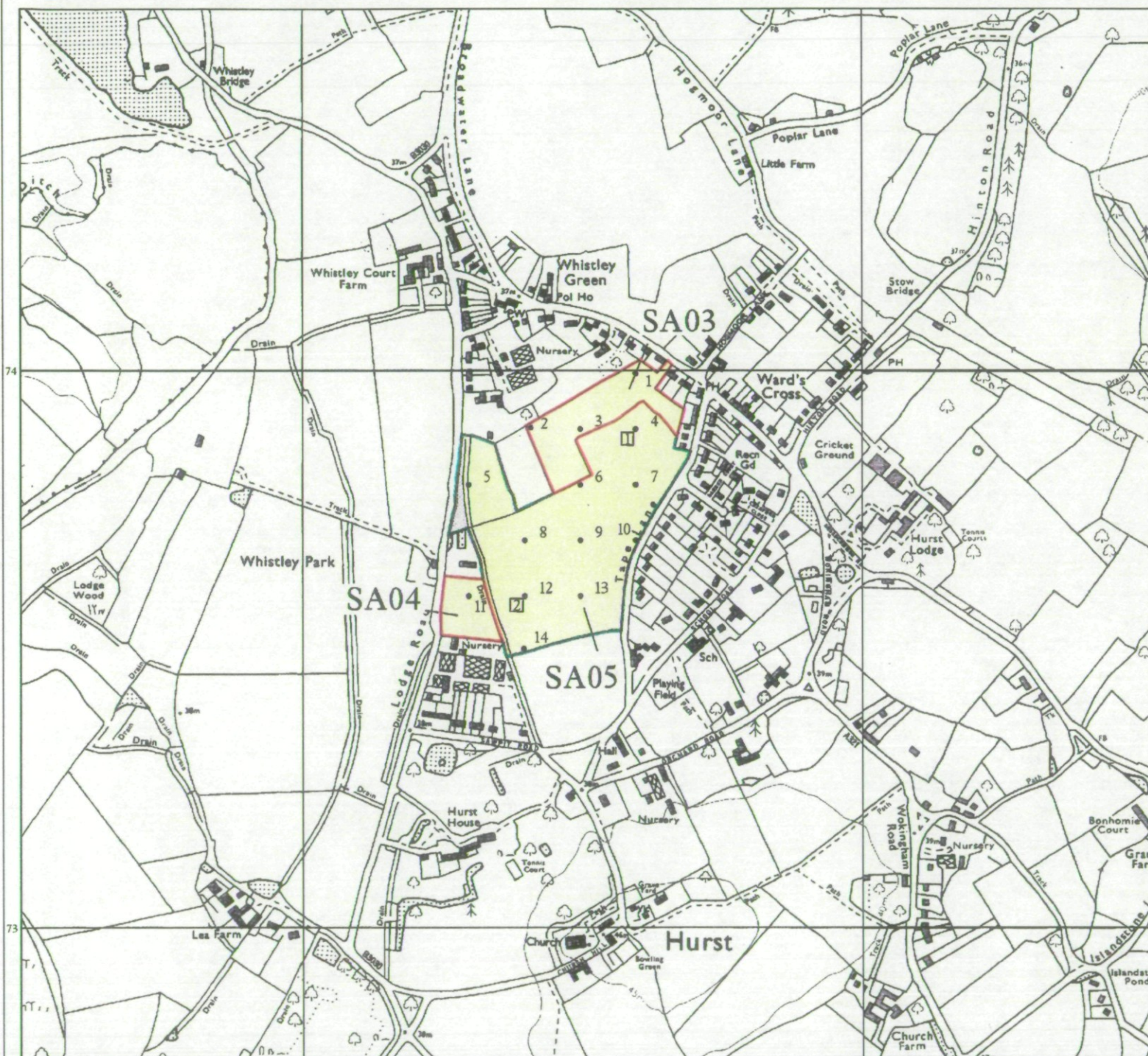
Total survey area 14.0

* Not present within survey area



Further details contained in MAFF (1988) Agricultural Land Classification of England and Wales - Revised guidelines and criteria for grading the quality of agricultural land. MAFF (publications), London SE99 7TP. The information is accurate at base map scale but any enlargement would be misleading. Reproduction in whole or in part by any means is prohibited without the prior permission of MAFF.

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Appendix 3 – Swallowfield Appeal decision



Appeal Decision

Inquiry held on 26-28 June and 2-3 July 2024

Site visit made on 26 June 2024

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19/07/2024

Appeal Ref: APP/X0360/W/24/3340006

**Land west of Trowes Lane and north of Charlton Lane, Swallowfield
RG7 1RT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Croudace Homes Ltd against the decision of Wokingham Borough Council.
 - The application Ref is 230422.
 - The development proposed is the erection of 81 dwellings (including 40% affordable homes), open space, SuDS, landscaping, biodiversity enhancements, new vehicular access off Trowes Lane, pedestrian and cycle links, and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 81 dwellings (including 40% affordable homes), open space, sustainable drainage system, landscaping, biodiversity enhancement, new vehicular access off Trowes Lane, pedestrian and cycle links, and associated infrastructure on land west of Trowes Lane and north of Charlton Lane, Swallowfield RG7 1RT in accordance with the terms of the application Ref 230422 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form includes the words 'Full planning application' and 'on Land West of Trowes Lane and North of Charlton Lane, Swallowfield'. I have omitted them from the description in the banner heading above to avoid unnecessary repetition.
3. A bilateral legal undertaking has been submitted under Section 106 of the Town and Country Planning Act 1990. The Council is satisfied that the obligations contained in the undertaking address the matters raised in reasons for refusal 4-8 of its decision notice relating to the provision of affordable housing, mitigating harm to the Thames Basin Heaths Special Protection Area, providing contributions towards employment opportunities, sport and recreation, and highway matters. I consider the undertaking in more detail later in my decision.
4. Additional drawings have been submitted with the appeal amending the position of the play areas within the site, giving further details of the pedestrian access to Charlton Lane, and adding further landscaping on Trowes Lane and Charlton Lane. These additional drawings were the subject of publicity by the appellant and are accepted by the Council. They are relatively

minor changes and corrections to the plans on which the planning application was determined. I am satisfied that they do not prejudice the interests of any parties in this appeal and I have taken them into account in my decision.

5. The Wokingham Draft Local Plan was published under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012 in February 2020. It has not yet progressed to Regulation 19 or independent examination and therefore I give it little weight in this appeal. I deal with its relevance in the calculation of the housing land requirement under main issues.

Main Issues

6. Having regard to the matters addressed by the legal undertaking, I consider the main issues in this appeal are the effect of the development on:
 - The spatial objectives of the Local Plan as regards the location of new development
 - Landscape
 - Accessibility to facilities and services
 - Housing land requirement and supply
7. It is also necessary to consider other relevant matters including the benefits of the scheme, and how the main issues and other material considerations should be weighed together. I do this in the planning balance.

Reasons

Location of development

8. The spatial strategy of the Wokingham Borough Core Strategy Development Plan Document adopted January 2010 (the Core Strategy) is to focus new development within strategic development locations and settlements that either have or are planned to have a significant range of facilities and services. The scale of development should reflect the existing or proposed levels of facilities and services available, with a hierarchy of settlements ranging from major through modest to limited development locations. Outside settlements only certain types of development are considered appropriate, primarily relating to agriculture, open recreation, burial grounds and the rural economy.
9. Swallowfield is recognised as a limited development location in Policy CP9 of the Core Strategy with its development limits defined by Policy CC02 of the Wokingham Borough Managing Development Delivery Document, adopted February 2014 (the Local Plan) and shown on the Policies Map. Policy CP17 of the Core Strategy allocates 100 dwellings across limited development locations, where sites should generally not exceed 25 dwellings each.
10. The appeal site lies outside the development limits of Swallowfield. The proposal does not fall into any of the categories of development included in Policy CP11 of the Core Strategy as being appropriate in the countryside. Even if it had fallen within the development limits of the village, at 81 dwellings it is of a scale of development that exceeds that envisaged for limited development locations.

11. The weight to be given to these policies are dependent on the degree to which they are consistent with the National Planning Policy Framework revised in December 2023 (the Framework), in particular the Framework's objective of significantly boosting the supply of homes. I address this weighting in the planning balance after having considered the issue of housing land requirement and housing land supply.
12. However, so far as these policies are relevant, I conclude that the appeal scheme conflicts with the spatial strategy of the development plan and runs counter to its approach to the location of new residential development. As a consequence, the proposal conflicts with Policies CP9, CP11 and CP17 of the Core Strategy and Policy CC02 of the Local Plan.
13. The Council's reason for refusal relating to this issue refers to other planning policies. Policies CP1 and CP3 of the Core Strategy are about sustainable development and general principles rather than development location and are of limited relevance to this particular issue. Policy CP6 of the Core Strategy on managing travel demand I look at in more detail under the issue of accessibility. Policy CC01 of the Local Plan reflects the presumption in favour of sustainable development which I consider in the planning balance. Policies CC03 and TB21 of the Local Plan relate primarily to landscape, which I address in the next section.

Landscape

14. The site falls within the I2: Riseley Farmed Clay Lowland landscape character area as described in the Wokingham Borough Landscape Character Assessment 2019. The landscape is characterised by arable farming in large open fields bounded by hedgerows. Rural lanes are often narrow and lined with verges containing ditches and mature trees. There are occasional small blocks of woodland.
15. The settlement pattern consists of nucleated villages with a scatter of farmsteads. Swallowfield originated as a rural village centred on the crossing of The Street and Swallowfield Street. It expanded mainly during the 20th century to the west and south forming a compact settlement. The village is set back from the B3349 Basingstoke Road, surrounded by farm and park land.
16. Although the countryside around Swallowfield is not a 'valued' landscape in the sense used in paragraph 180 of the Framework, it retains a largely rural character and is recognised in the landscape character assessment as having valuable landscape attributes.
17. The appeal site exhibits many of the landscape features described in the landscape character appraisal. It currently forms an arable field on the southern edge of Swallowfield, surrounded by trees and woodland. Trowes Lane running along its eastern boundary is characteristic of the lanes in the area being narrow with verges and ditches either side, and lined with hedgerows containing mature trees. To the south a block of plantation woodland screens the arable field from Charlton Lane, other than for a limited view through a field access. Houses along its northern boundary, including a small estate currently under construction, form a boundary between the village and the countryside.

18. Development of the site with a housing estate would inevitably harm its contribution to the landscape by introducing built development on what is currently open agricultural land. The widening of the northern end of Trowes Lane and provision of footpaths to form the main access to the site would also erode its rural character. Some mitigation would be provided by setting the houses back from the eastern boundary with Trowes Lane, and tree planting and landscaping within the site, along the Trowes Lane boundary and around the Charlton Lane pedestrian access. Nevertheless, the presence of residential buildings would be apparent in views from Trowes Lane and from the permissive paths in the woodland, as would be the domestic activities and movement of vehicles that are inherent in a residential setting. The development would have the effect of extending the built form of the village further south into the countryside, and eroding the rural setting of Trowes Lane as it approaches the village.
19. Having said that, the effect on the landscape would be largely confined to the site itself and the section of Trowes Lane along its eastern boundary. The containment provided by the trees and hedges around the boundaries, and the block of woodland in the southern part of the site, would largely screen the development in views from the wider landscape. This includes views from Charlton Lane, where the view through the field access would be stopped by additional landscaping. The impact on the character and appearance of the countryside outside the immediate southern environs of the village would therefore be minimal.
20. The evidence presented to me on landscape impact was consistent in its assessment of character and visual effects, albeit with varying degrees of judgement on the scale of that impact. Once planting has matured, I consider that the effect of the development on the landscape would be moderately adverse in terms of its local impact, and at most slightly adverse in terms of its wider impact on the landscape. I conclude that the proposal would cause harm to the landscape and would therefore conflict with Policies CP1 and CP3 of the Core Strategy and Policies CC03 and TB21 of the Local Plan, which seek to retain or enhance the condition, character and features that contribute to the landscape, but only to the limited extent outlined above.
21. The Council's reason for refusal on the issue of landscaping includes further policies. While Policy CP11 of the Core Strategy and Policies CC01 and CC02 of the Local Plan do obliquely refer to countryside and landscape, their primary roles relate to the presumption in favour of sustainable development and the location of development outside settlement boundaries, which I address elsewhere in my decision. I consider they are of secondary importance to the issue of landscape.

Accessibility to facilities and services

22. Facilities and services available in Swallowfield include a public house, a church, a modern village hall, a recreation ground with play equipment, a small shop, and a general medical practice. As I found out at the inquiry, it has a thriving social scene with the hall in particular being used for a wide range of social activities. These facilities are within walking distance of the appeal site. Their presence supports the designation of Swallowfield as a limited development location in the Core Strategy, which is defined as being a

settlement with a basic range of services and facilities and being physically and socially cohesive.

23. The village does not have a primary school, and a pre-school club held in the village hall has recently closed. While there are some employment opportunities in or around the edge of the village, it was acknowledged that most economically active villagers find employment elsewhere, unless they work from home. These needs, as well as access to higher order facilities and services such as secondary and post-16 education, larger convenience and comparison shopping, and leisure, require villagers to travel to centres some distance away.
24. Public transport to other centres is limited. There is one bus route to Reading via Spencers Wood to the north, and to Riseley to the south, which operates Monday to Saturday but with a limited evening and no Sunday service. Cycling to the nearest centres is possible but is via well trafficked roads, and therefore not attractive for other than competent cyclists.
25. The legal obligations linked to the appeal scheme would support improvements to footpaths and crossing points in the village, widen the footpath along the Basingstoke Road to Lambs Lane Primary School, upgrade local bus stops, provide a subsidy for the bus service, and encourage cycling, use of the bus service and car sharing as part of a travel plan initiative. While these improvements would help maximise the use of sustainable transport modes, given the limited availability and attractiveness of such options in Swallowfield it is likely that the majority of trips to facilities and services outside the village would still be undertaken using the private motor car.
26. Policies CP1, CP3 and CP6 of the Core Strategy seek to locate new development where there is a choice in the mode of transport available and which minimise the need to travel. These aims are consistent with paragraph 109 of the Framework which requires significant development to 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. I recognise that opportunities for sustainable travel will vary between urban and rural areas but given the scale of the proposed development, which exceeds that envisaged in Policy CP17 of the Core Strategy for limited development locations such as Swallowfield, it would inevitably generate a significant increase in trips by private motor car.
27. Local residents are concerned about the capacity of local facilities and services to accommodate additional demand. The manager of the medical centre comments on the increasing pressure on medical services, although the centre remains open to new registrations. Access to education also clearly worries many villagers. The nearest primary school at Lambs Lane is at capacity, and children from the village have to attend a wide range of different schools in the area, in some cases considerable distances away, with the difficulties of travel and social cohesion that brings.
28. While I understand the frustrations expressed about the capacity of local services, that is essentially a matter for the relevant service provider to resolve, including increasing capacity where needed to meet additional demand. In the case of primary education, the Council is seeking to build a new school that would free up space nearer Swallowfield, although that has been delayed because of the expansion of the detailed emergency planning

zone around the Atomic Weapons Establishment at Burghfield. Nevertheless, based on what I was told at the inquiry, the anticipated time scale for its provision would be broadly comparable to that for completion of the appeal scheme.

29. So far as the medical centre is concerned, it is large enough to cater for patients in Swallowfield but is under strain because it provides health services for patients well beyond the village. It is a matter for the Health Authority how best to cater for those demands, as new housing is built in the area. For those reasons, capacity concerns are not sufficient to prevent development on the appeal site.
30. The picture as regards the accessibility of the site to facilities and services is therefore a mixed one. I conclude that the proposal would conflict with Policies CP1, CP3 and CP6 of the Core Strategy because it would occupy a location that is not as accessible for a development of this scale as required by the spatial strategy, but that conflict is lessened because of the basic facilities and services that are available in the village, and because appropriate opportunities have been secured to promote the limited sustainable transport modes that are available. For those reasons, I give the conflict with the policies only moderate weight.
31. The Council's reason for refusal relating to the issue of accessibility refers to other policies than those identified above. Policy CP2 of the Core Strategy relates to accommodating the needs of specific groups. Policies CC01 and CC02 of the Local Plan relate to the presumption in favour of sustainable development and the application of development limits. None of those policies are directly relevant to this issue.

Housing land requirement and supply

32. Paragraphs 76-77 and 226 of the Framework establish how many years of housing land is required at any given time. Where a local planning authority has an emerging local plan that has reached either the Regulation 18 or Regulation 19 stage and includes both a policies map and proposed allocations towards meeting housing need, the requirement is to show 4 years' worth of housing land supply.
33. The Council published a draft local plan under Regulation 18 in February 2020, which contains both a policies map and housing land allocations. The appellant argues that given the length of time since its publication and the extent to which it is proposed to be revised, it should be disregarded. However, there is nothing in the Framework that suggests that should be the case. The circumstances of the plan also differ to those drawn to my attention in 2 appeal decisions¹, one of which I determined. In those cases, the local planning authorities had effectively abandoned earlier draft plans and decided to begin the plan making process again. That is not the situation in Wokingham, where the Council has continued to develop its draft plan with revisions published in 2021. I therefore consider that the emerging plan does meet the requirements of paragraph 226 of the Framework, and for the purposes of this appeal the Council is required to demonstrate a 4-year housing land supply.

¹ APP/D1265/W/23/3323727: Land between Sailsbury Street, Tanzey Lane and Sodom Lane, Marnhull, Dorset and APP/K2420/W/23/3330774: Land off Desford Lane, Ratby, Leicestershire

34. Because the development plan is more than 5 years old, calculation of housing land supply uses the methodology set out in the Planning Practice Guidance. The main parties are agreed that at present there is only 3.2 years' worth of housing land available. A revised affordability ratio was published in March 2024 that will affect the calculation to a small extent, but the Council is content to rely on the supply published in its current housing land supply statement until such time as the statement is updated.
35. The Council is therefore unable to demonstrate an adequate housing land supply position at present, with the extent of the shortfall being of the order of 0.8 years.
36. As the Council is unable to demonstrate an adequate housing land supply, footnote 8 of the Framework deems the policies which are most important for determining the application to be out-of-date. Where those policies are out-of-date, paragraph 11d) of the Framework says that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is an important material consideration I consider in the planning balance.
37. The Council argues that the weight to be afforded to the shortfall in housing land supply should be tempered because of past over-delivery of housing. Paragraph 77 of the Framework indicates that past over-supply may be a relevant factor in calculating housing land supply, but notwithstanding what is said in that paragraph no methodology has yet been provided in national planning guidance for doing so. The main parties have offered me differing figures for over-supply based on methodologies of their own devising.
38. Measured against the housing targets in Policy CP17 of the Core Strategy, there has been an over-delivery of housing of some 16.9% over the plan period. Even when measured against the standard methodology, which produces the highest housing need figure, the last 5 years has seen delivery outstrip need by some 57%. An alternative approach put forward on behalf of the appellant using a different method of calculating housing need consistent with changes in national planning guidance over the plan period results in the over-delivery of housing being marginal. The Council considers this approach invalid as it double counts unmet need and under-supply.
39. Without an agreed methodology for factoring in over-supply in housing land supply calculations, it is difficult assign weight to this matter. Looking at the most recent housing delivery test for Wokingham, which at 205% is impressive, it is clear that recent housing delivery has been strong and has exceeded the minimum housing requirement by a considerable margin. However, it is equally clear from the shortfall in future housing land supply that such delivery will not be achieved over the next 4 years if the spatial strategy is applied rigidly. Since the requirement on local planning authorities to deliver housing is essentially forward facing, I give only limited weight to past over-supply.
40. Another matter that is disputed between the parties is whether past housing supply has been reliant on non-policy compliant schemes being either permitted or allowed on appeal outside development limits. There have been such schemes over the plan period. However, the majority of these are still within strategic development locations and were permitted by the Council

under a normal planning balance in order to help deliver highway infrastructure. I do not therefore consider that housing delivery has been reliant to any significant extent on non-policy compliant schemes.

Other Matters

41. The site lies within the zone of influence of the Thames Basin Heaths Special Protection Area, which is noted as an internationally important habitat for rare bird species. I am required to undertake an appropriate assessment to determine if the proposed development could have a significant adverse effect on the special protection area, and if so whether that effect could be mitigated.
42. Increased recreational pressure arising from additional residents in the zone of influence could potentially have an adverse effect on the habitat, as some of the rare bird species it supports nest on the ground and could be disturbed by walkers or their dogs. To counter such potential harm local authorities, including Wokingham Borough Council, working in partnership with Natural England have devised a strategy to limit recreational pressure through a combination of providing alternative natural green space and managing access to the special protection area.
43. The development, through obligations contained in the legal undertaking, would provide financial contributions towards the provision of a strategic access management and monitoring scheme, and support the formation of an alternative natural green space at The Ridge which is being undertaken by the University of Reading. These measures would mitigate any additional recreational pressure arising from the appeal scheme. I am therefore satisfied that the development would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area. It would also comply with saved Policy NRM6 of the former South East Plan Regional Strategy and Policy CP8 of the Core Strategy.
44. I was told at the inquiry that there have been instances of foul sewer surcharging in the village. The reason is reportedly due to an excessive amount of surface water entering the foul sewerage system during times of heavy rain. The proposed development would have separate foul and surface water systems. While it would introduce an additional foul flow to the sewerage system, that would not include surface water and would not itself exacerbate matters during times of heavy rain. The onus lies with the drainage provider rather than the developer to resolve existing problems and where necessary increase capacity to accommodate demand. Therefore, where surcharging has happened, regrettable though it is, it does not amount to a reason to prevent the development taking place. I have imposed conditions allowing clarification and if necessary coordination between the development and any improvement works planned for the sewerage system.
45. Parts of the site has apparently been subject to seasonal waterlogging, although according to local knowledge this may be the result of lack of maintenance of the field drains. The proposal includes a sustainable drainage system that would provide a means of collecting and disposing of surface water to avoid such drainage problems affecting the proposed development. I consider that surface water drainage should not, therefore, be a limiting factor for development on the site.

46. Concern has been expressed about highway safety and congestion in the wider area, in particular accessing the primary road network at peak times. No objection has been raised by the Council as Highway Authority, and I see nothing in the scheme or proposed highway access works that lead me to reach a different view. The design and layout of surrounding roads, including the width of Trowes Lane, are not inherently unsafe or incapable of accommodating the additional vehicle movements associated with the scheme. So far as the wider road network is concerned, a development of the scale proposed would have little if any measurable effect on congestion, certainly on junctions as far away as those on the M4. The cumulative effect of new development on the road network is a matter for consideration as part of the existing and emerging local plans.
47. The part of the appeal site used as an arable field is classified as best and most versatile agricultural land, containing grade 2 and grade 3a soils. No objection has been raised by the Council to the loss of the field in terms of agricultural production. As any development on agricultural land in the area is likely to result in the loss of best and most versatile land, I do not consider that the loss of this parcel of land carries material weight. It is likely that similarly classified land in the borough will have to be released to meet housing demand.
48. Concern about harm to character, in terms of the increase in the number of houses and/or developed area compared to the existing or past size of the village, is more intangible. While increasing the number of people may make the village a somewhat busier place, which some might regret, it would also add to those participating in social activities and provide more custom for local businesses, such as the local shop, which would be of benefit to their continued operation, and therefore indirectly beneficial to all. The consequence of change to what may be described as the character of the village is therefore multifaceted, but in my view not intrinsically harmful.
49. My attention has been drawn to a wide range of appeal decisions. I have had regard to those decisions where applicable, in particular on an adjoining site², elsewhere in Wokingham³, and in relation to housing land requirement and supply⁴. I have come to my own conclusions based on the evidence presented to me and the most recent version of the Framework.

Legal Undertaking

50. The appeal is accompanied by a bilateral legal undertaking under section 106 of the Town and Country Planning Act 1990 that commits the developer of the site to several planning obligations.
51. Those obligations secure the provision of: 33 affordable dwellings in a range of agreed tenures; financial contributions towards the provision of allotments, off-site sports and recreation facilities, bus service provision, and the Thames Basin Heaths Special Protection Area strategic access, monitoring and management plan; an employment skills plan or contribution in lieu; highway works comprising construction of estate roads to adoptable standards, formation of new accesses, bus stop improvements, footpath widening on Trowes Lane, crossing points on The Street and Foxborough, and funding of

² APP/X0360/W/17/3175817: Land to the west of Trowes Lane, Swallowfield

³ APP/X0360/W/22/3309202: Land east of Lodge Road, Hurst

⁴ APP/X0360/W/23/3331651: Land off Watmore Lane, Winnersh

footpath widening along Basingstoke Road from Swallowfield to Lambs Lane; establishment of a management company to maintain the woodland and any retained communal areas; a travel plan; transfer of open space and play areas to public ownership if agreed; and a contribution toward provision of suitable alternative natural green space at The Ridge.

52. The obligations are agreed by both main parties, and address reasons for refusal 4-8 on the Council's decision notice. Having regard to the submitted evidence contained in the Council's justification statement and the discussion that took place at the inquiry, I am satisfied that each obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind. The obligations therefore meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, and I have taken them into account in reaching my decision.

Planning Balance

53. I have found that the appeal proposal would conflict with the spatial strategy of the development plan as the site lies outside the settlement limits of Swallowfield and does not constitute development appropriate in a countryside location. Given the lack of housing land supply, application of that strategy needs to be applied in a flexible way to ensure that sufficient land for housing continues to come forward. However, even if the settlement limits around Swallowfield are applied flexibly to allow development on the edge of it, the scale of the proposed development is such as to conflict with the strategy for development in settlements of the size of Swallowfield. I give that conflict moderate weight.
54. I have found that the proposal would harm the character and appearance of the landscape, although that harm would be limited given the contained nature of the site. I have also found that accessibility to facilities and services is constrained and would generate a significant proportion of trips by motor car. I give moderate weight to that conflict.
55. Set against these conflicts are a number of benefits that would flow from the appeal scheme. The most important would be the provision of 81 new dwellings in a range of sizes. That would be of particular importance given the demand for housing in the area and the lack of available land on which to build new dwellings. Forty per cent of the dwellings would also be affordable housing tenures. I was presented with evidence at the inquiry which showed there to be a real problem of affordability in the area, with a persistent unmet demand from those unable to afford housing on the open market. The scheme would help to address that need. I give both these benefits substantial weight.
56. Other benefits would also accrue. There would be economic benefits arising in the short term from construction of the dwellings, and in the longer term from the spending power of future residents and their availability as part of the local workforce. The development would result in a biodiversity net gain on the site, greater than that required by policy. The same would apply to the construction of the buildings, which have been designed to mitigate carbon dioxide emissions in excess of that currently required by policy. The open space, woodland and play equipment on the site is intended primarily for the benefit of future residents but would also be open to other villagers to enjoy. I give these benefits limited weight.

57. My approach to balancing these competing factors must however rest on the presumption in favour of sustainable development contained in paragraph 11d) of the Framework, sometimes referred to as the 'tilted balance'. As the Council is unable to demonstrate an adequate housing land supply, national planning policy contained in that paragraph requires planning permission to be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. I consider that the application of that national policy should be tempered to a limited extent because of recent past over-supply of housing and having regard to the size of the shortfall at 0.8 years. Nevertheless, the presumption remains and carries significant weight. The need to apply a presumption in favour of sustainable development is reinforced by Policy CC01 of the Local Plan.
58. I have concluded that there would be substantial benefits accruing from the scheme, in particular the provision of open market and affordable housing. Balanced against those benefits is the harm that would be caused to the strategy that directs where new development should be located, the landscape, and accessibility to facilities and services. However, in each case I have found that only moderate or limited weight should be given to that harm. It follows that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the substantial benefits of the scheme. Accordingly, the Framework supports planning permission being granted.

Conditions

59. I have considered the conditions suggested by the main parties, including additional and alternative conditions discussed at the inquiry, and imposed them where I consider they meet the tests set out in paragraph 56 of the Framework. I have made changes to the suggested wording where necessary in the interests of precision and enforceability. The conditions have been reordered in accordance with the advice in the Planning Practice Guidance. Conditions that are required to be discharged before development commences have been avoided where possible. Those pre-commencement conditions that remain have been agreed in writing by the appellant.
60. Conditions setting a time limit and identifying the approved plans are necessary for certainty. Pre-commencement conditions are necessary to agree and implement a construction method statement, exceedance flow routing, tree protection and archaeological investigation in the interests of the amenities of neighbouring and future residents, the natural environment and any remains of historic interest that might be found under the site.
61. Conditions that are required to be discharged before occupation of the development begins are necessary to agree external materials in the interests of the appearance of the site, construction of the highway accesses and provision and management of car and cycle parking in the interests of highway safety and to promote sustainable transport, provision and arrangements for maintenance of landscaping and surface water drainage in the interests of the appearance and operation of the development, the design of external lighting and means of enclosure in the interests of safety, amenity and wildlife, installation of energy saving measures in the interest of minimising carbon emissions, and the installation of refuse and recycling facilities in the interests of future occupants. I have combined conditions dealing with landscaping,

ecology and biodiversity net gain for simplicity and to avoid unnecessary repetition.

62. Other conditions are necessary to replace any trees, shrubs or hedges that are intended to remain but are removed or damaged in the interests of the appearance of the site, to control hours of construction in the interests of neighbouring occupants, to provide a framework for action in the unlikely event that contamination is found on the site in the interests of public health, and to clarify the position of the local area of play in the interests of certainty.
63. I have imposed 2 conditions having regard to the consultation response from Thames Water and in a modified form with the agreement of the main parties which deal with foul drainage and water supply, the first being a pre-commencement condition and the second a pre-occupation condition. These respond to concerns raised by local residents who have experienced deficiencies in the existing foul drainage system and water supply, and are concerned that the development might exacerbate those problems. While I understand the concerns, it is a matter for the utility provider rather than a developer to respond to existing problems in the sewerage and water networks and to provide additional capacity where required. The conditions are not intended to prevent the development being undertaken but to enable the Council to confirm that capacity is available in those systems or that suitable action is being taken by the utility provider to ensure that additional demand can be met.
64. I have not imposed a condition requiring approval and future maintenance of highway details as these are the subject of an obligation in the legal undertaking. I have not imposed a condition requiring the installation of electric vehicle charging points as this is now secured under the building regulations and to do so would result in unnecessary duplication of requirements. I have not imposed a condition requiring details of surface water drainage overflow as this is covered in the conditions on drainage management and drainage exceedance routing. I have not imposed a condition relating to noise as control over any such disturbance that might occur during the construction period is addressed by the construction and ecological management plan, and I see no need for noise controls over and above normal environmental health powers once the development is complete.
65. I have also not imposed conditions restricting how occupants could use their garages or make use of permitted development rights that allow for domestic extensions and associated works, including means of enclosure and paving. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I do not consider that the arguments put forward by the Council clearly demonstrate that the circumstances of this development would be materially different to other housing estates where such rights apply.

Conclusion

66. The development would conflict with policies relating to the location of new development, protection of the landscape, and accessibility to facilities and services. It would therefore conflict with the development plan when taken as a whole. However, the presumption in favour of sustainable development contained in paragraph 11d) of the Framework points towards planning permission being granted. In this case, I conclude that this significant material

consideration outweighs the conflict with the development plan, notwithstanding the scale of the current shortfall in housing land and past delivery of housing in the borough.

67. Consequently, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Appearances

For the appellant:

Andrew Tabachnik KC	Counsel
Clive Self Dip LA CMLI MA (Urb D)	Director, CSA Environmental
Tim Wall BA MA MCIHT CMILT	Partner, i-Transport LLP
Steven Brown BSc (Hons) DipTP MRTPI	Managing Director, Woolf Bond Planning Limited
Karen Charles BSc (Hons) DipTP MRTPI	Executive Director, Boyer

For the Council:

Matthew Lewin	Counsel
Stuart Ryder BA (Hons) CMLI	Director, Ryder Landscape Consultants
Alan Lewis CEng FIHE CMILT	Highway Development Manager, Wokingham Borough Council
Ian Church BA (Hons) MA MRTPI	Local Plan Manager, Wokingham Borough Council
Laura Ashton BA (Hons) MSc MRTPI	Director, LAUK Planning

Interested parties:

Ian Fullerton	Smallfield Community Action Group
John Anderson	Smallfield Parish Council
David Entwistle	Resident
Richard Hale	Resident
Jeremy Bayliss	Resident
Philip Guard	Resident
David Edmunds	Ward Councillor
Colin Tweedale	Resident
Professor Richard Hoyle	Smallfield Community Action Group
Catherine Glover	Ward Councillor

For the round table sessions on conditions and legal undertaking:

Caroline Bailey	Group Legal Director, Croudace Homes Ltd
Mark Croucher	Development Management Team Leader, Wokingham Borough Council
Lyndsey Jennings	Solicitor, Wokingham Borough Council
Graham Stanley	Swallowfield Flood Resilience Group

Documents submitted at or after the inquiry

- ID1 Appearances for appellant
- ID2 Note on public consultation of additional landscape plans
- ID3 Opening statement on behalf of the appellant
- ID4 Opening statement on behalf of the Council
- ID5 Statement and results of survey of households by Mr Fullerton
- ID6 Statement by Mr Anderson
- ID7 Statement by Mr Entwistle
- ID8 Statement by Mr Hale
- ID9 Statement by Mr Bayliss
- ID10 Statement by Mr Guard
- ID11 Hard copy of draft conditions
- ID12 Errata sheet for proof of evidence of Mr Lewis
- ID13 Statement by Professor Hoyle
- ID14 Statement by Mrs Glover
- ID15 Copy of email from Swallowfield Medical Practice Business Manager
- ID16 Draft copy of unilateral legal undertaking
- ID17 Compliance statement on legal obligations
- ID18 Confirmation of acceptance of pre-commencement conditions
- ID19 Draft copy of bilateral legal undertaking
- ID20 Closing statement by Mr Fullerton
- ID21 Closing statement on behalf of the Council
- ID22 Closing statement on behalf of the appellant
- ID23 Shadow appropriate assessment
- ID24 Copy of completed bilateral legal undertaking

Schedule of conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following plans:
 - Site Location Plan 3145-A-1000-PL-B
 - Site Layout 3145-A-1005-PL-G
 - Site Layout Coloured 3145-C-1005-PL-H
 - Parking Plan 3145-A-1700-PL- E
 - Street Scenes 3145-C-1010-PL-D
 - Street Scenes 3145-C-1011-PL-E
 - Refuse Strategy Plan 3145-A-1701-PL-D
 - Boundary Treatments Plan 3145-A-1702-PL-D
 - Materials Plan 3145-A-1703-PL-D
 - Fire Strategy Plan 3145-A-1705-PL-D
 - Garden Sizes Plan 3145-A-1706-PL-F
 - POS Typologies Plan 3145-A-1707-PL-J
 - Landscape Masterplan CSA/5643/118G
 - LEAP Landscape Proposals CSA/5643/119C
 - LAP Play Area Proposals CSA/5643/120B
 - Hard Landscape Proposals (Sheet 1) CSA/5643/111F
 - Hard Landscape Proposals (Sheet 2) CSA/5643/112F
 - Hard Landscape Proposals (Sheet 3) CSA/5643/113F
 - Soft Landscape Proposals (Sheet 1) CSA/5643/114F
 - Soft Landscape Proposals (Sheet 2) CSA/5643/115G
 - Soft Landscape Proposals (Sheet 3) CSA/5643/116G
 - Soft Landscape Proposals (Sheet 4) CSA/5643/117F
 - Boundary Design Details Sheet 1 5643_125_A
 - Boundary Design Details Sheet 2 5643_126
 - Proposed Access Road 5638/004D
 - Charlton Lane Pedestrian Connection ITB19769-GA-005
 - B3015 Plans and Elevations 3145-C-3005-PL-B
 - B3016 Plans and Elevations 3145-C-3010-PL-C
 - B3016 Plans and Elevation 3145-C-3011-PL-A
 - B3016+B2009M Plans and Elevations 3145-C-3015-PL-B
 - B3017 Plans and Elevations 3145-C-3020-PL-B
 - B3017 Plans and Elevations 3145-C-3021-PL-B
 - B3017 Plans and Elevations 3145-C-3022-PL-B
 - B3017 Plans and Elevations 3145-C-3023-PL-C
 - B3018 Plans and Elevations 3145-C-3025-PL-C
 - S4029M Plans and Elevations 3145-C-3035-PL-B
 - S4029M Plans and Elevations 3145-C-3036-PL-B
 - S4026M Plans and Elevations 3145-C-3040-PL-B
 - S4027M Plans and Elevations 3145-C-3045-PL-B
 - S4027M Plans and Elevations 3145-C-3046-PL-B
 - G4031M Plans and Elevations 3145-C-3050-PL-B
 - G4031M Plans and Elevations 3145-C-3051-PL-B
 - G4032M Plans and Elevations 3145-C-3056-PL-B
 - G4031M Plans and Elevations 3145-C-3059-PL-C
 - A2708M Plans and Elevations 3145-C-3060-PL-B
 - A2708M Plans and Elevations 3145-C-3061-PL-B

A2708M+A1702M Plans and Elevations 3145-C-3065-PL-C
A3710M Plans and Elevations 3145-C-3070-PL-B
A4714M Plans and Elevations 3145-C-3075-PL-B
A1702M Plans and Elevations 3145-C-3080-PL-B
Maisonette Block A Plans and Elevations 3145-C-3085-PL-C
Maisonette Block B Plans and Elevations 3145-C-3086-PL-B
A2706M Plans and Elevations 3145-C-3100-PL-B
Garages & Stores Plans and Elevations 3145-C-3150-PL-A
Garages & Stores Plans and Elevations 3145-C-3151-PL-A

3. No development hereby permitted shall commence until a construction method statement, including a construction ecological management plan, has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall include but not be limited to the following:
 - (a) construction of suitable works access
 - (b) the parking of vehicles of site operatives and visitors
 - (c) loading and unloading of plant and materials
 - (d) storage of plant and materials used in constructing the development
 - (e) the erection and maintenance of security hoarding
 - (f) wheel washing facilities
 - (g) measures to control the emission of noise, dust and dirt during construction
 - (h) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (i) hours of construction
 - (j) hours of delivery
 - (k) mitigation and avoidance measures for ecology and biodiversity.
4. No development hereby permitted shall commence until an exceedance flow routing plan for flows above the 1 in 100 + 40% climate change event has been submitted to and approved in writing by the local planning authority. Exceedance flow paths should be directed to highways and public open space and should avoid paths through areas in private ownership. The approved exceedance flow routing plan shall be implemented prior to occupation of the development hereby permitted.
5.
 - (a) No development hereby permitted shall commence until a scheme for the protection of trees, shrubs and hedges to be retained on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The protection measures shall be implemented in accordance with the approved scheme and retained during the construction period including site preparation work, tree felling or pruning, soil moving, temporary construction access and any operation involving the use of vehicles or construction machinery.
 - (b) No development hereby permitted shall commence until written notice has been provided to the local planning authority with a period of not less than 7 working days to enable inspection of the measures undertaken to protect trees, shrubs and hedges in accordance with the approved scheme.
 - (c) No excavations, storage of materials or machinery, parking of vehicles, deposit of spoil or rubble, lighting of fires or disposal of liquids shall take

place within any area designated as being fenced off or otherwise protected in the approved scheme.

(d) The fencing or other means of protection installed in accordance with the approved scheme shall not be moved or removed until all construction works have been completed and all equipment, machinery and surplus materials removed from the site.

6. No development hereby permitted shall commence until a programme of archaeological work including a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include but not be limited to the following:
 - (a) programme and methodology of site investigation and recording
 - (b) programme for post investigation assessment
 - (c) analysis of the site investigation and recording
 - (d) means of publication of the analysis and recorded finds
 - (e) archive deposition of the analysis and recorded finds
 - (f) nomination of a competent person or organisation to undertake the site investigation.The site investigation shall take place in accordance with the approved programme of archaeological work. The development hereby permitted shall not be occupied until the post investigation assessment has been undertaken and the analysis and recorded finds have been published and deposited.
7. Before any above ground construction works of the development hereby permitted are commenced, samples and details of the materials to be used on the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. No development hereby permitted shall commence until details of the means of foul sewerage disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
9. Prior to occupation of the development hereby permitted the Trowes Lane access shall be constructed in accordance with drawing 5638/004D and the Charlton Lane pedestrian access shall be constructed in accordance with drawing ITB 19769-GA-005 and the visibility splays to both accesses shall be cleared of any obstruction exceeding 0.6m in height. The accesses shall be retained in accordance with the approved details and the visibility splays shall be maintained clear of any obstruction exceeding 0.6m in height at all times.
10. Prior to occupation of any dwelling hereby permitted the vehicle parking space associated with that dwelling has been provided in accordance with the drawing 3145-A-1700-PL-E. All visitor and unallocated spaces shall be provided prior to occupation of all of the dwellings.
11. Prior to occupation of the development hereby permitted, a parking management strategy for the management of visitor and unallocated spaces shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented once approved.

12. Prior to occupation of the development hereby permitted, details of secure and covered bicycle storage shall be submitted to and approved in writing by the local planning authority. The bicycle storage shall be provided in accordance with the approved details prior to occupation of the dwelling to which each bicycle store relates and shall thereafter be retained.
13. Prior to occupation of the development hereby permitted, a landscape and ecological management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the following details: long term design objectives, management responsibilities, timescales and maintenance schedules for all non-private landscape areas which demonstrates habitat and hedgerow biodiversity net gain in accordance with Ecological Impact Assessment CAS/5643/05 (August 2023). The development shall be carried out in accordance with the approved landscape and ecological management plan.
14. Prior to occupation of the development hereby permitted a sustainable drainage system management and maintenance plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the arrangements and responsibilities for securing the operation of the drainage system for the lifetime of the development hereby permitted and shall include details of maintenance access to all parts of the drainage system and a method for removal and disposal of waste. The approved drainage system shall be implemented prior to the occupation of the development hereby permitted.
15. Prior to occupation of the development hereby permitted details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include but not be limited to the following: location, height, type and direction of light sources, intensity of illumination, and highway lighting. External lighting shall be implemented in accordance with the approved details.
16. Prior to occupation of the development hereby permitted, details of walls, fences and other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate how the walls, fences and other means of enclosure will be ecologically permeable to small mammals and other wildlife. The walls, fences and other means of enclosure shall be erected in accordance with the approved details.
17. Prior to the occupation of the development hereby permitted, the solar panels and heat pumps detailed in the Energy and Sustainability Statement BO.S.RG7 Rev 3 shall be installed and thereafter retained unless replaced by more efficient and sustainable equipment.
18. Prior to the occupation of any dwelling hereby permitted the bin storage area and facilities for that dwelling shall be installed in accordance with drawing 3145-A-1701-PL-D. The bin storage area and facilities shall thereafter be retained and used for no purpose other than the storage of refuse and recycling materials.
19. Prior to the occupation of the development hereby permitted a scheme shall be submitted to and approved in writing by the local planning authority

demonstrating that the water network infrastructure has capacity to serve the development. The development shall be carried out in accordance with the approved scheme.

20. No trees, shrubs or hedges shown to be retained on landscape plan CSA/5643/11F, CSA/5643/115G, CSA/5643/116G and CSA/5643/117F shall be felled, uprooted, damaged, destroyed or removed. Any trees, shrubs or hedgerows removed or damaged within 5 years from the occupation of all of the development hereby permitted shall be replaced with trees, shrubs or hedgerow plants or similar size and species unless any variation is agreed in writing by the local planning authority.
21. No work, including demolition and preparation prior to building operations, relating to the development hereby permitted shall take place other than between the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. No works shall take place at any time on Sundays or Bank Holidays or National Holidays.
22. If land contamination is found at any time during the construction of the development hereby permitted the discovery shall be reported in writing as soon as possible to the local planning authority. Prior to any further works being conducted, a contamination risk assessment shall be carried out and a remediation method statement submitted to and approved in writing by the local planning authority. Work shall only recommence if in accordance with the approved remediation method statement.
23. Notwithstanding drawings refs 3145-A-1700-PL-E, 3145-A-1701-PL-D, 3145-A-1702-PL-D, 3145-A-1703-PL-D, 3145-A-1704-PL-D, 3145-A-1705-PL-D and 3145-A-1706-PL-F, the Local Area of Play shall be located in the central greenspace as shown in drawing 3145-C-1005-PL-H.

***** end of conditions *****

Appendix 4 – Draft Heads of Terms

Section 106 Heads of Terms

This note provides a summary of the proposed heads of terms for a section 106 agreement in support of the planning application for Outline application for up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements (all matters reserved except access) at land at Land East of Lodge Road Hurst RG10 0EG.

The applicant is committed to working constructively with the Council to agree a suitably worded section 106 agreement which complies with regulation 122 of the Community Infrastructure Levy Regulations 2010 for the benefit the Council, the development and the wider local community.

Affordable Housing

The s106 agreement shall secure 50% of the dwellings on the site as affordable housing.

The tenure mix and sizes and location of the affordable housing shall be approved by the Council at reserved matters stage and shall be sold to an affordable housing provider approved by the Council.

Allotments

The development shall deliver additional allotment space at the boundary of the site adjacent to the existing allotments. The s106 agreement shall secure the delivery of these allotments and their long term management by offering to transfer the allotments to Hurst Parish Council for the benefit of the local community supported, by a suitable commuted sum. Should the Parish Council not wish to acquire the new allotments then it is proposed to offer the allotments to the Council and then to the development's management company to maintain.

BNG

The s106 agreement shall secure the delivery, maintenance and monitoring of a 10% on-site biodiversity net gain above the baseline assessment for the site.

The s106 agreement shall secure the approval by the Council of a Biodiversity Net Gain Plan which shall include the details of how the biodiversity net gain shall be delivered and maintained for a 30 year period with the required on site works being delivered within one year from commencement

Bus Improvements

The s106 agreement will secure the delivery of a local bus service to serve the site and the wider community and the provision of an on site bus stop.

The aim of the bus service is to support the needs of the development and the wider community by enhancing connectivity between Hurst and Twyford and it is proposed that the development shall fund the running of the bus service.

Employment Skills

The s106 agreement shall secure the option of an employment skills plan to deliver training, apprenticeships etc during the construction of the development or a contribution towards the Council's provision of employment opportunities in the Borough of Wokingham.

Estate Roads

The s106 agreement will provide for the delivery of estates roads on the site to a specification approved by the Council

Management Company

The various obligations will be supported where applicable by suitable provisions in the s106 agreement for the formation a management company to manage and maintain the public areas of the site and the delivery of the bus service.

Mobility Hub / Community Facility

Provision of a mobility hub on the Site to provide a range of travel initiatives expected to include a bus stop with waiting facilities, cycle parking, cycle maintenance provision, travel information and community noticeboards, parcel lockers and provision for a car club.

Open Space

The development will provide for a large area of open space to meet the needs of the development and supplement open space in the vicinity of the development.

The s106 agreement shall secure the delivery, management and maintenance of open space within the development including any necessary areas of play or equipped play. On going management will be secure by transfer to either Hurst Parish Council, the Council or to a Management Company in order of preference supported by a suitable commuted sum.

Orchard

The development will provide for a new community orchard on site. The s106 agreement will provide an opportunity for the Orchard to be transferred to Hurst Parish Council to secure its long term management and benefit to the local community supported by a suitable commuted sum. Should the Parish Council not wish to acquire the Orchard then it is proposed it is offer to the Council and then transferred to the development's Management Company to maintain.

Sustainable transport

The s106 agreement shall secure a variety of off-site highway improvements to enhance the sustainability of the development and its connections to local amenities. The following shall be secured:

- Access to Lodge Road and associated footway connections
- Cycleway Improvement to connect Hurst and Twyford in line with WBC LCWIP
- Pedestrian improvements on Tape Lane and Broadwater Lane
- Pedestrian improvements on Tape Lane to School Road

To ensure the development promotes sustainable modes of transports at the site the s106 agreement shall secure a travel plan which shall include sustainable travel vouchers.

The s106 agreement shall also secure a My Journey Contribution per dwelling towards the Council's My Journey initiative.

Sustainable drainage

The s106 agreement shall secure the delivery of the on-site sustainable drainage system and its long term management by the development's management company.