

PLANNING REF : 253071
PROPERTY ADDRESS : 22 Canberra Lake Way
: Charvil, Reading
: RG10 9DH
SUBMITTED BY : Ms Sarah Beere
DATE SUBMITTED : 29/07/2026

COMMENTS:

Subject Matter: Comprehensive Technical and Legal Objection to Charvil Parish Council's Request for Layout Safeguarding and Public Footpath Provision Adjacent to 22 Canberra Lake Way

*Definitive Legal and Spatial Constraints (Ownership Failures)

The request by Charvil Parish Council (CPC) to restrict land use or reserve a corridor for a future public footpath linking the new development to Canberra Lake Way via the boundary of 22 Canberra Lake Way (CLW) is legally and structurally impossible. The green boundary land is a privately held outside the applicant's (Bellway Homes) ownership or control. Because a Local Planning Authority cannot legally impose planning conditions dependent on the land rights of third parties who are not party to a Section 106 agreement, any restriction or layout safeguarding for an undeliverable "ghost path" fails the fundamental tests set out in the National Planning Policy Framework (NPPF) and must be dismissed.

*Permanent Spatial Constraints, Structural Layout Flaws, and Safety Mandates

Even if land ownership were not a barrier, forcing a public right-of-way through this restricted, narrow gap creates an unsafe bottleneck that can never adhere to standard UK design guidelines: * Permanent Design Defects: The physical layout of the existing residential boundary fences is fixed. Forcing a public path around these structures creates permanent, unfixable blind bends and sharp corners. Because the physical geometry of this site cannot change in the future, the severe lack of visibility and absence of natural surveillance represent permanent safety defects.

* Gable-Wall Surveillance Failures: 22 Canberra Lake Way and the applicant's layout position of plot 25 are all side gable walls along the boundary where any potential footpath will be sited. Because these elevations lack primary active rooms or windows, the proposed footpath corridor would possess zero natural surveillance from either the existing or the new dwellings, directly generating a high-risk, unmonitored blind alleyway that violates Secured by Design principles from day one.

* Pedestrian-Vehicle Highways Conflict: The layout of the plots bordering the site edge indicates that any introduced footpath would terminate directly into active private driveways or shared-surface turning heads. Forcing pedestrian flow, particularly children, directly into unmonitored vehicle reversing zones with zero visibility splays introduces an unacceptable highways safety hazard.

*Direct Evidence of Anti-Social Behaviour (The Refuted Pennine Way Precedent)

During public parish council meetings, members of the Charvil Parish Council actively championed inserting a public footpath through Canberra Lake Way, explicitly citing the existing cut-through at Pennine Way as a primary local example of a "successful" village

asset. When immediate boundary residents raised urgent security and safety concerns, CPC members actively dismissed these apprehensions.

However, verified local resident testimonies and community records conclusively refute the Parish Council's claims, confirming that the Pennine Way layout is a known point of failure. As recorded publicly by local residents on the Charvil community platform. Pennine Way is now an active escape route and hotspot for dirt bikes and late-night noise, with pedestrian at risk of being hit at speed by motorbikes cutting through a pedestrian footpath.

The original proposed footpath has already been removed from the live development layout plans due to its plain unviability. For CPC to continue to dismiss verified resident evidence, and aggressively press to safeguard a new future path that replicates the exact design defects of Pennine Way, represents a severe failure of local accountability. It also directly breaches Wokingham Borough Council's statutory duty to prevent crime and disorder under Section 17 of the Crime and Disorder Act 1998.

***Severe Arboricultural Breaches (Tree Preservation Order Constraints)** The northern and western development perimeters are defined by mature trees protected under statutory Tree Preservation Orders (TPOs).

British Standard BS5837:2012 mandates the absolute protection of Root Protection Areas (RPAs) around these trees. Because Bellway's proposed layout has already squeezed against this line, collapsing the structural landscape buffer down there is no remaining physical space to install a hard-engineered, surfaced public footpath. Laying asphalt or digging foundations within this highly restricted corridor would directly excavate, sever, and severely compromise the protected root networks, resulting in the long-term decline and instability of protected village trees. This flagrantly violates Wokingham Borough Council's Tree Strategy Policy NE4, making the path request environmentally and legally indefensible.

***Irreconcilable Ecological and Policy Conflicts**

A safe public path requires dedicated lighting infrastructure. Placing street lighting columns within this cramped, TPO-protected boundary zone introduces direct domestic light spill into sensitive field margins. This completely undermines the developer's own Ecological Assessment, which legally mandates the maintenance of "dark corridors" to protect and enhance local bat populations. Forcing a path here creates a direct policy clash between the Parish's connectivity desires and the statutory environmental protections of the site.

***Procedural Deficiencies, Late Portal Submissions, and Community Bias** The request by CPC to safeguard this boundary does not align with the active consensus or the expressed needs of the immediate neighbourhood. Despite high resident attendance and engagement from both Canberra Lake Way and The Hawthorns at recent public briefings, CPC did not share or consult on this specific localised strategy with the directly affected boundary residents prior to its portal submission, choosing instead to pursue generalised connectivity objectives in isolation. There remains a total absence of public representations or community requests seeking a footpath link at this location.

Crucially, the 3 most impacted households on Canberra Lake Way (Numbers 20, 21, and 22) have been forced to submit representations outside the formal active consultation window. This late action is a direct result of the CPC's lack of transparent local engagement and their own delayed submission on the planning portal, which left affected residents with no prior notice of this threat.

The residents explicitly reserve the right to formally escalate and promote this procedural failure to ensure further public comment is enabled.

Furthermore, residents note with concern that while the CPC has offered zero support to the community-led Planning Voice layout alternative, they appear to be positioning themselves to capitalise on any expanded 10m green buffer simply to retrofit an intrusive public footpath later.

As a resident who privately financed the Planning Voice report, I explicitly states that The Planning Voice layout was engineered solely as a protective ecological and structural green buffer to protect residential amenity, not as a shortcut to deliver an unsafe right-of-way against the wishes of the neighbourhood.

On a deeply personal note, it is completely unreasonable for the Parish Council to propose measures that leave the permanent threat of a footpath overhanging local families. It is entirely unacceptable to engineer a situation where residents are forced to repeatedly go through an exhausting, stressful process to defend their basic, fundamental rights to privacy and security, simply to satisfy the abstract ideological whims of a few committee members.

Conclusion

Charvil Parish Council has already formally acknowledged in its documentation that police concerns and proximity to rear properties mean this path option "may not be viable". Compounding this with absolute private land ownership barriers, late procedural maneuvers, permanent design defects, statutory TPO root protection constraints, and proven anti-social behaviour risks means Wokingham Borough Council cannot legally justify restricting this land or imposing layout safeguards.

Planners are respectfully urged to reject the footpath proposal entirely in the upcoming Officer Report and instead uphold the community-backed, density-neutral Planning Voice alternative layout.