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# Report to Wokingham Borough Council

by **Patrick T Whitehead DipTP(Nott) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 23<sup>rd</sup> January 2014

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO WOKINGHAM BOROUGH COUNCIL  
MANAGING DEVELOPMENT DELIVERY**

**LOCAL PLAN**

Document submitted for examination on 19 December 2012

Examination hearings held between 14 and 24 May 2013

File Ref: PINS/X0330/429

## Abbreviations Used in this Report

AA	Appropriate Assessment
CfSH	Code for Sustainable Homes
CS	Core Strategy
dpa	dwellings per annum
FNRR	Full Northern Relief Road
LDF	Local Development Framework
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
MDD	Managing Development Delivery
MM	Main Modification
NPPF	National Planning Policy Framework
PAS	Planning Advisory Service
RS	Regional Strategy
SA	Sustainability Appraisal
SANG	Suitable Alternative Natural Greenspace
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SDL	Strategic Development Location
SEA	Strategic Environmental Assessment
SEP	South East Plan
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SODC	South Oxfordshire District Council
SPA	Special Protection Area
SPD	Supplementary Planning Document
SULV	Site of Urban Landscape Value
WDLP	Wokingham District Local Plan

## **Non-Technical Summary**

This report concludes that the Managing Development Delivery Local Plan provides an appropriate basis for the planning of the Borough over the next 12 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The most important modifications can be summarised as follows:

- Introduction of new Policy CC00, Presumption in Favour of Sustainable Development;
- Amendments to the text of Policy CC01 Development Limits;
- Deletion of Policy CC02 Settlement Separation Areas;
- Significant amendments to Policy CC06 Noise, and Appendix 1;
- Amendment to Policy TB05 Housing Mix;
- Deletion of 'bad neighbour uses' in Policy TB11 Core Employment Areas;
- Significant amendments to Policy TB14 Whiteknights Campus and supporting text;
- Amendment to Policy TB21 Landscape Character;
- Amendments to the introductory text to policies SAL01 – SAL03.

## Introduction

1. This report contains my assessment of the Managing Development Delivery Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan, December 2012, which is the same as the document published for consultation, together with the list of Proposed Minor Changes contained in doc CD01C. Those Minor Changes form part of the submitted draft plan. I have also taken into consideration the pre-examination Proposed Changes [WBC24], the supporting evidence, the issues raised in the representations, discussions, statements and responses made at the hearing sessions and in writing, including written answers from all parties to matters raised during the Examination.
3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. My report deals with the Main Modifications that are needed to make the Plan sound and they are identified in bold in the report (**MM**). These Main Modifications are set out in the Appendix.
4. The Main Modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.
5. The Council has provided a list of 66 minor modifications [WBC47] which deal with the revocation of the Regional Strategy for the South East (the South East Plan) through the "Regional Strategy for the South East (Partial Revocation) Order 2013", together with corrections and clarifications which the Council considers to be necessary.
6. References in square brackets [ ] are to documents forming the supporting information to the submitted draft plan. Paragraph and appendix numbers referred to in this report are those contained in the submission MDD, rather than those resulting from renumbering through the Main Modifications.

## Assessment of Duty to Co-operate

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
8. The evidence presented [CD01.07.25] shows that the Council has fully met the requirement set out in S33A of the amended Planning and Compulsory Purchase Act 2004. There was criticism that some evidence refers to future

intentions, but nevertheless the Council has undertaken sufficient cross-border co-operation to support the proposals within the MDD. The evidence includes details of formal and informal cross-agency working and comprehensive information showing the degree to which duty to co-operate bodies have influenced the development of policies. Where issues with adjacent authorities and other relevant bodies have not been fully resolved, these have been properly documented as part of the Examination, together with information regarding ongoing negotiations [CD01.07.25; WBC/05; SoCG/01- 06 and 08 - 10; WBC/16-19, 23 & 27].

9. Although I have concluded that the Council has met the legal requirement set out in S33A, there remains an unresolved issue with South Oxon DC (SODC) regarding measures to improve cross Thames travel which is addressed through textual and map changes (**MM49 & MM60**) (para 42, below).

## Assessment of Soundness

### Preamble

10. The NPPF was published in March 2012 replacing previous Government planning policies and guidance, at which time the MDD was at an advanced stage of preparation. The Council carried out a compatibility self-assessment, using the PAS checklist. Whilst the overall conclusion was that there were no significant issues relating to compatibility, the presumption in favour of sustainable development, which is a golden thread running through both plan-making and decision-making, has not been addressed satisfactorily and is a subject of consideration in this report (para 22).
11. In addition to the NPPF, the partial revocation of the South East Plan is a further change to the context within which the MDD has been prepared. The development plan now consists of the local plans produced by each LPA. Reg 8(4) of the Town and Country Planning (Local Planning)(England) Regulations 2012 requires a local plan to be consistent with the adopted development plan which, in this instance, includes the adopted Wokingham Core Strategy. Although there is provision for policies in adopted plans to be superseded under reg 8(5), in this instance, the CS provides a spatial vision for the Borough within which the MDD has been developed to provide an important part of the means for implementing the provisions of the CS. For this reason consistency with the CS is an important consideration. No convincing evidence has been submitted to show that the strategy is fundamentally flawed and, as a consequence, there is no need for this Examination to re-visit the basis for the spatial vision or the principle of concentrating development in four Strategic Development Locations, which have been examined, found sound and adopted.

### Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings and those regarding the Main Modifications, I have identified 4 Main Issues upon which the soundness of the Plan depends.

**Issue 1 – Whether the MDD has a clear strategy for allocating adequate and appropriate land for development purposes, including meeting the full, objectively assessed housing needs and ensuring a supply of specific deliverable sites sufficient to provide five years worth of housing.**

***Housing requirement***

13. The Council has used the housing numbers in the CS for the purposes of calculating the requirement. This is appropriate since the CS has been relatively recently adopted. The numbers comprise the requirement from the South East Plan (SEP), together with a shortfall against the former Berkshire Structure Plan, totalling 13,232 dwellings, equating to just over 660 dpa for the Plan period.
14. The Council has been criticised for the absence of an up-to-date Strategic Housing Market Assessment (SHMA) on which to base its housing requirement. The existing SHMA for Berkshire dates from 2007 [WBC/ 28]. However, it did not offer conclusions on the overall requirement for housing within Berkshire, indicating that this would be set by the SEP. As the CS is based on the SEP requirement, and was adopted in 2010, it clearly provides the most recent assessment of the overall requirement.
15. No other credible basis for calculating an alternative overall level of housing need has been suggested. The 2008 based national projections, indicating an annual increase of 955 households per annum for the period 2006-2026 [WBC/11, Table 2] suggests a serious under-estimation of the housing requirement. However, the national projections vary from a potential requirement of 242 dpa (2003) to 733 dpa (interim 2011). This suggests that reliance on a single projection would be unwise. Recent performance of around 330 dwellings completed per annum shows that even if the requirement were to be based on a higher estimate, it is unlikely that this could be achieved, in the short term at least. For these reasons and in this particular local context it is appropriate to continue to rely on the CS numbers.

***Housing land supply***

16. Two significant appeal decisions, relating to land at Shinfield and at Kentwood Farm, with inquiries held respectively in October & November 2011, concluded that the Council could not demonstrate a 5-year deliverable housing land supply. In the case of the second appeal, a letter dated 17 May 2012 confirmed that, as at 1 April 2012, the Council still did not have a 5-year deliverable housing land supply. Representations to the Examination maintain that this is still the case.
17. Despite the Council's assertions, there can be no doubt that there has been underperformance in housing delivery over the past 6 years: Appendix 3 to WBC/11 shows the average figure is 329 dpa compared to the 662 dpa required to meet the overall housing requirement. This is clear evidence that, in accordance with para 47 of the NPPF, there should be a buffer of 20% moved forward from later in the plan period.
18. Evidence provided [CD03.03.02] suggests the annual requirement for assessing a 5-year supply is around 990 dpa (2013-2018) or just over 1,000 dpa if the period 2014-2019 is considered. Against this, the assessment

shows sites for around 6,000 in the former case and well over 6,500 in the latter, each equating to around 6-years supply, and so providing a 20% buffer.

19. The Council has argued that its performance mirrors that of the sub-region, region and country as a whole, reflecting the economic recession and the impact of wider issues such as mortgage availability. That may well be the case, but it is also clear that the Council's strategy of concentrating on a limited number of Strategic Development Locations (SDLs) carries with it the risk of under-delivery in the short term. On the other hand the allocation of more sites outside the SDLs risks undermining the overall strategy, potentially leading to further shortfalls in delivery from the SDLs over time.
20. Raising the annual rate of housing delivery from the 401 achieved in 2012-2013 to the 990 annual rate anticipated for the 5-year period 2013-2018, or the 1,000 annual rate anticipated from 2014 would present a substantial challenge to all parties. Against this, the risk of harm to the overall strategy through the allocation of more sites outside the SDLs, to provide flexibility in terms of delivery, significantly outweighs any potential benefit. Accordingly, I conclude that, in all the relevant local circumstances, the MDD is not unsound in this respect.
21. The Council has provided information to show the changes which would be necessary in the event that the base date of the MDD document is changed from 01/04/2012 to 01/04/2013. Whilst the Council's monitoring process can be used to update the overall situation by 'rolling forward' for the additional year, there appears no significant benefit to this, and no convincing evidence to suggest the action would be appropriate or necessary. Accordingly, the base date of 01/04/2012 should be retained in the MDD.

**Issue 2 – Whether the Cross Cutting Policies take forward the principles and policies set out in the CS in an appropriate manner, are in accordance with national policy, and will be effective in operation.**

*The presumption in favour of sustainable development*

22. The Plan is unsound in so far as it does not include a specific policy or other text to reflect the national presumption in favour of sustainable development which is at the heart of the NPPF (para 14). The Council believes the MDD, along with the CS, to be compliant with the NPPF [CD01.07.16] with the presumption in favour of sustainable development reflected in para 1.9 of the MDD. This is not a wholly satisfactory response and the Council has accepted that a specific policy would address the matter. It has proposed to introduce a modified form of the model policy available on the Planning Portal as CC00, together with supporting text **(MM01)**. This would be a satisfactory response resulting in a sound Plan in this respect. The Council has also included an additional monitoring indicator and target to the Monitoring Framework in respect of the new Policy **(MM46)**, necessary for soundness.

*Policy CC01*

23. The Policy defines development limits for each settlement and indicates the requirements for the grant of planning permission for proposals at the edge of settlements. The accompanying text includes justification for seeking careful siting and design at the edge of settlements to avoid hard edges. The Policy

derives from CS Policy CP9, but the CS policy indicates this will relate to the major, modest and limited development locations – it gives no indication that limits would be defined for SDLs, but indicates that individual development briefs would be prepared for these (now published as SPDs 2-5).

24. There are 2 things to consider: firstly, whether development limits for SDLs should be included within CC01 and secondly, whether the defined development limits are over-prescriptive, inconsistent or have not been properly defined.
25. The development briefs, SPDs 2-5, provide location boundaries for each SDL but indicate that the MDD "*..will define the development limits within the boundaries of the SDLs and provide further clarification regarding where the development within each SDL would occur*". The SPDs also indicate that the MDD "*..will translate high level policies in the Core Strategy into more detailed development management principles*". There is, therefore, no escaping the fact that it is the proper role of the MDD to include development limits for the SDLs.
26. It has been argued that as master planning of the SDLs would follow on from the SPDs, the boundaries in the submission MDD have already been overtaken by events. In this circumstance it could be said that it is too early to define precise limits for SDLs. Solutions offered include deletion of the Policy and the boundaries and relying on the CS Key Diagram and the SPDs to provide wider or more flexible boundaries. It has also been suggested that the definition of boundaries should follow the grant of planning permission. I do not consider any of these would provide enduring boundaries for the SDLs.
27. However, the Policy as drafted does not address the problem in a satisfactory manner and so is unsound. It is possible that any boundary defined for an area where significant growth is planned may be amended through time and the development of proposals. However, it is necessary to define limits for the SDLs within which development proposals will be permitted. It is also necessary for Policy CC01 to include a third section addressing the specific circumstances where development proposals which would breach SDL development limits would, nevertheless, be acceptable. The Council has accepted this to be the case and has provided a suitable third criterion to the Policy as a proposed modification (**MM02**). With this paragraph included the Policy is sound– although I have replaced 'granted' with 'permitted' in the interests of clarity.
28. On the second point, a number of requests have been made for changes to the development limits. However, since the Plan has been found sound in respect of the amount of land and the specific sites allocated, there is no convincing evidence that the limits are over-prescriptive and there is no requirement to change development boundaries to ensure that the housing requirement is met. There is also no evidence of significant inconsistencies, although some anomalies have been found, and the Council has proposed amendments to development limits on certain of the Maps by way of Main Modifications (**MM50 – MM55**). In respect of the amended boundary to the Finchampstead North modest development location (Map 106) a further representation has requested the inclusion of a greater area. However, the proposed Main Modification provides a logical boundary and the land outside of

the boundary is different in character and so properly excluded.

29. A further request for a specific change to the development limit relates to delivery of the Full Northern Relief Road and the Coppid Beech Park and Ride. It is the Council's position that the development of highway infrastructure and a park and ride facility is appropriate development beyond the development limits and so it is not necessary to redefine the limits in order to facilitate delivery. This is a sound approach and no modification is necessary to the MDD in this respect.

*Policy CC02*

30. The MDD indicates that Settlement Separation Areas are related to the four SDLs to ensure their separation from other settlements, although the Policy does not clearly state this to be the case – that is left to the supporting text. The CS policies, CP18 – 21, advise that for each of the SDLs measures would be necessary to maintain separation from specified settlements but does not clearly identify the mechanism for this. SPDs 2-5 clarify the Council's intention to include the settlement separation in the MDD. Prior to this the rural area is subject to a CS countryside designation (CP11) which seeks to protect the separate identity of settlements and maintain the quality of the environment. Whilst CC02 seeks to protect specific areas from development that would harm the physical and visual separation of settlements, it is difficult to see why Policy CP11 would not achieve the same level of protection in that any proposal which would fail the CC02 test would also fail in terms of CP11.
31. Examples include properties east of Finchampstead Road near 'The Throat' (Maps 123 & 144), where long plots are excluded from the development limit for North Finchampstead, but not included in the adjacent settlement separation area; and land to the east of Winston Close, Spencers Wood (Maps 117 & 142), also outside the development limit but not within the separation area. It appears unlikely that development would be permitted in either of these locations under CS Policy CP11, and the '*additional protection*' afforded by CC02 for adjacent open land is unnecessary.
32. The study undertaken by David Lock Associates [CD 10.07.01] acknowledges that the purposes of settlement separation and development limit boundaries share some common objectives – although it fails to identify where there are differences. It also indicates that all other land not within development limits or areas of settlement separation will be covered by countryside policies such as CS CP11. Nowhere within the evidence base is it possible to identify the different consequences of testing development proposals against CC02 as opposed to CS Policy CP11. In these circumstances the Plan must be considered as unsound with Policy CC02 an unnecessary duplication of CP11. Measures to increase the restrictive nature of CC02 would likely be unacceptable since it would risk blurring the distinction with Green Belt policy and cause confusion.
33. The Council has referred to the CS Inspector's report [CD.03.03.04] which it claims gives support to the Policy. However that Inspector, para 7.4, shared the concerns of some developers that carrying forward the detailed gaps shown on the WDLP would be unduly restrictive and would not work with regard to land within the SDLs. The Council has not proposed any further

modifications to the Policy. Without specific policy wording indicating a clear distinction between this Policy and CS Policy CP11, in terms of the objectives and intent; the conclusion must be that the Policy should be deleted.

34. This is not to deny that settlement separation is important and the previous Inspector supported the identification of '*critical gaps*' in the SDLs on the CS Key Diagram. He also recommended that identifying and providing justification for other key gaps should be addressed as part of the MDD. However, a convincing case has not been made for identifying any other key gaps, nor has the issue of identifying satisfactory boundaries been successfully addressed. As a consequence, for the MDD to be found sound it is necessary to delete Policy CC02 and its supporting text entirely. The Council has accepted this to be the case and has provided a main modification to this effect (**MM03**). It is also necessary to remove the designation on Maps 141 – 144 as provided by further modifications (**MM56 – MM59**).

#### *Policy CC03*

35. Suggestions that the Policy, which seeks to provide protection for green infrastructure, simply duplicates policies within the CS are not supported by evidence. The Council has suggested that criterion 2 should be more positively worded to provide clarity to applicants for planning permission and has provided revised wording [WBC/33]. It has also agreed that, for accuracy, criterion 4(a) requires deletion of the reference to the River Loddon. With these modifications (**MM04**) the Policy is sound.

#### *Policy CC04*

36. Concerns regarding this Policy centre on the additional costs of meeting the full CfSH Level 4. The Policy indicates that permission will only be granted for new homes that at least meet the requirements of the full Code Level 4. There is no indication of flexibility within the Policy and no exemptions – for example in respect of small schemes or individual dwellings. This contrasts with the Council's Sustainable Design and Construction SPD [CD 13.10] which indicates only that "*..all residential schemes should seek to be built to Code Level 4 or whatever mandatory Code Level is higher*". It does not require the level to be met in all developments and all circumstances. The Council's own viability study [CD 01.07.33] advises that the requirement comes at a cost, calculated at between £5-8,000 per dwelling. This suggests that in the circumstances of the present housing market, the Policy would be counter-productive to the Council's need to deliver housing. It would also be contrary to the advice in the NNPf, that planning authorities should "*..boost significantly the supply of housing*". For these reasons the Policy is unsound and the Council has proposed to modify criterion 1 accordingly (**MM05**). Necessary changes to the supporting text at para 2.26 are provided through a further modification, resulting in a sound policy (**MM06**).

#### *Policy CC05*

37. The Council has suggested changes to the text of CC05 [WBC/20] to provide clarity. An objection to the second part of the Policy seeks a commitment to a minimum separation distance of 1.5km between any wind turbine and any residential property for health reasons. However, para 16 of the

Government's planning practice guidance for renewable and low carbon energy (July 2013) generally advises caution against the use of inflexible rules on buffer zones or separation distances. Whilst acknowledging that distance does play a part, the advice also attaches importance to the local context, the environment and near-by land uses. The Council has published a statement regarding On-Shore Wind Turbine Development, but this does not include a reference to separation distances other than that relating to shadow flicker. The evidence provided in support of the change relates to a study on Wind Turbine Noise, Sleep and Health carried out for the Northumberland and Newcastle Society (2012). However, that study is based largely on an extensive review of other studies and the recommendations were made in relation to a relatively sparsely populated rural authority. It is not convincing evidence that can be readily transposed to the situation in Wokingham.

38. The planning practice guidance also sets out clear requirements that the cumulative impact on the landscape and local amenity require particular attention. The Council has provided appropriate revised text for criterion 3, which results in a sound policy **(MM07)**.

*Policy CC06*

39. The Policy included in the submission document is unsound. Whilst such a policy is consistent with national policy in the NPPF (para 123) the text is over-reliant on advice in the now deleted PPG24, and in particular annexes 1-3 of that document. The Council has given consideration to the criticism and worked with representors to remedy the situation. The Policy and supporting text at paras 2.48 – 2.50, together with the policy background box, have been substantially revised whilst maintaining the intent **(MM08)** resulting in a sound Policy.
40. The Council proposes to delete annexes 1 to 3 as Appendix 1 to the MDD. Instead it proposes providing a methodology for determining significant and adverse impacts, based on text derived from the Noise Policy Statement for England (2010) and from PPG24. This is a reasonable approach and the modification **(MM47)** refers to the text set out at Appendix 2 to the Main Modifications.

*Policy CC07*

41. Policy CC07 is, in itself, sound but the Council has proposed changes to Appendix 2 [WBC/24], in order to address concerns raised by representors and provide clarity. The new text is incorporated as a main modification **(MM48)** resulting in a sound document.

*Policy CC08*

42. No issues have been raised regarding the Policy and its supporting text, which are sound. However, there remains an unresolved issue with South Oxon DC (SODC) regarding measures to improve cross Thames travel. The MDD includes a reference to such measures in Appendix 3 which "...may include a bridge..", reflecting a similar statement in the CS, Policy CP10. In this respect the Plan is unsound. It is SODC's view that there is no study which recommends that a third bridge should be provided in this location, whilst two studies do indicate there would be detrimental impact on the road network

within South Oxfordshire as a result of a third bridge [WBC/15]. Policy CC08 provides for safeguarding alignments of the Strategic Transport Network & Road Infrastructure, and Map 151 confirms a safeguarded alignment for a third Thames bridge. The amendment to the Map, included with WBC/24 shows the safeguarded alignment, terminating at the Borough boundary, mid-river. In view of the advice from SODC, it is necessary to delete the alignment, together with the reference at item i. in Appendix 3. Appropriate modifications to Map 151 (**MM60**) and to Appendix 3 (**MM49**) have been provided resulting in a sound document. Additionally amendment to Map 158, indicating the safeguarded alignment for the South Wokingham relief road (junctions with Finchampstead Road and London Road) is necessary (**MM61**), and a new Map 160 is necessary to indicate the alignment of Shinfield East relief road (**MM62**), as approved in appeal ref: APP/X0360/A/11/215413.

#### *Policy CC09*

43. The Policy and its supporting text are sound. However, the Council has introduced a cross-reference to Policy SAL09 in para 2.62 to include uses within SAL09 as a minor change [WBC47, MC14].

#### *Policy CC10*

44. The Council has worked with representors to amend the wording to criterion 2(a) as recorded in WBC/20. Although the parties have achieved a measure of agreement, the Council has not accepted the wording requested by representors, preferring its own text which reflects p.49 of the Wokingham Borough Strategic Flood Risk Assessment [CD10.03.01]. This is a reasonable approach, consistent with advice in the Technical Guidance to the NPPF, and with the modified text (**MM09**) the Policy is sound.

### **Issue 3 – Whether the Topic policies, generally applying to certain types of development, are in accordance with national guidance, in line with the CS, justified and likely to be effective.**

45. Some topic policies were not the subject of representations and, from the evidence before the Examination, there is no reason to conclude that the policies concerned are unsound. These are policies TB02-TB04; TB09 (the Council has proposed minor changes to the wording); TB15-TB16; TB18-TB19; TB22-TB23 and TB25.

### ***Residential Uses***

#### *Policy TB01*

46. Criterion 3 of the Policy is confusing as a consequence of duplicated text. The Council has proposed to remedy this by deletion of the unnecessary text (**MM80**) leading to a sound Policy.

#### *Policy TB05*

47. There is significant concern with the second part of the Policy, requiring all dwellings to be built to Lifetime Homes Standards. The requirement is considered by the development industry to be onerous and inflexible, and likely to have an impact on the viability of proposals. The Council's basis for

the requirement is its commitment to higher standards and ensuring flexible provision for older people [WBC/07-08]. Nevertheless, Lifetime Homes Standards is a voluntary code which does have cost implications for developers assumed to be around £600 per dwelling unit in the 2008 study by Levvel [CD 10.05.01] although the report indicates that the cost may be significantly higher, in the range of £1,500 to £2,000 per unit. In the context of the NPPF, particularly para 173, which indicates that the scale of policy burdens should not threaten viability, the Policy is unsound. In order to be made sound, it is necessary to recast item 2 of the Policy to limit the requirement to a proportion of dwellings to be built to Lifetime Homes Standards.

48. The Council has accepted that the requirement for a proportion of Lifetimes Homes to be provided within developments is appropriate and supported by viability evidence. However, it has concerns regarding removal of any indication of the proportion to be sought as potentially rendering the policy ineffective. The Council's reasoning carries conviction and the modification to criterion 2 proposed **(MM10)** results in a sound policy.

*Policy TB06*

49. Representations suggesting the Policy is contrary to national advice in the NPPF are not convincing evidence that the Policy is unsound. The exclusion of private residential gardens from the definition of previously-developed land provides a justification for treating their development with caution. The Policy seeks to ensure that, where proposals are acceptable, they make a positive contribution to the locality. This accords with para 60 of the NPPF which indicates it is proper to seek to promote or reinforce local distinctiveness. It is therefore a sound policy.

*Policy TB07*

50. In principle there is nothing to suggest that a policy requirement for minimum internal space standards is unsound. The London Plan, Policy 3.5, requires LDFs to incorporate minimum space standards that generally conform to those set down in Table 3.3 of the Plan. In the case of Wokingham the Council's Borough Design Guide SPD [CD13.03] provides a guide to minimum internal space standards, based on those in the London Housing Guide. It also indicates that the forthcoming MDD will adopt those minimum standards as part of the Plan. The NPPF, whilst indicating that design policies should avoid unnecessary prescription or detail, advises that plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.
51. The Council has provided evidence to justify the standards proposed and a comparison shows those proposed to be generally consistent with other sources [WBC/06]. It has not proposed any modifications to the Policy apart from correcting a typographical error. However, the Policy does not provide flexibility to take account of the circumstances relating to individual proposals and so could impose an unnecessary burden on developments. In particular, representors have indicated concern that the Policy would have a profound effect on 2 and 3 bedroom properties which, typically, are those sought by first time buyers with lower purchasing power. The Council has accepted that

the Policy should include a degree of flexibility and has proposed a modification to criterion 1 to ensure soundness **(MM11)**.

#### *Policy TB08*

52. Concerns were raised about consistency with the CS, Appendix 4, which provides guidelines for the provision of public open space associated with residential development. Although some agreement was reached with representors there remain differences of opinion over the specified quantities. However, the differences between the provision in the MDD and in the CS for open space, sport and recreational facilities are relatively small, with the increase in natural greenspace applying only to development which doesn't have to make provision for SANG (outside the 7km distance). On balance the recalculated figures contained in the MDD are a reasonable requirement.
53. With regard to the provision of indoor leisure facilities, it is clear that the CS (Policy CP3, criteria g. and h.) did indicate an intention to ensure provision of recreational/sporting facilities and to require contributions towards the provision of a network of community facilities, although it gave no indication of the actual standards or requirements. However, the Policy follows advice in the NPPF (section 8) regarding the promotion of healthy communities. Para 70 seeks to ensure that planning policies should deliver social, recreational and cultural facilities, and plan positively for the provision of community facilities – including sports venues. It is not unreasonable for new developments which add to pressures on services arising from the increase in population to contribute to the provision of new facilities. Sport England accepts that its previous concerns regarding the robustness of the evidence base as a basis for setting standards by the Council have been addressed [SoCG/02]. On this basis the requirements set out in Policy TB08 have reasoned justification and so, overall, the Policy is sound.

#### *Policy TB10*

54. The Government's planning policy for traveller sites makes it clear that authorities should plan positively for traveller sites. The Government's policy indicates that criteria-based policies should be included to provide a basis for decisions "*..where there is no identified need..*". Accordingly, the first criterion of Policy TB10 is unsound. The Council has proposed to delete criterion (a) to provide a sound Policy **(MM12)**.

### ***Economy***

#### *Policy TB11*

55. The Policy defines "*bad neighbour use sites*" but does not indicate, in policy terms, what the consequences of the definition might be for those sites. Nor does it provide a satisfactory and workable definition of what a bad neighbour use would be. In these respects the Policy is unsound. The Council has reviewed the Policy, concluding that the existing Bad Neighbour Use Policy (saved Local Plan Policy WEM9) is rarely used in determining planning applications, and that other policies within the Development Plan could address the issues. As a consequence it proposes deletion of reference to bad neighbour uses in criterion 1 of the Policy and the whole of criterion 2 **(MM13)**, together with the related supporting text at paras 3.53-55 **(MM14)**.

With these modifications the Policy is sound. Consequential deletion of the identified bad neighbour locations is necessary on Maps 230 - 234 (**MM65 – MM69**).

#### *Policy TB12*

56. Policy TB12, in the form shown in the submitted MDD, is unsound in that it appears the intention is to apply the requirement for an Employment and Skills plan to all proposals for development. This, clearly, cannot be the case. It would be an unduly onerous burden applied to small scale developments and contrary to the Government's commitment to ensuring the planning system does not act as an impediment to sustainable growth. The Council has addressed the issue with a proposed change to both the Policy (**MM15**) and supporting text (**MM16**) limiting the Policy's application to major development proposals. The change proposed to para 3.56 indicates that additional guidance will be provided on the scale and type of contribution expected from development. This successfully addresses the soundness concern.

#### *Policy TB13*

57. Concern was raised that criterion 2b is too onerous and could not be met since outline planning permission has already been granted for Phase 1 of the 3 phase development of the University's Science and Innovation Park, including land within the Settlement Separation Area. Although the general policy relating to settlement separation, Policy CC02, has been recommended for deletion, the specific issue of visual separation between Earley and Shinfield should be addressed by the proposals. Accordingly criterion 2b is an appropriate requirement. The lack of clarity in the final part of the criterion – "...and between Shinfield Village" has been addressed through a minor change [WBC47, MC26].

#### *Policy TB14*

58. There are issues with the Policy regarding the place of the University within the region and its local importance, together with some concerns regarding the wording of the Policy. The Council has sought to work with the University to agree Policy wording. The Council's proposed modifications to the Policy have substantially changed the wording, although the intent remains the same, and it is not radically different to that suggested by the University (**MM18**). The Council has also proposed substantially altering the supporting text at paras 3.61 and 3.62, and provided 3 new paras 3.62A-C (**MM19**). Taken together, these modifications result in a sound policy.

### ***Retail Policies***

#### *Policy TB17*

59. The classification of School Green, Shinfield as both a District Centre and as a Local Centre on the submitted Policies Map has been raised in relation to Policy TB17. No change is necessary to the Policy which is sound, but the Council has proposed a minor change to the Policies Map [WBC/47, MC28].

*Policy TB20*

60. Criteria 1c and 1d of the Policy have been criticised for lacking clarity. This is because they do not identify whether positive impact would conflict with the Policy. In this respect the Policy is unsound. The Council has agreed to amend the wording, introducing "*adverse*" to both criteria, together with "*commercial*" to the preamble. The Council has also agreed to add the word "*significant*" to criterion 1b [WBC/55]. These are appropriate changes which successfully address the matter of soundness **(MM20)**.

***Landscape and Nature Conservation***

*Policy TB21*

61. Policy TB21 has been criticised as relying on an out-of-date Landscape Character Assessment, and because it allows for the grant of planning permission only where the specific requirements are addressed by development proposals. For these reasons the Policy is considered unsound. Whilst the Council has not felt able to accept the proposed re-wording of the Policy suggested by representors, it has provided an amended text both for the Policy, criterion 1 **(MM21)**, and for the supporting text **(MM22 & MM23)**. These successfully address the issue of soundness.

*Policy TB22*

62. No issues regarding soundness have been raised in respect of this Policy. However, para 3.107 refers to the SULV between the settlements of Earley and Woodley at Bulmershe. The boundary of this SULV has been amended and there is a consequent modification to Map 311 **(MM70)** required for soundness.

***Heritage***

*Policy TB24*

63. The Council's proposed minor change to the Policy [CD01C, MC49] introduced the phrase "*..conserve and enhance..*". It has been pointed out that there is an apparent conflict with the legislation which refers to "*..conserve or enhance..*". The Council agreed to look at the Policy again and has proposed further changes on which it has agreement with English Heritage. The amended Policy provides clarity and precision in terms of the Council's approach to designated Heritage Assets, and its requirements for their conservation and enhancement. The modifications **(MM24, MM25)** result in a sound Policy.

*Policy TB25*

64. There is no substantial issue of soundness regarding the Policy, but the Council has provided revised wording to the final sentence of para 3.123 to give clarity to the supporting text **(MM26)**.

*Policy TB26*

65. The issue in contention is the use of the phrase "*strong justification*" in item 3

of the Policy necessary for proposals that involve the demolition of a Building of Traditional Local Character. It is argued this is a more onerous requirement than the "*balanced judgement*" referred to in the NPPF. However the NPPF, para 135, indicates that the balanced judgement will be required "*..having regard to the scale of any harm or loss and the significance of the heritage asset*". There does not appear to be conflict inherent in the approach in that the judgement should be based on strong justification. The Council has not proposed any change to the Policy or the accompanying text. English Heritage supports the Council's view [WBC/43] leading to the conclusion that the Policy is sound. A proposed modification to para 3.127 **(MM27)** inserts the word "*outbuildings*" to the list of matters to which special regard should be given, adding clarity and accuracy to the supporting text.

**Issue 4 – Whether the allocated sites for development, including residential uses, provided in the site allocations policies identify appropriate and adequate provision for housing, the economy and transport needs in accordance with the requirements of the CS.**

***Housing***

*Policies SAL01/SAL02/SAL03*

66. The Policies have been criticised for a lack of clarity and for not being consistent with the NPPF so far as being positively prepared. The concern is that the Policies include a presumption against development for uses other than residential. The Policies are unsound in that their intent is not clear. The Council considered the representations and provided an alternative form of wording [WBC/42]. However, the text remained obscure and further consideration provided revised introductory text to the three policies giving more clarity and precision: **(MM30)** for SAL01; **(MM31)** for SAL02 and **(MM32)** for SAL03. These modifications ensure soundness.

*Policy SAL01*

67. Questions have been raised concerning the deliverability of the 3 sites listed under SAL01, particularly as a consequence of being originally allocated through the WDLP (2004). However, no convincing evidence was provided to suggest that the sites are not deliverable. The sites are intended to contribute towards the overall housing requirement and help maintain a rolling 5 year supply of housing land. Some doubt was expressed regarding the latter point, but evidence from the Council suggests that there is a good chance that development on two of the sites – Hatch Farm Dairies, Winnersh, and Sandford Farm, Woodley - will commence in the near future. At the time of the hearings preliminary discussions were underway with the developer regarding the third site at Pinewood, Crowthorne. As a consequence no modification to the Policy is necessary for soundness reasons.

*Policy SAL02*

68. A number of issues were raised concerning SAL02. In particular there was concern expressed that the Policy does not take account of the need to significantly boost housing supply, that there are insufficient sites to provide flexibility in terms of delivery, particularly if there are delays in the delivery of the SDLs. As indicated above, under housing land supply, there is a significant

risk of undermining the overall strategy of the CS through any increased allocation of land outside the SDLs. For this reason a convincing case has not been made to increase the amount of land allocated through SAL02.

69. Doubt was also raised concerning the deliverability of individual allocations. However, on the whole, the Council's evidence - including that provided by the detailed appraisal of sites dated December 2012 [CD01.07.28] - indicates that the Policy is sound in terms of the allocations included.
70. The Council has suggested updating the data base through the monitoring process and deleting those sites for which planning permission has been granted and reducing significantly the overall number of dwellings. This is not a convincing argument and was resisted by representors at the hearings. As indicated elsewhere in this report, the base year should not be amended and sites with planning permission should remain as allocations within Policy SAL02. However, overall, the Policy is sound and no further modification is necessary. Amendments to Maps 541 and 544 are necessary to incorporate revised allocated sites at Bulmershe campus, Woodley (**MM71**) and at Folly Court, Wokingham (**MM72**).

#### *Policy SAL03*

71. The CS (para 4.82) recognised that unforeseen circumstances may result in delays in the delivery of housing sites and indicated that the MDD would be expected to identify sites for at least 500 dwellings in reserve allocations for development post 2026. The CS indicated that these could be released earlier if there was a need to maintain supply against broad annual targets. However, Policy SAL03 identifies sites for only around 135 dwellings in total. The argument for reducing the reserve allocations is that the total of deliverable permissions since 2008 as set out in CP17 of the CS, together with allocations in SAL02 and SAL03 amounts to 1,621 dwellings, exceeding the sum of 1,000 dwellings and 500 dwelling referred to in the CS. It is also important to recognise that the size of the reserve is an '*expectation*' rather than a policy requirement from the CS.
72. The Council's evidence shows that there is a robust supply of sites with planning permission to meet short term needs without undue delay in delivery, although it is acknowledged that the SDLs have long lead-in times (permission has been granted for over 2,600 dwellings within the SDLs). It has been argued by those opposing the reduction in SAL03 that the Council's figures represent a best-case scenario. Nevertheless, it appears that progress is being made on the SDLs and there are sufficient permissions and allocations outside the SDLs to provide short term flexibility. In these circumstances the reserve allocations may be seen as adequate leading to the conclusion that the Policy is sound and no further modifications are necessary.

#### *Policy SAL04*

73. The Policy seeks to ensure provision of open space by the grant of planning permission for open space associated with certain new developments. Of these, 2 relate to allocated sites carried forward from the WDLP and have previously defined boundaries, one relates to a site in Bracknell Forest Borough's adopted CS, CS4, [CD.07.07.01] and adopted Site Allocations DPD,

Policy SA8 [WBC/32]. A further 3 are associated with specified SAL02 allocations. Although the Policy cannot be said to reflect advice in the NPPF relating to the designation of Local Green Space, as suggested by the Council [WBC/12], it is well grounded in local planning policy (WDLP policies and CS, CP3) and provides consistency with Bracknell Forest BC BC's adopted CS [CD07.07.01], adopted Site Allocations DPD [WBC/32] and Amen Corner SPD [CD01.07.02]. It also reflects the NPPF concern with promoting healthy communities (para 74) and addresses specific issues relating to individual sites.

74. The Council has responded to criticism by proposing modifications [WBC/43] to the text and adding a second criterion to the final part of the Policy **(MM33)**. The supporting text has also been amended at para 4.36 through a minor change [WBC47, MC38]. The modified Policy is considered sound. The Council has also suggested that, if the plan base date is revised to 01/04/2013, the fourth item – land east of University of Reading's Bulmershe campus, Woodley Avenue, Woodley, should be deleted since the associated residential scheme now has planning permission. However, the amendment to the base date has not been accepted as necessary or beneficial so the site should be retained as part of SAL04 and no modification is required in this respect. There are two amendments to allocations of open space defined in Policy SAL4 to be incorporated on Maps 608, Bulmershe campus **(MM73)**, and 609, Folly Court **(MM74)** for soundness reasons.

#### *Policy SAL05*

75. The requirement for the delivery of avoidance measures for the Thames Basin Heaths SPA is based in CS Policy CP8 and the retained SEP Policy NRM6. It allocates sites as SANG (Suitable Alternative Natural Greenspace) as part of the avoidance measures required for residential planning applications within certain distances of the SPA. Concern has been raised about the degree of prescription included in the Policy but the final part provides for alternative or bespoke solutions so no modification is necessary.
76. There was also some concern regarding potential over-provision built into the Policy. The Council has addressed the issue in its post-hearing responses [WBC/42] and indicated the need for flexibility to accommodate potential revisions to the SPA boundary. It has proposed additional text within the Policy **(MM34)**. It has also proposed amendments to the supporting text at paras 4.37-4.39 **(MM35 – MM37)**, 4.41-4.42 **(MM38 & MM39)**, and deletion of para 4.43 **(MM40)** to provide additional clarity. As a consequence the Policy is found sound.
77. A number of amendments have been made to the boundaries of SANG sites allocated in Policy SAL05. These involve modifications for soundness to Map 624, West of May's Farm **(MM75)**; 625, East of May's Farm **(MM76)**; 626, North-west of Nullis Farm **(MM77)** and 627, South and East of Tanner's Copse **(MM78)**.

#### *Policy SAL06*

78. There are no substantive outstanding representations regarding Policy SAL06 which allocates 2 sites as Country Parks. The Policy is sound.

## ***Economy***

### *Policy SAL07*

79. There are no representations of substance indicating that Policy SAL07 is not sound.
80. The University of Reading's long term Vision for the Science and Innovation Park envisages that it would be fully built-out around 25 years from a start on the site. This will be beyond the Plan period for the MDD which indicates completion of some 55,000 sq m (gross) of floor space by 2026. Accordingly the Policy is sound in that it identifies the development that is expected to occur within the Plan period. It is, however, appropriate for the supporting text to indicate that development will continue beyond the Plan period. The Council has proposed amending the text in para 4.52 to this effect and, whilst this is not a matter of soundness, it is an appropriate minor modification [WBC47, MC42].
81. The Council has indicated that there is evidence of demand for high quality employment accommodation within the Borough, especially where it can support skills and knowledge retention. Accordingly it has proposed including as an allocation the site at Kirtons Farm Road, adjacent to Green Park Core Employment Area (CP15). The absence of sufficient land to meet the specific identified demand amounts to an unsound policy. Accordingly it is appropriate to include the land identified in WBC/9 under Policy SAL07 (**MM41**), together with appropriate adjustments to the Policy Map, Map 108 (**MM52**), Map 221 (**MM63**), and Map 709 (**MM79**).

### *Policy SAL08*

82. The soundness of Policy SAL08 has been challenged only in respect of the inclusion or exclusion of specific sites within the Policy. The Council has proposed a change in respect of the site at Carnival Pool, Wokingham to include C3 (residential) as a potential element of regeneration. This does provide additional clarity (**MM42**). As modified, the Policy is sound.

## ***Transport***

### *Policy SAL09*

83. There are no representations requiring modification to SAL09 other than site specific concerns. However, the absence of the proposal for a park and ride facility at the Coppid Beech location has been questioned. Since this is a commitment on the part of the Council the Policy is unsound in the absence of a reference. The Council has indicated that a detailed location for the facility has not been established although the general location has been set through the North Wokingham SDL SPD. It is not therefore appropriate or possible to define a location in Policy SAL09, although the appropriateness of its location beyond the development limits has been addressed at para 29. However, the Council has proposed clarification by inserting a new paragraph providing a specific reference within the Policy (**MM44**) and supporting text at para 4.72 (**MM45**). The Council has also clarified criterion 1(ii) of the Policy by deletion of the reference to Crossrail and/or Cross town link in relation to land at Thames Valley Business Park (**MM43**). These are appropriate modifications

resulting in a sound policy.

## **Omission sites**

### *Housing*

84. As already indicated, it has not been my intention that this Examination should seek to re-visit the basis for the spatial vision or the principle of concentrating development in four Strategic Development Locations. In this context I have concluded that the MDD is generally sound in respect of the amount of land allocated for housing purposes, and the individual sites included in policies SAL01 – SAL03. It follows that there is no need or reason to recommend further allocations and for this reason I conclude that the MDD is sound in this respect. It is also the case that none of the omission sites proposed by representors offer clear benefits over those included in the MDD, either in terms of location, sustainability or deliverability.
85. Nevertheless, as part of the Examination, each of the omission sites has been assessed against the evidence for and against its allocation provided. Individual sites are identified by the reference provided in the detailed appraisal document [CD10.07.28] which in turn is informed by the Council's SHLAA.
86. Development proposals for the larger omission sites would clearly be contrary to the CS spatial vision for the Borough within which the MDD has been developed, and would prejudice delivery of development within the SDLs. In this respect I have determined that consistency with the CS is an important consideration leading to the conclusion that it would not be appropriate to include any of these sites as allocations in the MDD. These include 1WI106 & 1WI110 (circa 420 dwgs), 1WK159 (circa 140 dwgs), 2FI139 (although suggested for 50 units, this is a substantial site capable of accommodating a large amount of development), 1WW108 (site area up to 47.5ha) and 1SW114 (circa 180 dwgs). Site 2CH104 is proposed for 25 dwellings but forms part of a larger developable area, adjacent to Charvill, a settlement proposed for limited development. The site would also breach a well-defined landscape boundary forming the development limit.
87. A number of the sites put forward are located outside or on the edge of defined development limits in respect of CS Policy CP9 and are therefore located in open countryside. None of them would meet the criteria in MDD Policy CC01 and, in some instances, are outside well-defined edges to settlements, or are in unsustainable locations, remote from services and facilities. These sites include 1FI115, 1FI108, 1FI104, 1FI106, 3FI145, 3FI146, 3FI149, 3FI150, 1WW109, 1WK125, 1WK102, 3BR121, 1SW112, 1SH106, 1SH140 and 2SH159.
88. The Council has indicated that the omission site at Sibly Hall, Earley, 3EA110, had planning permission for 89 dwellings and was included in the land supply figures. It is not therefore appropriate to include it as an allocation in the MDD. The site south of Kirton Farm Road at Green Park, 3SH169 lies beyond the existing business park and is remote from services and facilities. It is therefore not appropriate for residential development but it has been incorporated in an employment allocation under Policy SAL07 (para 81,

above). The builder's yard at Lambs Lane, Spencer Wood, 1SH107, appears to be a redevelopment opportunity which would properly be considered as a windfall site through the development control process.

89. The site east of 720 Wharfedale Road, Winnersh, 3WI129, is located within a substantial employment area known as the Winnersh Triangle and its south-western boundary is formed by the railway line. Access would be through the employment site and any residential development in this location would be isolated from services and facilities. Its allocation as a housing site would not be appropriate.
90. I understand the land referred to as The Chestnuts, Chestnut Avenue, Wokingham, 3WK191, has been the subject of an appeal decision and, from my visit, construction work is in progress. It is not, therefore a site for consideration as an allocation in the MDD. I also understand that the suitability of the land off Woodcock Lane, Three Mile Cross, 1SH104, was appraised during production of the South of the M4 SDL SPD. The site was rejected through the SA/SEA process and no convincing evidence has been provided to suggest that decision should be overturned.
91. The remaining omission site is a substantial area of land east of Keeptatch and west of the A329(M), Wokingham, 3WK199. Although it lies within the boundary of the North Wokingham SDL, it is outside the boundary of the major development location defined under Policy CC01. In this context the Council has made it clear that not all land within SDLs is suitable or allocated for development. The omission site is proposed for mixed-use development with delivery of the Full Northern Relief Road (FNRR) suggested as a benefit of including the site as part of the overall development within the SDL. However, the route is described as 'aspirational' and the MDD, Appendix 3 (submitted version), refers only to the provision of a new route "*which could be in the form of a northern relief route*". The evidence available to the Examination does not provide a convincing case that the allocation of further land would ensure delivery of the FNRR, nor was there evidence at the hearings that makes a case showing an overriding need for the FNRR. Overall, a plausible case for an allocation has not been made.

### *Employment*

92. Two omission sites have been proposed for employment purposes under Policy SAL07. These are land off Sandhurst Road, Finchampstead North (1FI108) and land at Lambs Lane Business Park, Swallowfield (1SW114). Both lie in open countryside outside development limits. Evidence to support the sites' inclusion on the basis that additional land is required or that they are preferable in location, sustainability or deliverability is not convincing.
93. It has been suggested that land near Coppid Beech roundabout should be included within the development limits of Wokingham. The reason being to deliver the full northern relief road and enable delivery of commercial development. However, an allocation here would be premature in advance of a defined location for the Park & Ride facility (para 83).

## Assessment of Legal Compliance

94. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Managing Development Delivery Local Plan is identified within the approved LDS June 2012 which sets out an expected adoption date of October 2013. The MDD's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2006, with a Technical Update to take account of amendments to regulations, 2008, and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (December 2012) sets out why AA is not necessary.
National Policy	The Managing Development Delivery Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Managing Development Delivery Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

95. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

96. **The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Wokingham Managing Development Delivery local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Patrick T Whitehead*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix - Main Modifications

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
MM01	6	New policy CC00 and supporting text paragraph	<p><i>Insert new policy into the MDD, as the first policy of the Plan</i></p> <p><b><u>Policy CC00 – Presumption in Favour of Sustainable Development</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.</u></li> <li>2. <u>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 – taking into account whether:</u> <ol style="list-style-type: none"> <li>a. <u>Any adverse impacts of planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or</u></li> <li>b. <u>Specific policies in that Framework indicate that development should be restricted.</u></li> </ol> </li> </ol> <p><i>Add the following text as a supporting text to policy CC00</i></p> <p><u>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></p>
MM02	7	Policy CC01,	<i>Insert new criterion into policy CC01</i>

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
		critterion 3	<p>3. <u>Development proposals within the areas allocated as SDL in the adopted Core Strategy (policies CP18-21) will be permitted that are within the identified development limits unless an acceptable alternative has been agreed through the granting of planning permission accompanied by a deliverable SDL-wide:</u></p> <p>a) <u>Comprehensive masterplan; and</u>  b) <u>Infrastructure Delivery Plan which:</u></p> <p>i) <u>Ensures that the applicant funds and delivers an appropriate share of the SDL infrastructure; and</u>  ii) <u>Does not prejudice the comprehensive delivery and implementation of the wider SDL</u></p>
MM03	9	Policy CC02	<i>Delete entire policy, supporting text (paragraph 2.9 and 2.10) and policy background box.</i>
MM04	11	Policy CC03, criterion 2 and criterion 4 a)	<p>2. <del>Planning permission may be granted for</del> Development proposals should that demonstrate how they <u>have considered and achieved the following criteria within scheme proposals :</u></p> <p>4 a). The establishment of a Loddon/ Blackwater riverside footpath and bridleway, as defined on the Policies Map, to accommodate dual use <del>along the River Loddon</del></p>
MM05	14	Policy CC04, introduction to paragraph and criterion 1	<p>Planning permission will only be granted for proposals that <del>demonstrate the following:</del> <u>seek to deliver high quality sustainably designed and constructed developments by:</u></p> <p>1. <del>In respect of A</del> <u>All new homes shall at least:</u></p> <p>a) <u>Seeking to achieve the requirements of the full Code for Sustainable Homes Level 4; Meet requirements of the full Code for Sustainable Homes Level 4 or any future national equivalent.</u></p>
MM06	14	Paragraph 2.26	<p><i>Delete third sentence:</i></p> <p><del>Future proofing development does not harm the viability of schemes since the affordable housing viability study (2008) assumed that all homes were built to Code Level 4.</del></p>
MM07	17	Policy CC05,	3. <del>Any p</del> Proposals for renewable energy and decentralised energy works, including wind turbines,

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
		criterion 3	<p>must demonstrate that:</p> <ul style="list-style-type: none"> <li>a) <del>It is</del> They are appropriate in scale, location and technology type;</li> <li>b) <del>It is</del> Are compatible with the surrounding area, including the impact of noise and odour;</li> <li>c) <del>There is no negative cumulative visual impact.</del> Do not have a damaging impact on the local topography and landscape;</li> <li>d) There is no significant impact upon heritage assets, including views important to their setting;</li> <li>e) In the case of wind turbines, take account of their cumulative effect and properly reflect their increasing impact on the landscape and on local amenity</li> </ul>
MM08	20	Policy CC06	<p><i>Replace policy CC06, paragraphs 2.48-2.50 and Policy Background Box with the text included as appendix 1 of this document.</i></p>
MM09	29	Policy CC10, criterion 2(a)	<p>2. All development proposals must:</p> <ul style="list-style-type: none"> <li>a) Reproduce Greenfield run-off characteristics and return run-off rates and volumes back to the original greenfield levels, <del>where practicable</del> for Greenfield sites and for Brownfield sites <u>both run-off rates and volumes be reduced to as near greenfield as practicably possible.</u></li> </ul>
MM80	30	Policy TB01, criterion 3	<p>3. The alteration and/or extension of a dwelling and the construction, alteration or extension of buildings ancillary to a dwelling in the Green Belt. <del>Any such construction, alteration or extension over and above the size of the original building(s) shall be limited in scale.</del></p>
MM10	36	Policy TB05, criterion 2	<p>2. <del>All dwellings must be built to Lifetime Homes Standards.</del> A proportion of all dwellings must be <u>built to Lifetime Homes Standards.</u> The proportion will be determined on a site-by-site basis, <u>normally within the range of 10-20%</u></p>
MM11	40	Policy TB07, criterion 1	<p>1. <del>Planning permission shall be granted where new residential units, including change of use or conversions can meet the following</del> <u>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.</u> The Council will assess all development proposals <u>against the following minimum standards to ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers.</u></p>

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
MM12	46	Policy TB10, criterion 1(a)	<p>1. Planning permission may be granted for new gypsy and traveller pitches or travelling showpeople plots or extensions to existing sites where it can be demonstrated that:</p> <p>a) <del>There is an identified need</del></p>
MM13	48	Policy TB11	<p><del>Policy TB11: Core Employment Areas and Defined Bad Neighbour Uses</del></p> <p>1. Core Employment Areas listed in policy CP15 – Employment Development of the Core Strategy <del>together with bad neighbour use sites</del> are defined on the Policies Map.</p> <p>2. <del>Bad neighbour uses are uses within Use Class B2 or those that have no use class definition (Sui Generis).</del></p>
MM14	48	Paragraphs 3.53-3.55	<p><del>3.53 Bad neighbour uses by their very nature, may have adverse environmental implications due to excessive outside storage, noise, smell and dust. They include activities such as motor vehicle repair and salvage operations; paint spraying; haulage depots, and the production of unsightly or noxious waste materials.</del></p> <p><del>3.54 Existing “bad neighbour” uses are defined in the following locations:</del></p> <p><del>i. Hogwood Lane (parts)</del></p> <p><del>ii. Rushwood Works, Ruscombe (parts of)</del></p> <p><del>iii. Parts of Molly Millars Land Industrial Estate (north side), Wokingham</del></p> <p><del>iv. Toutley Works (parts)/ Depot, Site is within North Wokingham SDL</del></p> <p><del>v. Kentwood Farm (northern part only), Wokingham</del></p> <p><del>3.55 There are also some existing bad neighbour uses outside these identified areas.</del></p>
MM15	49	Policy TB12	Proposals for <u>major</u> development should be accompanied by an Employment Skills Plan to show how the proposal accords opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills required by developers, contractors or end users of the proposal.

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
MM16	49	Paragraph 3.56	<p>In line with the Council's Economic Development Strategy (2010) to encourage the use of local labour and to ensure that local people have the skills and abilities to compete for local jobs, the Council will promote the use of an Employment and Skills Plan <u>within major development proposals.</u></p> <p>The Council will produce additional guidance which sets further detail on the scale and type of contribution expected from development, including the stages of development (construction, and where appropriate end user). The plan may cover apprenticeships; training initiatives such as pre-employment training; work experience, and work skills training. <del>It should cover all stages in the development process including construction and end user phases to maximise training, skills and employment outcomes.</del> The Council may use S106 agreements <u>or planning conditions</u> to incorporate the Employment Skills Plan.</p>
MM18	51	Policy TB14	<p><b>Policy TB14: Whiteknights Campus</b></p> <ol style="list-style-type: none"> <li>1. <del>The University of Reading's</del> <u>is a national and international educational establishment of strategic importance which will continue to adapt and expand over the plan period. The Whiteknights Campus is defined on the Policies Map will continue to be a focus for development associated with the University of Reading. Such development may include additional student, staff, teaching, research and enterprise accommodation, infrastructure and services, and sports and leisure facilities among other uses. There will also be improvements to access, including rationalisation of vehicle entrances and exits.</u></li> <li>2. <del>Development proposals on the Whiteknights Campus site shall demonstrate that will</del> <u>accord with the following criteria:</u> <ol style="list-style-type: none"> <li>a) <del>They are for the purposes of research and development related to the work of the University. Such development may include additional student, teaching, research and enterprise accommodation, infrastructure and services, and sports and leisure facilities among other uses</del></li> <li>b) They respect the historic landscape, open areas and listed buildings and their settings and the character of the area</li> <li>c) <del>The quality of Local Wildlife Sites, A</del> <u>areas of wildlife significance (including Local Wildlife Sites) and current or potential green infrastructure networks will be</u> <del>are</del> retained and enhanced</li> </ol> </li> </ol>

			<p>d) <del>They maintain or enhance</del> <u>The safety of those using the campus users, (including highway safety issues and designing out crime) will be maintained and enhanced;</u></p> <p>e) There are no significant detrimental impacts on neighbouring residential properties from the development, including from noise or parking; <u>and</u></p> <p>f) <u>The loss of undeveloped areas on the site will be weighed against the benefits of development to the wider community.</u></p>
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MM19	51 and 52	Paragraphs 3.61 and 3.62	<p>3.61 The University of Reading is a national and international educational establishment of strategic importance which will continue to adapt over the plan period. The University operates from a number of sites within Wokingham Borough, including Whiteknights Campus (circa 119 hectares) of which approximately one third lies within Reading Borough. <u>Therefore, a consistent approach to planning policy in Reading Borough Council's Sites and Detailed Policies Development Plan Document and the MDD DPD has been taken. Development proposals will be jointly considered by Reading Borough Council and Wokingham Borough Council. The policy aims to ensure that the Whiteknights Campus continues to develop as the focus for the University of Reading and contributes to the area as a whole and the wider national interest. This policy helps to achieve objective xiii of paragraph 2.68 of the Core Strategy in that it maintains and enhances the Borough's knowledge and skills base.</u></p> <p>3.62 The Whiteknights Campus <del>will continue to be the main campus and the focus for development associated with the University of Reading. Such development may include additional student, staff, teaching, research and enterprise accommodation, infrastructure and services and sports and leisure facilities.</del> has a number of issues which distinguish it from other parts of the Borough, and therefore necessitate a distinct approach. <u>The University has around 17,500 students<sup>1</sup>, which is roughly equivalent in size to a town such as Thatcham or Marlow, and Whiteknights is the hub of university activity. Students, staff and visitors need to be supported by services, facilities and infrastructure. A separate policy is therefore required for the part of the Whiteknights campus that lies within the Borough.</u></p> <p>3.62A <u>There are a number of constraints and complexities affecting the site. Parts of the site have significant wildlife importance, and the area is a prominent part of the local landscape, adjoining part of the East Reading wooded ridgeline Major Landscape Feature, with large tracts of open space. A number of listed buildings are on site, and university uses have a potential effect on surrounding residential areas. In addition, approximately a third of the Campus is within Reading Borough, meaning that a consistent approach is required. Development proposals will be jointly considered by Reading Borough Council and Wokingham Borough Council.</u></p> <p>3.62B <u>In 2008, the University drew up a Whiteknights Campus Development Plan, which set out the University's principles for future development of the site, including providing 1,297 additional bedspaces, waste and catering facilities and changes to the accesses and internal circulation. The Whiteknights Campus Development Plan does not form part of either Reading or Wokingham Borough's Development Plan, but it outlines the changes that are proposed to occur on the site in the coming years, and has informed this policy. Much of the physical development proposed has already received planning permission, and it is therefore important that the policy looks beyond the current Whiteknights Campus Development Plan and is flexible to take account of other proposals as they come forward.</u></p> <p>3.62C <u>Proposals within the Whiteknights Campus Development Plan include rationalising the substantial number of vehicle access points around the campus. Given that growth is likely to occur on the campus, it is vital that access points are appropriately located. The Council is therefore supportive of this principle in the Whiteknights Campus Development Plan.</u></p>
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Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
MM20	62	Policy TB20, criterion 1	<ol style="list-style-type: none"> <li>1. Planning permission will only be granted for <u>commercial</u> development proposals throughout the Borough that demonstrate:               <ol style="list-style-type: none"> <li>a) There is no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance</li> <li>b) There is no <u>significant</u> adverse impact on highway safety</li> <li>c) There is no significant <u>adverse</u> visual impact</li> <li>d) There is no significant <u>adverse</u> environmental impact</li> </ol> </li> </ol>
MM21	64	Policy TB21, criterion	<ol style="list-style-type: none"> <li>1. <del>Planning permission will only be granted where it can be demonstrated how they have that the proposal addresses</del> the specific requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues.</li> </ol>
MM22	64	Paragraph 3.99	The supporting text (paragraph 4.19) to policy CP3 – General Principles of the Core Strategy states that proposals should take account of the Council's <u>current</u> Landscape Character Assessment (2004).
MM23	64	Paragraph 3.100	The Landscape Character Assessment provides guidance on the intrinsic characteristics of landscape character areas. It details how landscapes should be conserved and managed and the degree, i.e. sensitivity, to which landscape areas can accommodate development. Applicants shall use the Landscape Character Assessment to identify important landscape features that should be protected or enhanced through development proposals. <u>This should be incorporated as part of a landscape and visual impact study as detailed in paragraph 2.20 of this Plan.</u>
MM24	71	Policy TB24	<p><i>Amend title of policy as follows:</i></p> <p><b>Policy TB24: Designated Heritage Assets (Listed Buildings, Historic Parks and Gardens, Scheduled Monuments and Conservation Areas)</b></p>
MM25	71	Policy TB24	<ol style="list-style-type: none"> <li>1. Historic Parks and Gardens, Scheduled Monuments and Conservation Areas are shown on the Policies Map.</li> <li>2. <u>The Borough Council will conserve and seek the enhancement of designated heritage</u></li> </ol>

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
			<p><u>assets in the Borough and their settings by:</u></p> <p>a) <u>Requiring Development works to or affecting heritage assets or their setting will need to demonstrate that the proposals would at least conserve and, where possible enhance there is no detrimental impact on the important character and special architectural or historic interest of the building, Conservation Area, monument or park and garden including its setting and views. Proposals should seek to conserve and enhance the heritage assets.</u></p> <p>b) <u>Supporting development proposals or other initiatives that will conserve and, where possible, enhance the local character, setting, management and historic significance of designated heritage assets, with particular support for initiatives that would improve any assets that are recognised as being in poor condition or at risk.</u></p> <p>3. <u>Proposals for building works shall retain or incorporate existing features or details of historic or architectural significance or design quality into the scheme.</u></p>
MM26	72	Paragraph 3.123	<p><del>...This will be accessed on a site by site basis- and the level of preservation will take account of</del>  <u>be appropriate to whether the remains add to national or local knowledge the significance of the remains.</u></p>
MM27	73	Paragraph 3.127	<p>...Special regard should be given to the historical context, <u>outbuildings</u>, scale, form, and massing...</p>
MM28	76	Paragraph 4.8	<p><i>Add in the following paragraph between paragraphs 4.8 and 4.9 on page 76.</i></p> <p><u>The NPPF (paragraph 47) indicates that authorities should ensure that either a 5% or 20% buffer within their deliverable 5 year supply should be maintained. The size of buffer depends upon whether the authority has a record of persistent under delivery or not. The Council through its annual monitoring of housing delivery will update the information within appendix 14 of the MDD to detail the current assessments of housing land supply from the various sources and whether a rolling deliverable 5 year supply is still available for the remainder of the Plan period (see table A14.3 in appendix 14).</u></p>

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MM29	76	Footnote relating to new paragraph as set out in MM 28.	<p><i>Insert footnote as reference to new paragraph under MM28</i></p> <p><u>The information in table A14.3 indicates that the authority can maintain at least a 5% buffer when the 5 year land supply is shown to exceed 5.25 years (since <math>5 \times 1.05 = 5.25</math>). Likewise, if table A14.3 indicates that at least a 6 year supply is available, this means that the authority exceeds the 20% buffer (as <math>5 \times 1.2 = 6</math>).</u></p>
MM30	78	Policy SAL01	<p><u>1. The sites listed below (and defined on the Policies Map) are allocated for residential development and should be used only for this purpose, and in accordance with. There is a presumption against the development of these sites for uses other than specified unless the applicant can demonstrate that the requirements of the Development Plan. A (including the additional guidance on appropriate uses and specific requirements for each site are included in Appendix 12) for the site can be achieved.</u></p>
MM31	80	Policy SAL02, introductory paragraph of policy	<p><u>The sites listed below (and defined on the Policies Map) are allocated for residential development and should be used only for this purpose, and in accordance with. There is a presumption against the development of these sites for uses other than specified unless the applicant can demonstrate that the requirements of the Development Plan. A (including the additional guidance on appropriate uses and specific requirements for each site are included in Appendix 12) for the site can be achieved.</u></p>
MM32	82	Policy SAL03, introductory paragraph of policy	<p><u>The reserve sites listed below (and defined on the Policies Map) are allocated for residential development and should be used only for this purpose, and in accordance with. There is a presumption against the development of these sites for uses other than specified unless the applicant can demonstrate that the requirements of the Development Plan. A (including the additional guidance on appropriate uses and specific requirements for each site are included in Appendix 12) for the site can be achieved. There shall be</u> The sites listed below (and defined on the Policies Map) are allocated for residential development with no dwelling completions until after 1 April 2026 <u>on any reserve site, unless one of the following applies:</u></p>
MM33	86	Policy SAL04	<p><b>Policy SAL04: New public open space associated with residential development within and adjoining the Borough</b></p>

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification														
			<p>Planning permission will be granted for public open space on the following sites, as defined on the Policies Map, <del>where it contributes towards the overall open space requirements associated with the development of the relevant related residential site</del></p>														
			<table border="1"> <thead> <tr> <th data-bbox="705 516 1024 581">Open space sites</th> <th data-bbox="1024 516 1822 581">Related Development Plan policy &amp; site for residential development</th> </tr> </thead> <tbody> <tr> <td data-bbox="705 581 1024 646">Land at Hatch Farm Dairies, Winnersh</td> <td data-bbox="1024 581 1822 646">Former Wokingham District Local Plan (WDLP) Policies WH3 and WR4, MDD DPD policy SAL01 (site WI122)</td> </tr> <tr> <td data-bbox="705 646 1024 711">Land at Sandford Farm, Woodley</td> <td data-bbox="1024 646 1822 711">Former WDLP Policies WH4, WH5 and WR4, MDD DPD policy SAL01 (site WD116)</td> </tr> <tr> <td data-bbox="705 711 1024 808">Land east of Berkshire Way, Wokingham (Amen Corner)</td> <td data-bbox="1024 711 1822 808">Bracknell Forest Borough's Core Strategy Policy CS4 and <del>Proposed Submission</del> Submitted Site Allocations DPD Policy SA8</td> </tr> <tr> <td data-bbox="705 808 1024 932">Land east of University of Reading's Bulmershe campus, Woodlands Avenue, Woodley</td> <td data-bbox="1024 808 1822 932">MDD DPD policy SAL02 (site WD115)</td> </tr> <tr> <td data-bbox="705 932 1024 1029">Land south and west of Folly Court, Blagrove Lane, Wokingham</td> <td data-bbox="1024 932 1822 1029">MDD DPD policy SAL02 (site WK160)</td> </tr> <tr> <td data-bbox="705 1029 1024 1094">Land north-west of Arbor Lane, Winnersh</td> <td data-bbox="1024 1029 1822 1094">MDD DPD policy SAL02 (site WI114)</td> </tr> </tbody> </table>	Open space sites	Related Development Plan policy & site for residential development	Land at Hatch Farm Dairies, Winnersh	Former Wokingham District Local Plan (WDLP) Policies WH3 and WR4, MDD DPD policy SAL01 (site WI122)	Land at Sandford Farm, Woodley	Former WDLP Policies WH4, WH5 and WR4, MDD DPD policy SAL01 (site WD116)	Land east of Berkshire Way, Wokingham (Amen Corner)	Bracknell Forest Borough's Core Strategy Policy CS4 and <del>Proposed Submission</del> Submitted Site Allocations DPD Policy SA8	Land east of University of Reading's Bulmershe campus, Woodlands Avenue, Woodley	MDD DPD policy SAL02 (site WD115)	Land south and west of Folly Court, Blagrove Lane, Wokingham	MDD DPD policy SAL02 (site WK160)	Land north-west of Arbor Lane, Winnersh	MDD DPD policy SAL02 (site WI114)
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			<p>Proposals for other uses <u>on these allocated sites</u> <del>compatible with the Development Plan</del> will be permitted where <u>it is</u> <del>they</del> demonstrated that:</p> <p>a) adequate open space to meet both the overall and specific requirements of <a href="#">Core Strategy</a> policy CP3 - General Principles for development (criteria g), as amplified by Policy TB:08 Open Space, sport and recreational facilities standards for residential development or Bracknell Forest's Core Strategy policies CS4 Land at Amen Corner (Parish of Binfield) and CS6 Limiting the Impact of Development and Site Allocations DPD Policy SA8 Land at Amen Corner (South), Binfield is available for the related site; or</p>														

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			<p>b) <u>it ensures high quality development is achieved on the related site (including the advice in appendix 12) in line with Core Strategy policies CP1 and CP3.</u></p>
MM34	88	Policy SAL05	<p><b>Policy SAL05: Delivery of avoidance measures for Thames Basin Heaths Special Protection Area</b></p> <p>The following sites are allocated (and defined on the Policies Map) as Suitable Alternative Natural Greenspace (SANG) as part of the avoidance measures required for the Development Plan:</p> <ol style="list-style-type: none"> <li>1. Rooks Nest Woods, Barkham Ride, Barkham (18.3ha)</li> <li>2. Land south-west of junction of Old Wokingham Road and Nine Mile Ride, Crowthorne (5.12ha)</li> <li>3. Land surrounding West Court, The Devil's Highway, Arborfield Garrison (70.71ha)</li> <li>4. Land west of May's Farm, Hyde End Road, Three Mile Cross (8.17 17.84ha )</li> <li>5. Land east of May's Farm, Hyde End Road, Three Mile Cross (14.4 44.94ha )</li> <li>6. Land north-west of Nullis Farm, Ryeish Lane, Spencers Wood (9.501 8.96ha )</li> <li>7. Land south and east of Tanner's Copse, Hyde End Lane, Shinfield (18.18 49.34ha )</li> <li>8. Land north of Bell Farm, Bell Foundry Lane, Wokingham (21.58ha)</li> <li>9. Land at Keephatch Woods, Binfield Road, Wokingham (8.75ha)</li> <li>10. Land west of St. Anne's Manor Hotel, London Road, Wokingham (11.16ha)</li> <li>11. Land north of Waterloo Road (near Lock's Farm), Wokingham (15.04ha)</li> <li>12. Land south of Waterloo Road (near Lock's Farm), Wokingham (8.21ha)</li> <li>13. Land opposite Holme Green, Heathlands Road, Wokingham (2.13 ha)</li> <li>14. Land east of Lucas Hospital, Chapel Green, Wokingham (6.21 ha) and</li> <li>15. Land west of Lucas Hospital, Chapel Green, Wokingham (5.39ha).</li> </ol> <p>There is a presumption against their development of these sites for uses other than SANG on these sites unless the applicant can demonstrate that sufficient alternative avoidance measures for all relevant submitted and/or approved plans and projects within the Borough taking account of Natural England's advice on SANGs.</p>
MM35	89	Paragraph 4.37	<p>The sites are allocated in accordance with policy CP8 - Thames Basin Heaths Special Protection Area (SPA) of the <a href="#">Core Strategy</a>. The allocation of SANG takes account of potential needs for additional avoidance measures associated with the continuing review of SPA (as referenced in</p>

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			<p><u>paragraph 4.47 of the Core Strategy) and any implications for plans or projects in the Borough under The Conservation of Species and Habitats Regulations 2010.</u></p>
MM36	89	Paragraph 4.38	<p>Natural England has advised the Council, along with the other ten local authorities surrounding the Thames Basin Heaths Special Protection Area, that the provision of appropriate avoidance measures, [new/enhanced areas of informal open space – Suitable Alternative Natural Greenspace (SANG)] together with contributions towards Strategic (pan-SPA) Access Management and Monitoring (SAMM) would address the recreational disturbance issue to the Thames Basin Heaths SPA. Such measures will be required for residential planning applications on sites within 5km (linear) of the SPA and may be necessary for proposals of 50+ dwellings on sites within 7km (linear). <u>This is the standard approach to delivering avoidance measures (as detailed in paragraph 4.49 of the Core Strategy (supporting text of policy CP8 - Thames Basin Heaths SPA of the Core Strategy)). In the case of bespoke alternatives these will need to satisfy both the Council and Natural England that it will be as effective in addressing the likely significant effects for an indefinite period. Any application including a bespoke solution will need to include sufficient information to enable the assessment of the proposal under Regulation 61 of The Conservation of Habitats and Species Regulations 2010.</u></p>
MM37	89	Paragraph 4.39	<p>The allocation of these SANG is one element of the overall necessary avoidance measures for addressing the likely significant effects of implementing the Development Plan upon the SPA <u>alongside contributions towards SAMM.</u></p>
MM38	89	Paragraph 4.41	<p>Where a change of use to all or part of an allocated SANG is proposed, the applicant will need to demonstrate how it does not prevent the delivery of any other <u>relevant</u> approved or submitted plan or project within the Borough <u>taking account of Natural England's advice on SANG.</u> Any approved or submitted plan or project include those <u>proposing where</u> residential development on a site within 5km (or 50+ dwellings within 7km) of the SPA and <u>where it also has:</u></p> <ul style="list-style-type: none"> <li data-bbox="743 1242 1482 1274">i) Any extant planning consent for residential development;</li> <li data-bbox="743 1307 1906 1396">ii) <u>Is allocated within a</u>Any approved or draft Local Development Plan Document (a draft Local Development <u>Plan</u> Document is one to which has reached either the Public Participation stage for a Draft Supplementary Planning Document (under Regulation 12 of</li> </ul>

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			<p>The Town &amp; Country Planning (Local Planning)(England) Regulations 2012 or consultation on the Proposed Submission Local Plan (under Regulation 19 of these Regulations); and</p> <p>iii) <u>Is allocated within a</u>Any approved or draft Neighbourhood Development Plan (A draft Neighbourhood Development Plan is one which has reached Publicising under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012).</p>
MM39	89	Paragraph 4.42	<p>Where a reduction in SANG area is proposed, the applicant will need to demonstrate how the remaining area still accords with Natural England's quality and quantity standards (including catchment of SANG) and complies with the above requirements. Details of those relevant approved or submitted plans for each of the allocated SANG relevant at 1 April 2012 2013 are summarised in Appendix 10. <u>The Council as part of its monitoring will update this information.</u></p>
MM40	90	Paragraph 4.43	<p><del>The supporting text (paragraph 4.49) to policy CP8 - Thames Basin Heaths SPA of the Core Strategy details the standard avoidance solution. In the case of bespoke alternatives these will need to satisfy both the Council and Natural England that it will be as effective in addressing the likely significant effects for an indefinite period. Any application including a bespoke solution will need to include sufficient information to enable the assessment of the proposal under Regulation 61 of The Conservation of Habitats and Species Regulations 2010.</del></p>
MM41	92	Policy SAL07, criterion 8 and supporting text	<p><i>Make amendments to the development limits at Green Park to enable a revision of the Core Employment Area together with the allocation of an additional site in policy SAL07 for commercial/employment use for around 20,000m<sup>2</sup></i></p> <p><i>Add in additional policy criterion to policy:</i></p> <p><u>8. Land south and west of Kirtons Farm Road, Pingewood (Green Park) for the delivery of around 20,000 sq m for B Class Uses.</u></p> <p><i>Add in additional paragraph to supporting text:</i></p> <p><b><u>Land south and west of Kirtons Farm Road, Pingewood (Green Park)</u></b></p>

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			<u>The site of Kirtons Farm Road is within the expanded Green Park Core Employment Area and the provision of additional employment floorspace will help support the Borough's economy.</u>					
MM42	94	Policy SAL08, criterion 4	4. Land at Carnival Pool, Wokingham, for the delivery of D1 (community uses), D2 (leisure uses) with flexibility for A3 (restaurants & cafes), <del>and</del> A4 (drinking establishments) and <u>C3 (residential) uses</u>					
MM43	98	Policy SAL09, criterion 1(ii)	ii) Land at Thames Valley Business Park (Broken Brow), Earley – the delivery of the uses defined in policy SAL07 or a Park & Ride facility and associated development <del>following any development in relation to Crossrail and/or Cross town link</del>					
MM44	98	Policy SAL09, criterion 2	<i>Add in additional criterion to policy SAL09</i>  2. <u>The Council is also committed to the delivery of a Park &amp; Ride facility adjacent to the Coppid Beech roundabout (A329 London Road).</u>					
MM45	99	Supporting text to SAL09	<i>Add in additional paragraph to supporting text to policy SAL09</i>  <b><u>Land at Coppid Beech, Wokingham</u></b>  <u>The Council is committed to the delivery of a Park &amp; Ride facility adjacent to the Coppid Beech roundabout to ensure that the necessary transport infrastructure is in place to support planned growth in this area. The Council will work with site owners to develop the appropriate location of the facility and the appropriate mechanisms for its delivery.</u>					
MM46	103	Monitoring Framework, Policy CC00	<i>Add in additional monitoring indicator and target for new policy CC00.</i>  <table border="1"> <tr> <td><b><u>CC00: Presumption in Favour of Sustainable Development</u></b></td> <td><u>CP1</u></td> <td><u>Percentage of applications determined within timeframe.</u></td> <td><u>Determine major, 'minor' and 'other' applications in line with Government targets.</u></td> <td><u>Monitoring to be published annually taking account of quarterly submissions to Government.</u></td> </tr> </table>	<b><u>CC00: Presumption in Favour of Sustainable Development</u></b>	<u>CP1</u>	<u>Percentage of applications determined within timeframe.</u>	<u>Determine major, 'minor' and 'other' applications in line with Government targets.</u>	<u>Monitoring to be published annually taking account of quarterly submissions to Government.</u>
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MM47	121-134	Appendix 1, Noise	<i>Delete appendix 1 and annexes 1-3 and replace with the text included as appendix 2 of this document.</i>
MM48	135	Appendix 2 Car Parking Standards	<p><i>Add in the following text as introductory paragraph:</i></p> <p><b><u>APPLYING PARKING STANDARDS</u></b></p> <p><u>The parking standards are based on the use class of a development. It is likely that some developments may not fit within these categories.</u></p> <p><u>It will be the responsibility of the developer to prove that parking provision has been adequately catered for on a proposed site. The developer must prove that parking will not have a detrimental effect on traffic safety or on the character of an area due to an increase in parking on the public highway. This should be set out in the Transport Statement or Transport Assessment as part of the planning application.</u></p> <p><u>The parking standards should be regarded only as a starting point in any discussions with the Borough Council as it should be recognised that each development site will need to be assessed on its own merits, within the wider context of the area in which the development sits. This is likely to be more important under the coalition Government's "Localism" agenda for planning.</u></p> <p><u>For Residential parking the developer will need to show that spaces identified to serve each dwelling are within an acceptable distance from that dwelling (normally 25m for allocated parking). On larger schemes a plan showing plot numbers and parking layout allocation / unallocated and visitor spaces will be required.</u></p> <p><i>Add in to Appendix 2 Figure 3 from <a href="#">CD10.08.03</a> Parking Standards Study Report after paragraph 1.12.1 (page 141)</i></p> <p><i>Consequential change to paragraph 1.12.1 (page 141) to read:</i></p> <p>1.12.1 Standards for residential dwellings form a large part of parking within the Borough. More basic methods of parking allocation have not previously been successful in providing efficient and effective provision for parking at resident's homes. In particular, the way parking is provided has a significant effect on how much parking is required. The allocation changes based on accessibility and the</p>

Main Mod. Ref.	Page	Policy/ Paragraph	Proposed Main Modification
			<p>character of the area, this has been split into 3 categories: Urban, Town and Fringe and Village. A map showing the classification of each is shown as Figure 1 in this appendix. The allocations are based on real empirical data of car ownership in Wokingham, more information on how these allocations were formulated can be found in the technical note at the end of Appendix B of the Parking Standards Study Report 2011.</p> <p><i>This supersedes Minor Change 67 as set out in <a href="#">CD01C Schedule of Minor Changes</a>.</i></p> <p>1.13.6 It should be noted that for simplicity this example ignored the effect of garages counted as allocated spaces. More information on this can be found in paragraphs 3.2.13 to 3.2.17 of <a href="#">the Parking Standards Study Report 2011</a>. It is advocated that a garage of sufficient size is only counted as 0.5 of a space allocated, requiring an additional 0.5 unallocated space to be provided. In this example if all (nine) three and four bedroom units had a garage counted as an allocated space an additional 4.5 unallocated spaces would be required. This would result in 26 unallocated spaces being required.</p>
MM49	148	Appendix 3, section i	i) Measures to improve cross Thames travel which may include a bridge (policy CP10 (1))
MM50	N/A	Map no. 104	<i>Amended Limited development limit</i>
MM51	N/A	Map no. 106	<p><i>The Council's proposed change accords with Option 1 in Dr Severn's <a href="#">statement for Matter 2</a>. The proposed changes incorporates the full extent of the residential curtilage to the property at Pinewood, Tintagel Road, Finchampstead and also the residential curtilages to adjacent properties at Heatherlea and Springwood, Tintagel Road, Finchampstead.</i></p> <p><i>See proposed boundary changes to maps 106 (Finchampstead North Modest Development Location) and 144 (South Wokingham SDL Settlement Separation Area).</i></p>
MM52	N/A	Map no. 108	<i>Amend Green Park Development Location defined in policies CP9 and CC01</i>
MM53	N/A	Map no. 114	<p><i>Shinfield Development Limits</i></p> <p><i>Amend development limit for Shinfield to include area approved for development in appeal at Shinfield West (ref APP/X0360/A/11/2151409)</i></p>

<b>Main Mod. Ref.</b>	<b>Page</b>	<b>Policy/ Paragraph</b>	<b>Proposed Main Modification</b>
MM54	N/A	Map no. 122	<i>Amended major development limit</i>
MM55	N/A	Map no. 123	<i>Amended major development limit</i>
MM56	N/A	Map no. 141	<i>Deleted Settlement separation</i>
MM57	N/A	Map no. 142	<i>Deleted Settlement separation</i>
MM58	N/A	Map no. 143	<i>Deleted Settlement separation</i>
MM59	N/A	Map no. 144	<i>Deleted Settlement separation</i>
MM60	N/A	Map no. 151	<i>Deleted Thames bridge on the Major Transport Schemes layer</i>
MM61	N/A	Map no. 158	<i>Amended Major Transport Schemes layer</i>
MM62	N/A	New map no. 160	<i>Create new map showing alignment of Shinfield Eastern Relief Road (as approved in appeal ref APP/X0360/A/11/2151413)</i>
MM63	N/A	Map no. 221	<i>Amend Green Park Employment Area defined in policies CP15 and TB11</i>
MM64	N/A	Map no. 230	<i>Delete Bad Neighbour use layer</i>
MM65	N/A	Map no. 231	<i>Delete Bad Neighbour use layer</i>
MM67	N/A	Map no. 232	<i>Delete Bad Neighbour use layer</i>
MM68	N/A	Map no. 233	<i>Delete Bad Neighbour use layer</i>
MM69	N/A	Map no. 234	<i>Delete Bad Neighbour use layer</i>
MM70	N/A	Map no. 311	<i>Amendment to site of Urban Landscape Value at Bulmershe, Woodley defined in policy TB22</i>
MM71	N/A	Map no. 541	<i>Amend MDD Housing site layer</i>
MM72	N/A	Map no. 544	<i>Amend MDD Housing site layer</i>
MM73	N/A	Map no. 608	<i>Amend MDD New public open space allocation layer</i>
MM74	N/A	Map no. 609	<i>Amend MDD New public open space allocation layer</i>
MM75	N/A	Map no. 624	<i>Amendment to boundary of SANG at West of May's Farm</i>

<b>Main Mod. Ref.</b>	<b>Page</b>	<b>Policy/ Paragraph</b>	<b>Proposed Main Modification</b>
MM76	N/A	Map no. 625	<i>Amendment to boundary of SANG at East of May's Farm</i>
MM77	N/A	Map no. 626	<i>Amendment to boundary of SANG at North-west of Nullis Farm</i>
MM78	N/A	Map no. 627	<i>Amendment to boundary of SANG at South and East of Tanner's Copse</i>
MM79	N/A	Map no. 709	<i>Potential allocation of land west of Kirtons Farm Road for commercial/employment development</i>

## Appendix 1 – Replacement text for CC06, paragraphs 2.48 – 2.50 and Policy Background Box

### Policy CC06: Noise

1. Proposals must demonstrate how they have addressed noise impacts to protect noise sensitive receptors (both existing and proposed) from noise impacts in line with Appendix 1 of the MDD.
2. Noise impact of the development must be assessed. Where there is no adverse impact (No Observed Effect Level) then noise will not be a material consideration.
3. Where there is an adverse effect (Lowest Observed Adverse Effect Level to Significant Observed Adverse Effect Level), then
  - a) The development layout must be reviewed. Where this results in there no longer being an adverse impact then design and mitigation measures should be incorporated accordingly.
  - b) Where there is still an adverse impact then internal layout must be reviewed. Where this results in there no longer being an adverse impact then design and measures should be incorporated accordingly.
  - c) Where there is still an adverse impact then physical mitigation measures such as barriers/mechanical ventilation must be reviewed. Where this results in there no longer being an adverse impact then design and mitigation measures should be incorporated accordingly.
  - d) Where there is still an adverse impact and the development falls within the significant observed adverse effect level then planning permission will normally be refused.

Policy CC06: Noise should be read alongside policy CP1 – Sustainable Development (specifically criterion 8) of the Core Strategy, which refers to avoiding areas where pollution (including noise) may impact upon the amenity of existing and future occupiers.

Any proposals shall also be consistent with the Borough's [Sustainable Design and Construction SPD \(2010\)](#).

Appendix 1 of the MDD DPD sets out the methodology for determining significant and adverse impacts including explanation of noise levels and detailed guidance on the assessment of noise from different sources.

### Policy Background

#### National

[NPPF \(2012\)](#), i.e. under heading 11 – Conserving and enhancing the natural environment, such as paragraphs 109 and 123

[NPSE \(2010\) Noise Policy Statement for England](#)

[BS4142: 1997 – Method for rating industrial noise affecting mixed residential and industrial areas](#)

[BS8233: 1999 – Sound insulation and Noise reduction for Buildings – Code of Practice](#)

BS7445-1:2003 - Description and measurement of environmental noise. Guide to quantities and procedures

BS6472-1: 2008 – Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting.

BS7385-2:1993 - Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration

BS5228 (1&2): 2009 - Code of practice for noise and vibration control on construction and open sites. (Part 1: Noise and Part 2: Vibration) BS4142

**Regional**

N/A

**Local**

[Core Strategy \(2010\)](#) policies CP1 – Sustainable Development and CP3 – General Principles for development

## Appendix 2 – replacement text for appendix 1 of submitted MDD

### Appendix 1: Noise & Vibration

For the avoidance of doubt, Annex 1 and 2 Appendix 1: Noise

#### Annex 1: Establishing Effect Levels

1. When assessing the acceptability of a proposed noise sensitive development, the Council will determine the effect of noise from any adjacent and nearby sources will have on the noise sensitive receptors (NSRs) taking into account both daytime and night-time noise levels.
2. When assessing the acceptability of a proposed development that emits noise, the Council will determine the effect the noise will have on nearby NSRs taking into account both daytime and night-time noise levels.
3. The Noise Policy Statement for England 2010 (NPSE) adopts two concepts from toxicology that are currently being applied to noise impacts by, for example, the World Health Organisation (WHO); these are “Significant adverse” and “adverse”. These concepts have been applied to noise emission impacts on human receptors, as described below.

<u>NOEL – No Observed Effect Level</u>	<u>This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise</u>
<u>LOAEL – Lowest Observed Adverse Effect level</u>	<u>This is the level above which adverse effects on health and quality of life can be detected</u>
<u>SOAEL – Significant Observed Adverse Effect level</u>	<u>This is the level above which significant adverse effects on health and quality of life occur</u>

4. The NPSE states “It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available”.

5. In order to assist the determination of applications in an appropriate manner and having regard to knowledge of existing noise levels within the Wokingham Borough Council area, the Council believes it is appropriate to provide some objective levels. The government has implemented the EU Directive 2002/49/EC (known as the Environmental Noise Directive) through the Environmental Noise (England) Regulations 2006. These regulations have resulted in the creation of noise maps of major urban areas (part of the Reading map covers areas within Wokingham Borough) and major transport sources (M4, A329(M) and A329). These maps identify existing receptors but provide a useful tool for identifying environmental noise levels within the Wokingham Borough area.

The levels set out below are not absolute and applicants with open sites at outline application stages will need to demonstrate how the design criteria will reduce levels to below SOAEL, should noise levels defined as such occur on the site.

#### External Amenity Space for Dwellings

**Table 1: Impact Levels - Amenity Spaces for Dwellings  $L_{Aeq,T}$  dB**

<b>Noise Source</b>	<b>NOEL</b>	<b>LOAEL</b>	<b>SOAEL</b>
<u>Environmental noise</u>	<u>L<sub>Aeq,T</sub></u>	<u>L<sub>Aeq,T</sub></u>	<u>L<sub>Aeq,T</sub></u>
<u>07.00 - 23.00</u>	<u>&lt;55</u>	<u>56 – 69</u>	<u>&gt;70</u>
<u>23.00 - 07.00</u>	<u>&lt;45</u>	<u>46 – 64</u>	<u>&gt;65</u>

Note: Values in the table above are noise levels measured on an open site at the position of the proposed amenity space.

6. The above levels are only applicable where consideration is being given to introducing residential development into an area with an existing noise source, rather than the reverse situation where new noise sources are to be introduced into an existing residential area.

7. Higher noise levels (within LOAEL) at other locations such as balconies, roof gardens and terraces may be acceptable where their provision (with the higher noise levels) will outweigh the benefits of this external space not being available. This benefit will need to be demonstrated to the Local Planning Authority prior to any agreement.

#### Internal Noise Levels for Dwellings (including quasi residential uses and residential institutions)

8. For noise sensitive developments, which will mostly consist of dwellings, it is appropriate that internal noise levels are minimised to avoid the risk of adverse effects.

9. Internal ambient noise levels due to steady external noise sources for dwellings shall not exceed 35 dB L<sub>Aeq</sub> (16 hour) 07:00-23:00 during the daytime and 30 dB L<sub>Aeq</sub> (8 hour) 23:00-07:00 during the night-time in habitable rooms. If it is necessary to achieve these levels through design and/or insulation measures, they should be identified in the overall scheme and implemented and retained thereafter. If it is not possible to agree the scheme to the satisfaction of the Local Planning Authority, it may be necessary to refuse the application even if the internal levels can be met.

#### Noise Sensitive Receptors (non-residential)

10. Developments such as offices, hospitals and schools will contain buildings and activities which are noise-sensitive. However, these developments are likely to occupy sizeable sites and to contain a proportion of buildings and activities which are less noise-sensitive. The Council would expect the applicant to clearly demonstrate that the development layout has been assessed to ensure that across the site, the receptors experience NOEL; as above, the internal noise levels can be advised by applying BS 8233.

#### New Noise Sources near Noise Sensitive Receptors (NSRs)

11. Where a new industrial or commercial development is proposed near a residential area, the effect of the new noise source on the surrounding area shall be assessed in accordance with currently available and appropriate standards. External noise levels at the nearest NSRs should meet the NOEL levels as set out above. Where possible, noise should be mitigated at source and through appropriate site layout.

12. In many cases where a new source of noise is to be introduced by a project that requires environmental impact assessment (EIA), the effect of noise will be considered in this context; but it must be accepted that in these circumstances the options to control noise are likely to be more limited than where residential development is proposed in an area with an existing noise source. It must also be borne in mind that when dealing with new roads, railways and aerodromes, schemes may exist to provide insulation in specified circumstances.

13. The planning system can be used to impose conditions to protect new noise sensitive receptors from an existing noise source but, in general, developers are under no statutory obligation to offer noise protection measures to existing receptors which will be affected by a proposed new noise source. Moreover, there would be no obligation on affected receptors to take up such an offer, and therefore no guarantee that all necessary noise protection measures would be put in place.

#### Noise Measurements and Standards

14. Traditionally, different indices have been used to describe noise from different sources, and limits have been set over different time periods. We would expect for proposed residential developments that BS 7445 be followed by expressing all noises in terms of  $L_{Aeq,T}$  for the recommended time periods and BS 4142 for proposed commercial and industrial noise sources.

15. It is accepted that the appropriate standards as outlined in Policy CC06: Noise and this Appendix are being reviewed and will change over time. Where updates have been ratified and documents superseded we expect any application to follow the most recent version. Where the above assessment methods are not followed or appropriate, the applicant will be to have adequate justification for the deviation.

## **Annex 2: Information on Noise from Different Sources**

### **Noise and vibration from road traffic**

1. For established roads it will normally be sufficient to base assessments on the current measured noise level. Assessments of sites to establish the effect level should show consideration of any known changes, developments or predicted increase in traffic flows to ensure that receptors continue to experience NOEL from noise. If vibration from roads is a concern, advice on acceptable levels can be found in BS 6472 for human response and BS 7385 for building damage.

### **Noise and vibration from railways**

2. Railway noise emanates from a variety of sources. For noise from operational railway lines the levels outlined in Table 1 will be appropriate; local noise from station activities, freight distribution depots, and marshalling yards should be treated in the same way as noise from industrial and commercial sources. The Council will ask the developer to provide details of the present levels of noise; and to consult the railway operator to find out if there are proposals for significant operational changes.

3. In considering the long distance traffic effects of developments which would result in the use of rail transport (for example the carrying of aggregates from extraction sites, or goods from freight terminals), it will be appropriate to take into account the railway noise aspect.

4. The likelihood of significant ground-borne vibration will depend on the nature of the ground and the types of train. The possibility of vibration and re-radiated noise caused by trains running in tunnels should not be overlooked. Advice on acceptable levels of vibration can be found in BS 6472 for human response and BS 7385 for building damage.

5. In 1995 the DOT published the "Calculation for Railway Noise" which contains the procedure for calculating noise from moving railway vehicles as defined in the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1995, referred to hereafter as the Railway Noise Insulation Regulations.

### **Noise from aircraft**

6. It is not anticipated that noise from aircraft from the major airports in the South East will have any adverse effect on noise sensitive receptors within Wokingham. Should significant alterations take place, we would expect the applicant to take measures to be taken to protect receptors to No Observed Effect Level as detailed in Table 1.

### **Military aerodromes**

7. The Effect Levels should be used for assessing proposals for new developments near military aerodromes. Because many of these are in rural locations, however, there will often be the flexibility to ensure that there is no adverse impact on sensitive receptors, while still taking full account of other planning constraints. This option will not apply to proposals for residential development involving extension, conversion, or change of use of existing buildings. When determining such applications the Council will take account of the differences between civil and military operations. Military jet aircraft can generate very high noise levels, particularly during take-off, and occasionally the effectiveness of noise abatement flight procedures normally adopted may be limited by operational requirements. Changes in aircraft type and number of movements may also occur over a short period, resulting in unpredictable changes in noise levels. However, military flying is usually concentrated into weekday working hours when the public sensitivity to noise is at its lowest.

### **Helicopters and heliports**

8. When determining a planning application for a heliport, the predicted noise should not be assessed in isolation - account should be taken of local circumstances including the existing level of noise disturbance in the area surrounding the site and factors such as whether the area is already exposed to noise from fixed wing aircraft. The Council will need to consider the effect of further disturbance resulting from the proposal.

9. Helicopter noise has different characteristics from that from fixed wing aircraft, and is often regarded as more intrusive or more annoying by the general public. The noise exposure categories should be applied with caution.

10. Helicopter routes may be established near aerodromes, although often their use will not be mandatory. Planning applications for helicopter landing/take-off facilities should be accompanied by information about the proposed take-off/landing flight paths and air traffic routes where appropriate. Preferably, these paths should have been discussed and agreed in principal with National Air Traffic Services (NATS) beforehand. Where such information does not accompany the application, but is considered necessary, the Council will request it and suggest that the applicant has discussions with NATS.

11. Increased use of helicopters has led to movements from the gardens of private houses and from commercial premises. For safety reasons, helicopters may only operate from elevated sites if given special approval by the Civil Aviation Authority. All these movements can cause local annoyance. However, they may often be incidental or ancillary to the principal use of the land and as such do not generally require a separate planning permission.  
Noise from industrial and commercial developments

12. The likelihood of complaints about noise from proposed development can be assessed using guidance in BS 4142. Tonal or impulsive characteristics of the noise are likely to increase the scope for complaints and this is taken into account by the "rating level" defined in BS 4142. The likelihood of complaints is indicated by the difference between the noise from the new development (expressed in terms of the rating level) and the existing background noise. The standard currently states that: "A difference of around 10 dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance." Since background noise levels vary throughout a 24 hour period it will usually be necessary to assess the acceptability of noise levels for separate periods (e.g. day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week. This can be appropriate if the existing ambient background levels are already above the NOEL outlined above.

13. Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. The Council will bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

14. If the predicted impact of the development is 5 dB above background it would be considered to be the LOEL and 10 dB above would be SOAEL and could be refused.

#### **Noise and vibration from construction sites**

15. Detailed guidance on assessing noise from construction sites can be found in BS 5228. In particular, Part 1: 2009, "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise will be useful because as well as giving general advice it describes a method for predicting noise from construction sites. Part 2: Vibration should also be considered where the construction activity may cause significant vibration effects.

### **Noise from recreational and sporting activities**

16. For these activities (which include open air pop concerts), the Council will take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people. Partially open buildings such as stadia may not be in frequent use. Depending on local circumstances and public opinion, the Council may consider it reasonable to permit higher noise emission levels than they would from industrial development, subject to a limit on the hours of use, and the control of noise emissions (including public address systems) during unsocial hours. A number of sports activities are the subject of Codes of Practice which may be relevant. Some noisy activities enjoy permitted development rights granted by Part 4 of Schedule 2 to the Town and Country Planning General Development Order 1988, and so may not require specific planning permission provided that they only occur on a temporary basis. However, this permission may be withdrawn by making a direction under Article 4 of the Order.

### **Noise from mineral extraction and landfill waste disposal sites**

17. Sites may require Environmental Permits and liaison should take place with the Environment Agency to ensure consistency of conditions. It is helpful if permit applications can be made alongside applications.

18. The main sources of noise will be from vehicular movement, tipping operations, and site plant. Appropriate planning or licensing conditions might therefore relate to hours of working; the number and/or capacity of vehicles using the site and their points of ingress and egress; and the provision of acoustic screening. Useful information on predicting the noise will be found in BS 5228: Part 1: 2009. In addition, there is Technical Guidance in the NPPF which includes noise limits.