

Neighbourhood Development Plan

Review of Inspector's Minor Recommendations

Summary

The Inspector's recommendation was that the NDP should not progress to referendum. West Berkshire Council (WBC) is currently reviewing his report to determine if his recommendations should be accepted or that a modified NDP proceeds to referendum.

The inspector identified 31 modifications to the NDP he would have proposed be made if he had recommended the NDP went to referendum.

After consultation with WBC the considered view is that all these so called 'minor' recommendations be accepted.

The Inspector's recommendation not to progress the NDP to referendum and his reasons will be considered at a future meeting of this council after WBC has reported the results of the landscape assessment to the Parish Council. That meeting will then be asked to consider if the new information, together with other factors, are sufficient to overcome the Inspector's concerns about The Site. If it is believed that they are sufficient then those views will be sent to WBC. This would then inform their decision as to whether to accept the Inspector's recommendation not to proceed to a referendum.

Resolution

Members are asked to resolve that if WBC determine the NDP should proceed to referendum that the 'minor' modifications recommended by the inspector be accepted.

Discussion

The inspector made 31 recommendations for changes to the NDP if he had advised the NDP progressed to referendum. Twenty five of the 31 are very minor including the correction of typing errors, changes to the wording to improve clarity/removing areas of possible different interpretation and to ensure the document was legally sound.

The remaining 6 proposed amendments together with the reasons for accepting them are set out below.

Inspector's report Para No	Proposed Amendment	Reason for acceptance
158 172 (v)	..to correct an error, that the plan on page 10 be reproduced at a larger and thus legible scale. Maps 1 and 2 should be more legible and should be replaced.	The plan is actually a diagram drawn from another document. As such a larger plan can be provided but its legibility cannot be improved. WBC have agreed to provide suitable maps. In fact all the maps in the document will be provided at A4 size.
163	Section 6.1 'Future NDP Developments' ... the purpose of NDP1 is simply to ensure that any changes to the NDP will be the subject of community consultation. This is a legal requirement in any event so this policy is in my view unnecessary.	As this is a legal requirement it is recommended SMPC accepts the removal of section 6.1 'Future NDP Developments'. Planning Policy Guidance states that 'To modify a plan a complete replacement plan has to be prepared. 'The process for the making of the replacement plan is the same as the process for the making of the existing plan (section 38A(11) of the Planning and Compulsory Purchase Act).' This process includes community consultation. As such it is felt that section 6.1 of the NDP can be deleted without sacrificing the principle behind it. (It should be noted that under regulations that have been published since the Inspectors report it is now possible to make minor modifications to an NDP without using the full process outlined above. However the modifications would still need to be agreed by WBC and SMPC so this is still

		considered a sufficient safeguard)That is, inter alia, the community must be properly consulted with.
172 (iii)	<p>Manual for Streets</p> <p>deletion of the reference to Manual For Streets and any more up to date guidance, since it is not known whether MfS would be replaced or amended by future guidance. Instead I would have recommended that the words of the first bullet point afterwards be amended to read:</p> <p>“The layout of the development, including internal highways, be designed so as to provide safe and suitable access for all people.”</p>	<p>WBC advised they would ensure that it (or any formal replacement) would be fully taken into account in any Planning Application.</p> <p>Therefore it proposed the inspector’s suggested amendment is accepted.</p>
189	<p>Flooding Policy GD3</p> <p>“In order to ensure that flooding risk is not increased, and ideally is reduced, taking into account climate change, all developments of any sort shall comply with the following parameters:</p> <p>In addition to having well designed, constructed and managed flood prevention measures to reduce the overall level of flood risk in accordance with West Berkshire Council’s policy CS16, developers will be encouraged to adopt a worst case scenario to manage surface water run off :</p> <ul style="list-style-type: none"> rain falling on saturated ground or dry compacted ground <u>(100% runoff)</u> 	<p>The key rewording was replacement of ‘... 6 hour period ..’ with ‘... critical event duration ..’. This is a better statement as a rain storm might last longer than 6 hours</p> <p>The inclusion of the words ‘... (100% runoff)’ adds clarity to the condition.</p>

- a peak intensity rainfall over a 30 minute period of 20mm within the critical event duration* the higher of either the rainfall assumptions in the standard calculations or the maximum rainfall recorded at the closest approved weather station to Stratfield Mortimer over the last 20 years with an allowance of +30% for climate change.

(*as referred to in “Delivering Benefits through Evidence: Rainfall Runoff Management for Developments Report” - SC030219. Environment Agency – October 2013: ISBN 978-1-84911-309-0 (http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/Rainfall_Runoff_Management_for_Developments_-_Revision_E.sflb.ashx)”

The inspector recommended a rewording of NDP paragraph 9.3.3 to bring it into line with the policy.

To allow for these climate change induced storms in addition to the standard storm assumptions the developer shall consider the management of surface water flooding based on the higher of either (i) maximum recorded rainfall over a critical event duration* at the nearest recognised official weather station to Mortimer in the last 20 years +30% or (ii) the rainfall in the standard calculations +30%, falling on saturated or compacted ground and within the critical event duration a short intense period of rainfall of 20mm in 30 minutes.

The inspector’s rewording of 9.3.3 was ambiguous. It can be read that ‘... (ii) the rainfall in the standard calculations +30%, falling on saturated or compacted ground and *within the critical event duration a short intense period of rainfall of 20mm in 30 minutes.*’

It can be read that it applies only to condition (ii) where as it applies to (i) and (ii). WBC has agreed to reword this to ensure that the high intensity rainfall consideration applies to both conditions (i) and (ii).

Therefore it is proposed that, subject to the above, the revised rewording is accepted.

222	<p>The Pound and Heath Elm Pond I understand that these 2 areas adjoin and are separated from the Fairground to the north and west by a post and rail fence; and that they are designated common land.129 I was informed that the reason for including them in the proposed allocation is that they link the War Memorial and the Fairground and are very much seen as a part of the overall fairground complex; and that they are also highly valued for their wild life including Great Crested Newts. There is no evidence, however, that any additional local benefit would be gained by designation of them as Local Green Space. I do not consider it therefore appropriate for them to be designated local green space.</p> <p>Summerlug Common This is common land already. There is no evidence that any additional local benefit would be gained by designation of it as Local Green Space. I do not consider it appropriate therefore for it to be designated local green space.</p> <p>Brewery Common This is common land. There is no evidence that any additional local benefit would be gained by designation of it as Local Green Space. I do not consider it appropriate for it to be designated local green space.</p> <p>Bronze Age barrows (Holden's Firs)</p>	<p>The Inspector has concluded that being common land no further protection is required, as such it is proposed that the revision is accepted.</p> <p>The Inspector has concluded that being common land no further protection is required, as such it is proposed that the revision is accepted.</p> <p>The Inspector has concluded that being common land no further protection is required, as such it is proposed that the revision is accepted.</p>

<p>and 157</p>	<p>This land is designated a Scheduled Monument. There is no evidence that any additional local benefit would be gained by designation of it as Local Green Space. I do not consider it appropriate for it to be designated local green space.</p> <p>Green space along the southern boundary of “The Site” I am not satisfied that it is appropriate at this point in time to designate this land as local green space. It is too soon to know what local significance it may have. Moreover, the exact area may increase or otherwise alter depending on reconsideration of housing site selection. I agree with WBC that open space should be protected, subject to that reconsideration, by The Site policy.</p> <p><i>Green space along the southern boundary of “The Site”</i> ‘.. that the southernmost part of the allocated development site be not designated as a local green space at this time’</p>	<p>The Inspector has concluded that being a scheduled ancient monument no further protection is required, as such it is proposed that the revision is accepted.</p> <p>WBC advise this can be fixed after a positive referendum by way of a minor modification to the NDP. (See comment made concerning para.163 above)</p> <p>Therefore it proposed the inspector’s suggested amendment is accepted.</p> <p>It should be noted that</p> <p>Policy SDB 4 states</p> <p>At least 3 hectares of publically accessible landscaped open space must be provided in the south of The Site as public open space in perpetuity, incorporating an area of retained trees and enhanced natural habitat on its eastern boundary.</p> <p>remains unchanged.</p>
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