Compton Neighbourhood Development Plan 2020-2037
Regulation 18 Decision Statement

3 December 2021

1. Introduction

1.1. In accordance with the Town and Country Planning Act 1990 (as amended), West Berkshire District Council (WBDC) has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to progress their Neighbourhood Plans through examination and referendum. The Localism Act 2011 sets out the responsibilities under Neighbourhood Planning.

1.2. Once the Council has received an examiner's report, WBDC is required to make a decision on the next steps. As set out in the Neighbourhood Planning Regulations these are:

(a) to decline to consider a plan proposal under paragraph 5 of Schedule 4B to the 1990 Act (as applied by section 38A of the Planning and Compulsory Purchase Act 2004) or a modification proposal under paragraph 5 of Schedule A2 to the 2004 Act;
(b) to refuse a plan proposal under paragraph 6 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or a modification proposal under paragraph 8 of Schedule A2 to the 2004 Act;
(c) what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) in relation to a neighbourhood development plan or under paragraph 13 of Schedule A2 to the 2004 Act in relation to a proposed modification of a neighbourhood development plan;
(d) what modifications, if any, they are to make to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or paragraph 14(6) of Schedule A2 to the 2004 Act;
(e) whether to extend the area to which the referendum is (or referendums are) to take place; or
(f) that they are not satisfied with the plan proposal under paragraph 12(10) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act) or the draft plan under paragraph 14(4) of Schedule A2 to the 2004 Act.

1.3. In accordance with the Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended), this report forms the Council's Decision Statement, and sets out the Council's decision and the reasons for this.

2. Background

Designation of the Neighbourhood Area

2.1. On 11 January 2017, WBDC designated the Compton Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parish of Compton and lies solely within the West Berkshire Local Planning Authority Area.

Submission of the Compton Neighbourhood Development Plan

2.2. Compton Parish Council, the qualifying body, submitted the draft Compton Neighbourhood Development Plan (NDP) and supporting documents to WBDC on 6 May 2021.

2.3. Following submission of the NDP, WBDC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 4 June to 16 July 2021.

Independent examination of the Compton NDP

2.4. WBDC, with the consent of Compton Parish Council, appointed an independent examiner, Mr. Andrew Mead MRTPI, to review the NDP and consider whether it should proceed to referendum.

2.5. The examination of the plan took place via written representations between July and October 2021.

2.6. The examiner's final report was received on 6 October 2021 on the Compton NDP and he recommended that subject to eight modifications, the plan should proceed to referendum. He also recommended that the referendum area should not extend beyond the designated Compton Neighbourhood Area.

Post examination

2.7. Regulations 17A and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the local planning authority to outline what action to take in response to the recommendations of the examiner following the formal examination.

2.8. The examiner's report is not binding and it is the responsibility of the Council to ultimately decide if the examiner's suggested recommendations and modifications should be followed or not.

3. Decision

3.1. Having considered the recommended modifications made by the Examiner's Report, and the reasons for each of them, WBDC, with the consent of Compton Parish Council has considered each of the recommendations and agreed the action to take in response to each recommendation. It was decided to accept all the modifications to the draft plan by the Examiner under Paragraph 12(2) (4) of Schedule 4B to the Town and Country Planning Act 1990. The Examiner's proposed modifications are set out in Table 3.1 below alongside the reason why the modification was accepted.

Table 3.1: Examiner's proposed modifications to the Compton NDP

Policy	Examiner's modifications (insertion underlined, omission as ~~strikethrough~~)	Decision and justification	Action taken and revised modification
Policy C1: Development Strategy for the Parish	Proposals for infill development in the built-up area of Compton, outside of the HSA DPD [Housing Site Allocations Development Plan Document] Policy HSA23 Allocation, will be supported if they are within the settlement boundary defined by West Berkshire Core Strategy (see map below) and where such development: i. is of a scale and form in keeping with surrounding properties; ii. respects residential amenity and provide suitable access; iii. conserves and, where appropriate, enhances heritage assets and their settings; iv. can be properly serviced and supplied with essential services such as water and drainage; v. delivers a measurable net gain in biodiversity; and vi. complies with the other policies within the development plan. Development should not be permitted in the open countryside unless it is for development permitted by the exceptions within ~~Policies C1 – C8 of the HSA DPD~~ national guidance.	WBDC agree with the Examiner's recommendation. The phrase "where appropriate" is used in the National Planning Policy Framework (published July 2021). Policy SP9 of the emerging draft West Berkshire Local Plan Review to 2037 (LPR) does include this phrasing, yet the LPR is likely to be adopted after the adoption of the NDP. This amendment will ensure the Basic Condition for plans to have regard to national planning policy and guidance is met. The examiner's modification to delete reference to the HSA DPD (Housing Site Allocations Development Plan Document) should be accepted as the Planning Practice Guidance (PPG) is more recent than the HSA DPD, the latter of which was adopted in 2017.	No further action required. Modification to be taken forward to the final plan.
Policy C6: Hostel retention at the HSA DPD Policy HSA23 Allocation at Pirbright Institute	The redevelopment of the Site should include the retention and refurbishment of the Hostel complex (as identified on the map below) to deliver a range of one and two-bedroom homes, unless the viability and deliverability of the scheme would be significantly threatened.	WBDC agree with the Examiner's recommendation. The modification would bring this policy in line with paragraph 77 in the National Planning Policy Framework (NPPF) and benefit the Compton NDP should its deliverability or viability be threatened. This ensures conformity with the Basic Conditions.	No further action required. Modification to be taken forward to the final plan.

Policy	Examiner's modifications (insertion underlined, omission as ~~strikethrough~~)	Decision and justification	Action taken and revised modification
Policy C7: Development Density at the HSA DPD Policy HSA23 Allocation at Pirbright Institute	The density of the development provides an opportunity for a range of house sizes to meet local needs where a majority of open market homes will be 3 to 5 bedrooms, including the provision of suitable single-storey homes designed to M4(2) Category 2: Accessible and adaptable located to balance the desirability of single storey development close to the northern boundary of the site with that of the convenience of accommodation for older people near to village facilities and services ~~within Area B where they are sited to assist with the transition of the development in an appropriate scale to the open countryside beyond~~.	WBDC agree with the Examiner's recommendation. The proposed modification would be appropriate as it would bring Policy C7 in line with paragraphs 124 and 125 in the NPPF. Policy C7 has regard to density at the Pirbright Site and NPPF paragraph 124 refers to planning policies and decisions that should support development while making efficient use of land. NPPF paragraph 125 seeks to avoid homes being built at low densities while ensuring the optimal use of the potential for each site.	No further action required. Modification to be taken forward to the final plan.
Policy C8: Design	All development, including conversions, extensions and new build, will be expected to have high standards of design, to assist in the creation of beautiful and distinctive places, and to reflect the guidance in the Compton Village Design Statement (and any subsequent updates made by the Parish Council) and comply to the parameters set out in table 1 below. All development should incorporate the principles of the Governments National Design Guide (2019) and the National Model Design Code.	WBDC agree with the Examiner's recommendation. The recent revisions to the NPPF include greater emphasis on design and the Government has now published a National Model Design Code. Adopting the examiners suggested modification would bring policy C8 in line with the paragraphs the NPPF and PPG.	No further action required. Modification to be taken forward to the final plan.
Policy C9: Design at the HSA DPD Policy HSA23 at the Pirbright Site	The redevelopment of the site will be informed by a design brief or masterplan that has been subject to public consultation undertaken broadly in line with the West Berkshire Statement of Community Involvement. This should be preceded by a design code in consultation with the community and this will be a condition of the outline permission in such circumstances. Those commissioning the project should aim to achieve high	Adopting the examiners suggested modification would bring the policy in line with paragraph 133 in the NPPF which includes guidance on Building for a Healthy Life. The NPPF states that this is beneficial if used early in the evolution of schemes.	No further action required. Modification to be taken forward to the final plan.

Policy	Examiner's modifications (insertion underlined, omission as ~~strikethrough~~)	Decision and justification	Action taken and revised modification
	quality and sustainable design using the 'Building for a Healthy Life' assessment framework to take an innovative and creative solution for this site. The design framework should identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and supplies. ~~It is recommended that appropriately qualified and experienced design professionals such as registered architects, urban designers, landscape architects and public artists are engaged at an early stage of the development proposal to ensure all aspects of design are considered.~~ Justification of C9: 12.10 It is expected that any developer would work closely with the community of Compton to develop a design code that successfully meets the objectives of the NDP, with all stages of the design process being subject to meaningful engagement with the local community and relevant stakeholders. West Berkshire Council should have regard to the outcome from these processes, in the exercise of development management functions, including any recommendations made by design review panels. It is recommended that appropriately qualified and experienced design professionals such as registered architects, urban designers, landscape architects and public artists are engaged at an early stage of the development proposal to ensure all aspects of design are considered.		
Policy C13:	~~The neighbourhood plan~~	WBDC agree with the	No further

Policy	Examiner's modifications (insertion <u>underlined</u>, omission as ~~strikethrough~~)	Decision and justification	Action taken and revised modification
Community uses at the HSA DPD Policy HSA23 at the Pirbright Site	~~identifies the following existing buildings and land at the Pirbright Site (as identified on Figure 7) as having strong potential for accommodating community uses to meet the identified needs:'~~ • ~~The Piglets Day Nursery' should be retained, renovated and enhanced for community use as a replacement Pre-School for Compton;~~ • ~~'The Pickled Pig' complex should be retained, renovated and enhanced for community use associated with the adjacent Cricket Ground~~ • ~~The Cricket Ground should be retained, renovated and enhanced as public open space for the community in a manner commensurate with its designation as a Local Green Space.~~ <u>Any proposal to replace either the Piglets Day Nursery or Pickled Pig complex with a newer purpose-built facility will be supported on the basis that it is justifiable by a cost/benefit analysis at that time and complies with the following criteria:</u> ~~Any future initiative to replace these facilities with a newer purpose-built facility will be supported by the NDP on the basis that is justifiable by cost/benefit analysis at that time and complies with the following criteria:~~ i. the particular proposal will not lead to traffic congestion or adversely affect the free-flow of traffic on the adjoining highway; ii. access arrangements and off-street parking can be satisfactorily provided	Examiner's recommendation because there is no evidence to include this within the policy	action required. Modification to be taken forward to the final plan.

Policy	Examiner's modifications (insertion <u>underlined</u>, omission as ~~strikethrough~~)	Decision and justification	Action taken and revised modification
	without impinging on adjoining residential and non-residential uses; iii. adhere to the design policies set out in Policy C2 and C8, and respect surrounding landscape; and iv. does not adversely impact the locality and amenities of local residents.		
Policy C17: Biodiversity	All new developments should maintain and enhance existing on-site biodiversity assets and provide for wildlife needs on site where possible. All new development must provide measurable net gains for biodiversity. Development proposals should be landscape-led, showing regard to the ecological, arboricultural and landscape surroundings at an early stage in the design process. Development proposals that result in a loss or deterioration of green infrastructure that support protected habitats, priority habitats or species will not be supported. <u>Opportunities should be taken to incorporate trees in developments, secure appropriate measures for their maintenance and the retention of existing trees wherever possible.</u>	WBDC agree with the Examiner's recommendation. Adopting the examiners suggested modification would bring the policy in line with the paragraph 131 of the NPPF which includes guidance on the contribution of trees. Paragraph 131 of the NPPF states that planning authorities *"should work with local highways officers and tree officers to ensure that the right trees are planted in the right places".*	No further action required. Modification to be taken forward to the final plan.
Policy C18: Sustainable Drainage	<u>New development and improvements in green and</u> ~~New development must~~ other infrastructure must manage flood risk and incorporate Sustainable Urban Drainage Systems (SUDS) as an integral part of the green infrastructure and street network, to reduce the runoff of surface water in line with WBCS Policy CS 16. The SUDS must (where the feature is communal rather than building specific) be designed as positive features of the development and must	WBDC agree with the Examiner's recommendation. Adopting the examiners suggested modification would bring the policy in line with paragraph 160 in the NPPF which now requires plans to manage any residual flood risk by using opportunities provided by new development and ""improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural	No further action required. Modification to be taken forward to the final plan.

Policy	Examiner's modifications (insertion underlined, omission as ~~strikethrough~~)	Decision and justification	Action taken and revised modification
	effectively mitigate any adverse effects from surface water run- off and flooding on people, property and the ecological value of the local environment.	flood management techniques as part of an integrated approach to flood risk management)". The existing Local Plan policy on flood risk (Policy CS16 of the Core Strategy) does not mention managing residual flood risk. There is a flood risk policy in the emerging draft of the LPR (Policy SP6) and this will need to be re-worded to take account of managing residual flood risk.	

3.2. WBDC published the submitted NDP and its supporting documents for a 6 week consultation which ran between 4 June and 16 July 2021. Several representations were submitted which suggested either minor factual or contextual corrections, however these were not identified in the examiner's modifications because they did not relate to the Basic Conditions. On consideration of these representations, WBDC consider it appropriate to make two additional changes to those identified by the examiner.

3.3. In addition, WBDC has identified that one factual error and two typographical errors, and modifications will correct these.

3.4. The proposed modifications are set out in Table 3.2 below alongside the reason why the modification has been made.

Table 3.2: Additional minor modifications made by WBDC to the Compton NDP

Policy	Proposed modification (insertion underlined)	Decision and justification	Action taken and revised modification
Figure 2	Amend Figure 2 to include the hostel site: 	The plan shown in Figure 2 shows the extent of the Housing Site Allocations Development Plan Document (HSA DPD) allocation at the Pirbright Site. The allocated site includes a hostel complex and this was omitted in error in Figure 2. Paragraph 11.9 of the NDP recognises that the hostel complex is within the site boundaries, so	Revision of Figure 2 to include the hostel complex within the extent of the HSA DPD allocation at the Pirbright Site.

Policy	Proposed modification (<u>insertion underlined</u>)	Decision and justification	Action taken and revised modification
		the amendment of the Figure 2 would not impact on the text of the plan	
Policy C2	Amendment to the second sentence of to include the word 'must' and remove the 's' from demonstrates so that it reads: *Any greater number of dwellings <u>must</u> demonstrate~~s~~ it will not harm the character of the village and the community*…	As currently worded the sentence does not make sense, and the word 'must' was omitted in error.	The inclusion of the word 'must' and the deletion of 's' from demonstrates
Policy C9	Amendment to the second sentence to remove the word 'preceded' and replace with the word 'followed' so that it reads as follows: *The redevelopment of the site will be informed by a design brief or masterplan that has been subject to public consultation undertaken broadly in line with the West Berkshire Statement of Community Involvement. This should be ~~preceded~~ <u>followed</u> by a design code in consultation with the community and this will be a condition of the outline permission in such circumstances.*	The intention of the policy is that a detailed design code will follow the masterplan. The supporting text at para 12.9 confirms this "…*the application should be informed by a detailed masterplan leading to a design code being established as a requirement of any Outline Planning Permission to guide the submission of the 'reserved matters'."* The policy as currently worded states that *"This [masterplan] should be preceded by a design code".* The 'preceded by' refers to the design code, ie. the design code should come before the masterplan. It's in the passive voice (masterplan is acted on by the design code).	The substitution of the word 'preceded' with 'follows'

Policy	Proposed modification (<u>insertion underlined</u>)	Decision and justification	Action taken and revised modification
Justification of C18	Inclusion of an additional paragraph after 16.17 to mention that developers have a responsibility to follow the sequential test. <u>16.18. Developers have a responsibility to follow the sequential approach to the disposal of surface waters with proper provision for surface water draining to ground, water course or surface water sewers being given. The discharging of surface waters to the foul sewer can be a major contributor to sewer flooding and should therefore be avoided.</u> 16.19. The Council has adopted a SUDs SPD which provides detailed guidance on how effective SUDs, as required in this policy, can be designed and implemented.	Thames Water suggested the inclusion of some additional wording in relation to sustainable drainage because PPG states that a sequential approach should be used in areas known to be at risk from other forms of flooding, other than river and sea, which includes flooding from sewers.	The inclusion of additional text.
Appendix 2: Compton Conservation Area and Heritage Assets	Inclusion of Peterborough Castle, a Scheduled Ancient Monument on the map	Historic England identified that Peterborough Castle, which is a Scheduled Ancient Monument, had been omitted from Appendix 2. The inclusion of Peterborough Castle on the map will ensure the completeness of the evidence base for the NDP. It will also ensure that the map is factually correct.	Appendix 2 will be updated to include Peterborough Castle.

4. The referendum area

The Council is in agreement with the Examiner's recommendation that there is no policy or proposal significant enough to have an impact beyond the designated Neighbourhood Area, and that any referendum takes place in due course be contiguous with the boundary of the designated Neighbourhood Area as illustrated in Figure 4.1 below.

Figure 4.1: Compton Neighbourhood Area



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