***Predetermined Scope***

The AV brief provided by West Berkshire Council (WBC) is narrow, restrictive and prescriptive and designed to provide the predetermined output that certain members of WBC wanted which is a housing led scheme.

This is a major fault of the brief and report as its prime objective is to solely focus on a commercial led scheme which WBC hope will provide maximum commercial return.

The report should have been a thorough, open, impartial and evidence-based assessment of ALL options for the LRIE.

* Why is the report focused on housing given that WBC doesn’t currently need more housing land?
* How does (based on evidence not mere ideology) replacing business premises and the Newbury Football ground with housing and associated private car parking plots satisfy the overarching test of being in the best public interest?
* Why did the AV report not consider and evaluate improving the current fully subscribed assets (business premises and public open space such as the football ground)?
* The fact is that the AV report should have absolutely looked at the football ground remaining in community use as a sports facility and the explicit exclusion of this option (and other options) puts in question the overall legitimacy of the report (which has no material significance anyway!)

**In simple terms WBC appear to be pursuing a predetermined strategy to build flats on large parts of the LRIE without taking into account all the merits of alternative arguments that should be based on empirical evidence and what’s in best overall public interest.**

***Should the Football Ground be included as part of the LRIE?***

The Football ground should not be included as part of the London Road Industrial Estate (LRIE).

The football ground has been at its current location since 1963 which **predated** proposals to establish an industrial estate at the beginning of the 1970s, shortly before the abolition of Newbury Borough Council.

The Football ground has never been identified as a site used for employment purposes (or retail or housing) as such it should be treated as the public open space that it is, outside of the LRIE, in the same way that the land immediately to the east (which includes allotments) and south of the ground is.

***Why residential-led mixed use development?***

Is the LRIE no longer categorised as a Protected Employment Area?

The draft report openly states its intention to change the use of the Site (LRIE) from commercial to residential. Where is the evidence that this is required, sensible or needed?

This is blatant predetermination as the draft report does not consider other viable options, it fails to take into account the merits of alternative (and existing uses) and fails to provide any detail or empirical evidence why a change of use to residential is what actually required and is the best overall interest of the public

Why is there no mention of the opportunity to enhance or redevelop any part of the area for sports or leisure facilities

***Loss of Open Space***

The draft report totally ignores the fact that the current football ground, which is on a site of 3 acres and is open space / green infrastructure and will be lost. Why does the report not make it clear that the masterplan will result in a net loss of green infrastructure / open space?

The draft report states that “there is a good opportunity to introduce new open spaces and habitat enhancements within the masterplan” and states “This could be in the form of SuDS sustainable drainage features, new street trees, or new parks and leisure facilities”

However, all that can be seen on the current masterplan is a few street trees planted between car parking spaces. Is this really the extent of the new open spaces?

Why is there no reference (or detail) on these SuDS sustainable drainage features, new parks and leisure facilities?

How much will it cost to provide these SuDS, new parks and leisure facilities?

Where exactly will these SuDS, new parks and leisure facilities be located?

***Flood Risk Area***

The draft report acknowledges that the LRIE is in a flood risk area and the masterplan will need to respond to this by incorporating an extensive SuDS area. Where is the detail and costing for this?

Is it really practical or sensible to try to concrete over vast areas in a flood risk area – especially next to rivers / canals which will get even more risky as global warming / climate change becomes a reality?

Surely and quite rightly the LPA and Environment Agency would have major concerns regarding the flood risk and any planning application, if it ever reaches that stage, for would in all probability be refused.

This is a significant and material issue but there is no detail and costing for this on the report

What sequential tests have been undertaken?

Why has the report not given due consideration to more appropriate water-compatible developments? The Governments Planning Policy Guidance Flood Zone and flood risk tables (Table 2): Flood risk vulnerability classification that "Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms” are water-compatible development.

***Contamination***

Contamination is a significant and material issue but there is no detail and costing for this in the report.

With the clear and obvious contamination and flood risk dangers why has this report primarily focused on a “residential-led”scheme?

***Relevant Planning Applications***

The draft report lists Newbury Community Football Groups CIC planning application as a significant (planning) application within the LRIE but then totally ignores it as an option (due to the brief provided to AV by WBC)

As a minimum the report should have looked at the option of retaining the ground at its current location especially in light of the fact that WBC still has no alternative / replacement venue and the obvious planning challenges that will be faced if flats are to be built on the football ground.

NCFG has a live planning application for a new club house and a new 3G pitch being processed at the moment which will transform the whole site for the benefit of the community and also increase the value of the land for the Council. The ground is classified as green space and open space, it is also in a flood risk area. As such it is ideally suited to continue as first-class sporting facility that evidence clearly shows is in increasing demand and would be of great benefit to the local community.

***Policy Framework***

The draft report states that the planning policy framework affecting the sites comprises the following:

• The National Planning Policy Framework; and

• The WBDC Development Plan

However, the draft report **does not acknowledge the** status and importance of the current football ground, which is disappointing as the football ground is clearly and well defined within the West Berkshire Core Strategy (2006 - 2026) Development Plan Document which was adopted in July 2012

The principle policies in the Core Strategy that cover the football ground are:

a. Area Delivery Plan Policy 2 Newbury (ADPP2)

b. CS18

***Area Delivery Plan Policy 2 Newbury (ADPP2):***

**“***Existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors*.*”*

The football ground in Faraday Road is specifically classified as a cultural facility

As a consequence, the facility is protected from redevelopment. An application for planning permission or reclassification (under the forthcoming Local Plan) would have to justify an alternative use.

***CS.18 – Green Infrastructure:***

Newbury Football Ground is identified in Local Planning Policy CS.18 as a vital part of Green Infrastructure in West Berkshire;

The Policy is clear “*the districts Green Infrastructure will be protected and enhanced*” and “*Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted*”.

The Council are clearly failing to adhere to its own adopted policies and procedures.

The Council “Vision” is to build flats on the football ground. However, the Council’s own evidence states that Newbury’s football ground is not needed as housing land and this is documented in the published Core Strategy and Housing Site Allocations DPD.

***Public Open Space (POS)***The report completely fails to acknowledge the importance and role of the football ground. It is a significant area of 3 acres and is public open pace and green infrastructure that would be lost if the masterplan ever gets accepted.

From a planning perspective there can be no doubt whatsoever that the football ground is covered (and should be protected) by both the **Town and Country Act 1990** and the **National Planning Policy Framework – February 2019.**

# *Town and Country Act 1990*

# The primary use of any given parcel of urban land is controlled by the Town & Country Planning Act 1990 (the “Act”). Open space is defined in the Act as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.

# This covers a broad range of open spaces that are of public value and specifically includes:

# (iv) outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas

***National Planning Policy Framework – February 2019***

Open space and recreation are defined and referred to in Section 8 (Promoting healthy and safe communities) of the National Planning Policy Framework - February 2019).

Paragraph 96 establishes the importance of open space and particularly opportunities for sport & recreation:”

*96. Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*

Paragraph 97 strongly protects existing space:

*97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

***Green Infrastructure***

Although the Newbury Football Ground is identified in Local Planning Policy CS.18 as a vital part of Green Infrastructure in West Berkshire, this draft report and (WBC) fails to acknowledge its obligations with respect to what this means in terms of following its own, local and national planning policies.

The Policy is clear “*the districts Green Infrastructure will be protected and enhanced*” and “*Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted*”.

***Lack of details behind the Commercial viability of the masterplan***

The report does not provide any detail behind the numbers provided, for example what does the Total Acquisition Costs of £0.5m (plot 2) and £0.4m (plot 4) cover?

How much (if anything) has been allocated for the possible relocation of the Newbury Football ground?

When has it been assumed that the relocated football ground will be operational?

How much has been allocated for sustainable drainage?

  How much has been allocated for decontamination?

How much has been allocated for relocation of businesses to make way for housing?

What is the predicated loss of income from businesses that need to be reallocated?

What assumption has been made regarding how many businesses will leave the Newbury area altogether as a result of this push for housing?