

12<sup>th</sup> October 2021



Mr S Beeson  
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(by email)

**Chief Executive**

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**Our Ref:** sh/em

**Your Ref:**

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Dear Mr Beeson

**Letter to Mr Carter regarding the proposed allocation 170ha of land known as the Thatcham NE or TH20**

Thank you for your letter to Mr Carter, and subsequent email to myself in response to the Executive Question you asked all in relation to the proposed allocation of land in North East Thatcham that was identified in the Regulation 18 Draft Local Plan Review consultation which ended earlier this year.

Your initial letter asked 30 questions and requested that the issue be referred to the Monitoring Officer which it has been.

With regards to your additional questions:-

Development in this area of Thatcham was first considered by Berkshire County Council during the 1980s and more recently by a proposal for Siege Cross in 2016/17. In his response at Council, Cllr Somner was correct in stating that the Planning Inspectorate had concluded that this was a sustainable location and the Secretary of State refused permission on the basis that the proposed development had not come through the local plan process. The previous proposal was for approximately 500 houses and was refused by the Council for a number of reasons. At the appeal the Planning Inspector recommended that the appeal be allowed and outline planning permission granted subject to conditions. However, the Secretary of State disagreed with the Inspector's recommendation. The Secretary of State said that the Council can now demonstrate a five year land supply, whilst at the appeal it could not.

In overall conclusion the Secretary of State says:

“Having regard to the conflict with the development plan as a whole and taking into account the policy set out in paragraph 196 of the Framework, and the other harms, the Secretary of State therefore concludes that there are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the

development plan. He concludes that the appeal should be dismissed and planning permission refused.” (Pins Ref - App/W0340/W/15/3141449)

Following a request for sites, a consortium of developers came forward proposing development that included the Siege Cross site put also additional land. This was on the basis that the Planning Inspectorate had already concluded the site was in a sustainable location.

The work on the Thatcham Growth Study was commissioned to see if the area being proposed by the Consortium could accommodate the level of development being proposed.

You have posed a question regarding when new settlements were first considered in West Berkshire and I can confirm that proposals for a new settlement in West Berkshire had been considered in 2006 with a clear majority of residents stating they did not want a new settlement. Since then the national policies surrounding Areas of Outstanding Natural Beauty (AONB) have been strengthened resulting in difficulties creating any new settlement within or adjacent to the North Wessex Downs AONB.

With regards to the potential development of Grazeley, it was always made clear that if the proposal could overcome the significant issue of the Atomic Weapons Establishment (AWE) any development within West Berkshire would only come forward towards the end of the proposed plan period and could not be said to be meeting West Berkshires' needs as it was situated on the edge of the district. The Detailed Emergency Planning Zone which was introduced in 2012 in the West Berkshire Core Strategy with an inner zone, middle zone and an outer zone was a significant issue which could not be overcome.

The recent changes simplified the Detailed Emergency Planning Zone to just a single zone demonstrated that the whole proposal for the new settlement was not possible.

With regards to a meeting with the Parish Councils opposed to the development I will raise the issue with the newly appointed Service Director.

In your letter you state that the Council response will be passed onto the Consortium of Town/Parish Councils who are opposing this development along with any other interested parties. I therefore propose it is also published (with your address redacted) on the Council website <https://info.westberks.gov.uk/localplanreview2037>.

Yours sincerely,



**Susan Halliwell**  
**Acting Chief Executive**

## Questions Asked:

1. Was the Consultancy for the Thatcham Growth Strategy put out to tender? A Freedom of Information request pointed to different tender for Grazeley conducted by Wokingham Council. If not, why not as the Grazeley work is considerably different to that of the Thatcham Strategic Plan?

Yes, this was subject to a tendering process. Masterplanning work was procured jointly by West Berkshire District Council (WBDC) and Wokingham and Reading Borough Councils. David Lock Associates & Peter Brett (now Stantec) (DLA/PBA) secured the contract.

The purpose of the work was to provide evidence to support development at Grazeley in the Wokingham and West Berkshire local plans. The masterplanning work for Thatcham was an extension of this contract, the purpose of the work being to provide evidence to support development at Thatcham if appropriate.

2. Were other developers given the invitation to pay WBC for their proposal to be promoted? If not, why not? Please provide details of other developers approached.

The Council is not “promoting” the site and the DLA/PBA work does not promote any site. The Council has a duty to produce a local plan and the proposed allocation of North East Thatcham is part of this work. The work undertaken by DLA/PBA adds to the understanding of the suitability, capacity and viability of strategic sites in Thatcham. Promoters of smaller sites or sites within settlement boundary were not approached. In addition, work on the HELAA indicated that some sites were not suitable for development. Promoters of those unsuitable sites were not approached. Promoters of remaining sites, which included the sites known collectively as North East Thatcham (NET) and Henwick Park, were approached. Agreement for payment from Henwick Park was not followed up in error.

3. Is it normal for WBDC to accept payment from developers to promote their sites in creating documentation and plans used by WBDC? If so please provide evidence of other examples of this?

Developers have not previously funded independent evidence documents to support local plan-making in West Berkshire however there are increasing examples of this occurring elsewhere (Barnet, Hounslow).

Mindful of being prudent with taxpayers' money, the Council, having identified possible sites for development in Thatcham through its own work, sought to fund further work of those potential sites. It is of course common practice for developers to fund evidence to support a planning application they have submitted, e.g. site specific flood risk assessment, runs of the transport model. There are countless examples of this in West Berkshire.

4. Does WBDC not find it extremely coincidental that the developer contributed £100k to WBDC for them to spend on Consultancy and the from DLA/PBA were almost exactly to this amount? (Stage 1 £5,550; Stage 2 £11,500; Stage 3 £77,500; Expenses £4,725 Total £99,225). This would indicate that WBDC had no commercial input into the costs associated with the Consultancy. Please can you confirm this is the case.

The promoters were asked to fund the full cost of the work (stages 1, 2 and 3).

5. Were DLA/PBA made aware that the Consortium had solely funded their work to exact budget allocated by the Consortium?

No. West Berkshire District Council was the client and paid DLA/PBA directly for their consultancy services.

6. What other potential developers did DLA/PBA meet with during their Consultancy engagement?

The promoters of Colthrop Farm and Henwick Park.

7. Do you accept that 13.5.2 of the Code of Conduct has been breached, in that the highest standards of integrity and fair and impartial decisions are called into question?

No.

8. If a developer was invited to, but chose not to offer to pay DLA/PBA for the Consultancy, would WBDC have commissioned the work independently?

Yes. Members had seen the benefit of masterplanning as part of the work on the Grazeley proposed settlement and were steadfast in the belief that Thatcham should benefit from the same positive approach to plan-making and development.

9. Did WBDC not consider it appropriate that in the Thatcham NE development plan created by DLA/PBA, a statement be made indicating that this work was solely funded for by the prime Developer and that in not doing so it appears that WBDC were misleading the public?

The work was commissioned by the Council and undertaken completely independently. The public have not been misled.

10. Did the Executive agree to a process in which the developer covers the cost of the consultancy work that promotes their site to the exclusion of all others?

The DLA/PBA work does not promote any site. It adds to the understanding of the suitability, capacity and viability of strategic sites in Thatcham. The funding process was agreed by the Portfolio Holder in consultation with the Executive Director and Head of Service.

11. Does the executive accept that by accepting payment from the Thatcham NE development consortium prior to the HELAA process starting that it would appear that the outcome is both biased and pre-determined?

No. The HELAA process had started and was well underway before any discussion in relation to funding evidence occurred. It indicated a number of sites were more suitable for development than others in Thatcham and considerable evidence had already been produced to show that NET should be considered for development.

12. Did WBC have allocated funds to pay for the work without recourse to the developer to demonstrate that they were not beholden to the developer that pays?

The Local Plan has an allocated budget for evidence work to support the plan. This work would have come from this budget had an alternative funding stream not been secured.

13. Is WBDC liable to repay any of the funds to the Consortium if their site is not adopted in the Local Plan?

No.

14. What processes were in place to ensure that there was no undue influence between the developers and consultants?

West Berkshire officers project managed the entire project and all work (apart from technical discussions between specialist consultants) was directed through officers.

15. What evidence do WBDC have that these processes were implemented and adhered to?

Officers had oversight of the work throughout the entire project and liaised very closely with DLA/PBA. Officers were informed of all communications between consultants and promoters and have every confidence of the professionalism of DLA/PBA.

16. The Thatcham Development report, especially stage 3, contains a great deal of information that could only have come direct from the developers. Do WBDC accept the accuracy of this information?

The nature of evidence documents is that information is gathered from developers. In this instance it was no different and DLA/PBA liaised with the promoters' consultants to ascertain technical information. DLA in managing this work had technical consultants reviewing information and were content with the accuracy of the information and the Council accepts this position.

17. Did the Developers and DLA/PBA at any time meet without WBDC officers present?  
No.

How many meetings did DLA/PBA and the Consortium have?

3.

How does this compare to meetings with other developers?

DLA/PBA had 1 meeting with Henwick Park promoters and 1 meeting with Colthrop Farm promoters.

18. What oversight has WBC performed on the DLA/PBA reports to ensure they were acting in the interests of WBC and not the developer that was funding the work?

Every oversight. Regular meetings with DLA/PBA to review the documents and editorial control.

19. A payment of £40k was proposed for a Planning Performance Agreement. Was that money paid, and what service did WBC deliver?

No money has been paid to date. WBDC is providing dedicated officer resource to the partnership in the same way the Council does under other PPAs.

20. Has the viability model been reviewed by Officers in WBC and are they satisfied with the assumptions on land cost and property resale values that determine the profit margin?

Yes. Although at this stage it is only high level viability work. The Whole Plan Viability work will provide more detailed evidence to support all policies proposed in the Local Plan Review (LPR).

21. Why have conclusions about the essential needs for road improvements identified at the HELAA not led to Section 106/278 contributions in the Infrastructure List?

Any infrastructure list is constantly reviewed and updated as additional information becomes available. The Infrastructure Delivery Plan would be updated for the Regulation 19 LPR Submission. No planning application has been determined, or indeed even submitted, for any proposed development at this location. Section 106 and section 278 agreements are negotiated as part of the planning application process and appended to planning permissions.

22. Given Phase 1 of the TSGS identified shortfall in service and infrastructure why are these not addressed in Phase 3 report, for example, is WBDC satisfied with the recommendation that 50% of funding for secondary school would not be fully released until Phase 4 (out of 5) requiring over 2,000 dwellings to be completed (and as 1,250 dwellings are considered to be deliverable to 2037 is the phasing aligned with the needs of WBC secondary schooling provision)?

Stage 1 of the TSGS identifies an **existing** shortfall in services and infrastructure. It is an established legal principal that new development cannot be required to address existing deficits. The NET site would not generate enough pupils to require an entire

secondary school to be funded but it would enable funding for half a school to be secured. This would be more funding towards a secondary school than could be secured from any other third party source. It would mean that the Council would **only** have to fund half of a new secondary school and in doing directly address the identified shortfall in secondary education provision. The phasing of payment in the TSGS is indicative and further work would be done. The Council would ensure that provision of school places would occur in tandem with development build out.

23. Are WBC satisfied that DLA/PBA conducted diligence in their work - for example, additional land is claimed to be allocated at Henwick Worthy for playing fields for Thatcham NE and on the infrastructure list has a cost of £1,000,000 of which the developer will pay £500,000.

The TSGS is a high level masterplan which serves as evidence to support the LPR and many other evidence documents will also support the LPR. It does not allocate sites for development. The TSGS discusses enhancements to the existing Henwick Worthy facility as an option which would contribute additional sport pitch resource due to the intensification of the use. This option is being explored internally in the Council.

24. The stage 3 report indicates that the Developers contribution to schooling will only consist of the provision of land. Does WBDC have sufficient and robust plans to fund the actual building of the schools?

The stage 3 report indicates that the NET site would yield approximately 3.5FE of secondary school provision. A secondary school of this size is not considered viable to construct so a larger school providing 6-8FE is envisaged. The land for this would be provided by the NET site, in addition to funding of half the provision via developer contributions. It is accepted by the Council that funding for the cost of the remaining half of the school would be required. This would be a far smaller cost to the Council than a new site plus the entire build cost of a new school and would provide the Council with additional secondary school capacity over and above that required by the site.

25. Thatcham TC who are a partner to Henwick Worthy and have not been consulted. Where is this new space at Henwick Worthy, and who pays for the £500k shortfall?

This has been answered in the response to Q23.

26. Are WBDC satisfied with DLA/PBA stating that a bridge is unviable for delivery when a separate developer is proposing exactly that, and which has the support of National Rail?

Yes. The Council has commissioned additional work to consider the viability of a bridge which is currently being completed. The concept of development which results in the closure of a crossing is supported by Network Rail and that is what they have stated in relation to the development in question.

Why has Newbury Weekly News quoted WBDC as saying “no development at Thatcham NE unless a railway cross is included?”

Unfortunately without the context of quote we are unable to respond to this question.

27. Are WBC confident with the statement that "NE Thatcham does not require a bridge" when taking into account the cumulative impact of recent developments and the existing traffic queues that can lead to the crossing not being cleared before being closed a second time?

Again the context of quote is required. The Council supports the position that a bridge is not required to mitigate the development of NET. Extensive transport modelling work undertaken to progress the Local Plan Review and assessment of the network support this position. The issue of the crossing and existing queues is a wider issue which will be dealt with as part of the Local Transport Plan.

28. Do WBC Executive members follow advice from the Planning Advisory Service for Probity in Planning? If so, can they confirm that they accept the advice that "leader and portfolio holder of a local authority, who play an important role driving planning policies and proposals, should normally exclude themselves from decision making committees. This is to avoid the perception of a conflict of interests and predisposition" and that Executive members involved in the Regulation 18 and Regulation 19 preparation, and Leader, should exclude themselves?

The next paragraph of the Planning Advisory Service for Probity in Planning continues "In smaller councils it may be necessary for a portfolio holder to be on a planning committee".

However, the Local Plan making process is a function of Council and not the Executive in West Berkshire. In West Berkshire, the initial stages of plan making has been delegated to Officers who consult with the Portfolio Holder and an Advisory Group (consisting of members from all parties) and produces a plan for consideration along with the all the evidence for Council and not a committee. The decision on the Local Plan is then made by Full Council. Under these circumstances there is no requirement for them to exclude themselves from the plan making process unless they have a personal interest. The fact that the Local Plan is subject to an independent examination provides a further check in the system against biases.

29. Have the WBDC employees and primary supporters of the Thatcham NE development, Hilary Cole and Bryan Lyttle, declared any interest in why they are so predisposed for this site and if so what ?

No they have not declared any interest in any development proposed in the Local Plan Review, but no decision has been made.

Declaration of interest are a matter for the individual member to consider prior to the making of decisions.

Cllr Cole's and Mr Lyttle's support of this development is based solely on evidence. Current WBDC planning policy is to allow a period of consolidation in Thatcham following a number of developments. This policy dates from 2012. In the 1980s Berkshire County Council considered the development to the North and East of Thatcham. Furthermore, in 2017, appeals at two sites in Thatcham were refused by the Secretary of State (SoS) but importantly, one of the key reasons for refusal was because the sites did not form part of the local plan, not because they are wholly unsuitable for development. Now, the local



plan is being reviewed. Following a period of consolidation, there is a recognition by the Council that Thatcham as a settlement needs to be looked at as a whole and that provision of services, infrastructure and affordable housing is key to the development of the town. Evidence shows that strategic development is the way to secure services and infrastructure and that NET is the most suitable site for development.

30. Are all the recent press releases made by Bryan Lyttle and Hilary Cole in accordance with WBDC policies as defined in the Constitution ? If not why not and will they be retracted?

Yes.

31. Why is Bryan Lyttle making public statements that imply that WBC have identified significant issues with traffic and impact but have no clear view on the impact or how to mitigate.

- a. [Impact of 2,500 homes on Thatcham residents 'impossible to answer' \(newburytoday.co.uk\)](http://newburytoday.co.uk)

This implies that at best this is lazy planning or, as identified above, WBC have already made the decision to proceed with the development and are unwilling to change course.

The Council refutes that this is not lazy planning. Mr Lyttle's statements were factual. At the time of the question an initial assessment had been made of the traffic impacts but the mitigation measures had yet to be finalised as to what would be the best way to mitigate the impact of associated traffic generated from the proposed development. For example, the development of an internal road network would keep primary school traffic within the site rather than spill out on to the network.