

Lambourn Neighbourhood Plan Examination

West Berkshire Council response to Question 4 of 02/AM/LNP

4. Policy L10. The draft policy includes a reference to the public benefits of the proposal. This reference is maintained in the suggested amendment by WBC. The public benefit of a proposal is not included as a consideration in the NPPF, paragraph 216. Therefore, to have regard to national guidance, I have drafted a suggested policy below on which I would be pleased to have comments from both Councils: *“Where a proposal would result in harm to the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

West Berkshire Council (WBC) agrees with the Examiner that the reference to the public benefits of a proposal should be removed from policy L10 (Non-designated Heritage Assets).

Paragraph 216 of the National Planning Policy Framework (NPPF) states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The Examiner's proposed wording closely reflects national policy and provides a clear and appropriate basis for decision-making. WBC therefore supports the Examiner's proposed wording.

West Berkshire Council response to Question 5 of 02/AM/LNP

5. The LNP indicates sites for 65 dwellings in Lambourn in the West Berkshire Local Plan Review (LPR). Policy RSA17 allocated Land adjoining Lynch Lane for approximately 60 dwellings. Policy RSA18 allocated Land at Newbury Road for approximately 5 dwellings. Policy SP12 of the LPR states that it will be necessary for the LNP to identify sites for approximately 25 further dwellings. Moreover, sites allocated within the LPR cannot be counted towards this housing requirement. The LNP accordingly allocated 3 sites for further residential development: Policy L14A Land at Wantage Road for approximately 25 dwellings; Policy L14B Former Royal British Legion Site, Big Lane for approximately 10 dwellings; and Policy L14C Land at Collingridge Farm for approximately 10 dwellings.

The Regulation 16 representation from RAW Planning on behalf of the Injured Jockeys Fund (IJF) states that the allocation of Land at Collingridge Farm is no longer available for development of approximately 10 dwellings. With the purchase of the land by the IJF last year, the site is now required to support the future operational needs of the adjoining Oaksey House Rehabilitation Centre. It therefore asserts that the 10 dwellings provided for in Policy L14C are not deliverable and the policy should be deleted. Considering the reasons advanced in the representations, I agree and I am minded to recommend the deletion of Policy L14C.

A new basic condition now applies which requires that *“the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.”* Given that, if the Neighbourhood Plan were not to be made, the LPR allocations under Policies RSA17 (60 dwellings) and RSA 18 (5 dwellings) would still remain, it seems to me that the Basic Conditions would still be met. **I would be pleased to have comments from both Councils on the deletion of Policy L14C.**

The Council notes the [Regulation 16 response](#) from RAW Planning on behalf of the Injured Jockeys Fund, which states that the site at Collingridge Farm is no longer available for residential development and is required to support the future operational needs of Oaksey House Rehabilitation Centre.

A definition of 'deliverable' is included within the glossary of the NPPF. The definition is clear that sites for housing should, inter alia, be available now and be achievable with a realistic prospect that housing will be delivered on the site within five years.

The allocation can no longer be regarded as deliverable during the plan period, and in these circumstances, WBC agrees that the deletion of policy L14 C would be appropriate.

[Policy SP12 \(Approach to Housing Delivery\)](#) of the adopted West Berkshire Local Plan Review (LPR) identifies a requirement for the Lambourn Neighbourhood Plan (NP) to provide approximately 25 dwellings. [Policy SP3 \(Settlement Hierarchy\)](#) of the LPR makes clear that housing allocations within defined settlement boundaries should not count towards the housing requirement set out in policy SP12. This is because there is a presumption in favour of development within defined settlement boundaries, and counting such sites towards the SP12 requirement would be inconsistent with the assumptions made in the LPR about the District's overall housing land supply.

The largest residential allocation in the Plan is for approximately 25 dwellings at Land at Wantage Road (policy L14 A), which is located adjacent to the settlement boundary of Lambourn. An additional allocation is proposed at the Former British Legion Site (policy L14 B) for approximately 10 dwellings. This latter site is located within the settlement boundary of Lambourn.

WBC agrees with the Examiner's interpretation of the revised basic condition introduced by the Levelling Up and Regeneration Act 2023. If the Lambourn NP were not made, the housing allocations in the adopted LPR, namely [policy RSA17](#) (approximately 60 dwellings at land adjoining Lynch Lane) and [policy RSA18](#) (approximately 5 dwellings on land at Newbury Road), would continue to form part of the development plan and could still come forward. The deletion of policy L14 C would therefore not result in the development plan providing less housing that would otherwise be the case if the NP were not made.

Furthermore, following the deletion of policy L14 C, the Plan would still allocate approximately 25 dwellings at Land at Wantage Road, which aligns with the additional housing provision sought through policy SP12 of the adopted LPR.

Accordingly, WBC considers that the deletion of policy L14 C would not undermine the ability of the Lambourn NP to meet the basic conditions and raises no objection to the Examiner's proposed modification.

West Berkshire Council response to Question 6 of 02/AM/LNP

6. The Regulation 16 representation from Professor Wes Armour claims the Neighbourhood Plan is deficient because it fails to meet the Basic Conditions due to (i) failure to have regard to national policy: three paragraphs from the NPPF are quoted (See 3.1 of the representation); (ii) failure to address the Public Sector Equality Duty (See 3.2 of the representation) and (iii) a failure to adequately consult known vulnerable households. **I would be pleased to have the comments from both Councils on those claims.**

WBC has considered the matters raised in the [Regulation 16 representation](#) from Professor Wes Armour and does not agree that the Lambourn NP fails the Basic Conditions for the following reasons:

(i) Failure to have regard to national policy

The representation from Professor Armour refers to NPPF paragraphs 96, 98 and 130(f), which address health and wellbeing, inclusive communities, accessibility, and the needs of people with disabilities.

WBC does not consider that the absence of a specific policy requiring planning applications to assess impacts on existing disabled residents living adjacent to development sites demonstrates a failure to have regard to national policy.

The basic condition requires a neighbourhood plan to have regard to national policy. It does not require every aspect of national policy to be repeated or translated into a specific local policy requirement. The NPPF also advises against unnecessary duplication of policies at paragraph 16(f).

The submitted NP contains a range of policies relating to design, accessibility, community facilities, transport, housing needs, health and wellbeing, and sustainable development. These policies must be read as a whole alongside other policies contained in the Development Plan for West Berkshire and national policy.

Furthermore, when planning applications are determined, decision-makers are required to have regard to all relevant policies in the Development Plan, the NPPF, Planning Practice Guidance, and other material considerations. Matters relating to the effects of a specific development proposal on neighbouring occupiers and vulnerable individuals are generally considered at the planning application stage, when the nature, scale and impacts of the proposal can be properly assessed.

WBC therefore does not consider that the Lambourn NP fails the basic condition to have regard to national policy.

(ii) Failure to address the Public Sector Equality Duty (PSED)

WBC acknowledges the importance of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. However, the Council does not agree that the absence of a specific policy addressing impacts on known individual residents means that the Lambourn NP fails to have regard to the PSED.

The PSED is a continuing statutory duty that applies to public authorities when exercising their functions, including plan-making and decision-taking. Compliance with the PSED does not depend on the inclusion of a specific neighbourhood plan policy directed at individual circumstances.

In preparing the Lambourn NP, Lambourn Parish Council, as the Qualifying Body, undertook public consultation (as evidenced in the [Consultation Statement](#) submitted alongside the NP), evidence gathering, Strategic Environmental Assessment, and policy development in accordance with the statutory neighbourhood planning process. The Council is not aware of any evidence that Lambourn Parish Council failed to consider equality implications in preparing the Plan.

In addition, should a future planning application come forward on the allocated site, the decision-maker would remain under a duty to have regard to the requirements of the Equality Act 2010 when considering that application and any site-specific impacts identified through the development management process.

WBC therefore does not consider that the representation demonstrates that the Lambourn NP fails the basic conditions on Public Sector Equality Duty grounds.

(iii) Failure to adequately consult known vulnerable households

WBC does not agree that the basic conditions require a neighbourhood plan to undertake a separate consultation specifically targeted at individual households with protected characteristics or known vulnerabilities.

The statutory test is whether the consultation requirements prescribed by the Neighbourhood Planning Regulations have been met, and whether the Consultation Statement adequately demonstrates who was consulted, how they were consulted, and how the main issues raised were considered.

The submitted [Consultation Statement](#) accompanied the submission NP and demonstrates that Lambourn Parish Council undertook an extensive and inclusive programme of engagement over several years, using a range of consultation methods intended to reach all sections of the community. In particular, the Consultation Statement records that:

- a residents' questionnaire was hand-delivered to every household in the parish, with online versions, hard copies and assisted access sessions available for those requiring support;
- consultation events, exhibitions and drop-in sessions were held in the main settlements across the parish, including Lambourn, Eastbury, Upper Lambourn and Woodlands St Mary, giving residents opportunities to participate locally;

- information was shared through a range of channels, including printed magazines, newsletters, websites, social media, radio, email groups, posters and public meetings;
- the Steering Group engaged with a variety of community organisations, including the Patients Participation Group, Lambourn Primary School, Racing Welfare, the National Association of Racing Staff and other local groups representing different sectors of the community; and
- the Regulation 14 consultation included hard copies of documents at publicly accessible locations, public meetings and drop-in sessions, alongside online access to all consultation material.

The Consultation Statement states on page 5 that the Steering Group's intention was that *“all members of the community should be given the opportunity to be informed and to participate”*.

As set out in the [Legal Compliance Check](#), WBC was satisfied that the submission documents met the regulatory requirements necessary to progress the Plan through Regulation 16 consultation and examination.

While individual consultees may disagree with particular policy outcomes, WBC has not identified evidence that the consultation process failed to comply with the statutory neighbourhood planning requirements, or that any alleged deficiency would result in a failure to meet the basic conditions.

West Berkshire Council response to Question 7 of 02/AM/LNP

7. Professor Armour also seeks four modifications to the Plan. The first modification seeks a new policy which, when a planning application is made for residential development in certain specified circumstances, requires (i) a Disability and Equality Impact Assessment, the details of which are listed in the suggested policy; (ii) evidence of pre application consultation with relevant parties in Social Care; and (iii) a Construction Management Plan (CMP), which specifically addresses individual needs of any identified disabled residents.

The second modification seeks a strengthened amenity policy, with a requirement to refuse a planning application where full mitigation of harm to the documented vulnerabilities of any disabled resident with a protected characteristic under the Equality Act 2010 who resides adjacent to the application site will not be achieved.

The third modification seeks a requirement for re-application engagement with any immediately adjacent household containing a protected characteristic under the Equality Act 2010.

The fourth modification seeks a statement in the Plan that a standard CMP would not satisfy the Public Sector Equality Duty obligations where clinical evidence establishes that a vulnerable disabled resident adjacent to the site faces risks beyond those a standard CMP is designed to address. Remedial requirements are included in the suggested modification.

My initial conclusions on the proposed modifications are that, so far as a general health impact policy is concerned for residential (and obviously including other) development, Policy DM12 of the LPR would cover most of the circumstances to which Professor Armour refers and would enable the effects of development on his son's particular circumstances to be taken into account when considering a planning application for residential development in Land adjoining Lynch Lane. However, should a general policy result in any form of cordon sanitaire being imposed on the Land adjoining Lynch Land so that development could not take place within a certain distance of an adjoining property, on the basis of the evidence submitted, it appears to me that the effect on the allocation under Policy RSA17 for 60 dwellings would mean that it would be highly likely the Plan would fail the Basic Condition that *"the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made."*

This issue about Policy RSA17 should have been dealt with in the preparation of the LPR which, with modifications, was found to be sound and has been adopted. **I would be grateful for comments from both Councils on the four modifications to the Plan sought by Professor Armour.**

WBC has considered the four modifications proposed in Professor Armour's Regulation 16 representation and does not support their inclusion within the Lambourn Neighbourhood Plan.

WBC acknowledges the circumstances described by Professor Armour and recognises the importance of ensuring that the needs of disabled people and persons with protected characteristics are properly considered through the planning process. However, the proposed modifications are primarily concerned with the assessment of site-specific impacts arising from future development proposals rather than matters that are appropriately addressed through neighbourhood plan policy.

The site that Professor Armour refers is a residential site allocation in the adopted LPR. The land was originally allocated for development in the Council's Housing Site Allocations Development Plan Document (HSADPD) under Policy HSA19. The preparation of this policy document involved extensive formal and informal consultation and was subject to examination in public by an independent Inspector appointed by the Secretary of State in 2016.

At the end of the Examination, in April 2017, the Inspector produced a Report which concluded that the HSADPD satisfied the legal compliance and procedural requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and met the criteria for soundness in the National Planning Policy Framework. These included the requirements for consultation. The Council adopted the HSADPD in May 2017.

In 2018, the Council commenced preparation of its LPR, which guides development in the district to 2041 and was adopted in June 2025. The LPR has now replaced the HSADPD and allocates the land adjoining Lynch Lane under [Policy RSA17](#). The preparation of the LPR involved extensive formal and informal consultation together with the preparation of an [Equality Impact Assessment \(EqIA\)](#).

The EqIA assessed Policy RSA17 and concluded that the allocation of approximately 60 dwellings on the edge of Lambourn would provide much-needed housing, including affordable housing, and would therefore assist in meeting the needs of people with protected characteristics.

The LPR was subject to examination in public by an independent Inspector appointed by the Secretary of State. At the end of the Examination, in April 2025, the Inspector produced a Report which concluded that the LPR had satisfied the legal compliance and procedural requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and had met the criteria for soundness in the National Planning Policy Framework. The consultation undertaken was set out in a [Consultation Statement](#), and [Appendix 1](#) and [Appendix 2](#). The LPR now forms part of the Development Plan for West Berkshire.

Both the HSADPD and the LPR followed the legal process for plan-making set out in legislation

The adopted LPR contains policies relating to health and wellbeing, design, amenity, construction impacts and inclusive development, including [policy DM3 \(Health and](#)

Wellbeing). In addition, decision-makers remain subject to the Public Sector Equality Duty under section 149 of the Equality Act 2010 when exercising planning functions. These duties and policy requirements apply regardless of whether additional wording is included in the neighbourhood plan.

WBC therefore considers that the matters raised are most appropriately addressed through the development management process, when a planning application is submitted and the specific circumstances of the site, proposal and neighbouring occupiers can be assessed in detail.

Modification 1: Disability and Equality Impact Assessment, consultation with Social Care and bespoke Construction Management Plan (CMP)

WBC does not support this modification.

The proposed requirement would introduce a new validation and assessment regime applying to certain planning applications that is not supported by national policy, neighbourhood planning legislation or the development plan. The proposed requirements are highly prescriptive and relate to the consideration of individual circumstances associated with future planning applications rather than land-use planning policy.

Matters relating to equality impacts, specialist consultation and construction management can already be considered where relevant through the planning application process. Local planning authorities also retain the ability to request additional information where justified by the circumstances of a particular proposal.

The Council will take into account any comments that are relevant planning considerations when determining any future planning application for the site. This may include comments regarding the impact of construction work on the local community. Whilst planning decisions are determined in accordance with local and national planning policies, regard must also be given to the Public Sector Equality Duty – together with any other relevant statutory duties in this process.

Modification 2: Refusal of development unless full mitigation of harm is achieved

WBC does not support this modification.

The proposed wording would require development to be refused where full mitigation of impacts on an adjacent disabled resident could not be achieved. This would introduce an absolute test that is not reflected in national policy or the Development Plan.

Planning decisions require the balancing of multiple material considerations and are based on the specific facts of each case. The proposed approach would elevate the circumstances of individual neighbouring occupiers into a determinative policy requirement that could prevent otherwise acceptable development from proceeding. The assessment of impacts on neighbouring residents, including vulnerable residents, is more appropriately undertaken through the consideration of a specific planning application.

WBC also agrees with the Examiner's observation that any policy which had the effect of sterilising or significantly reducing the development capacity of policy RSA17 could raise concerns in relation to the recently introduced neighbourhood plan basic condition concerning housing delivery.

Modification 3: Mandatory pre-application engagement with adjacent households containing protected characteristics

WBC does not support this modification.

There is no requirement in neighbourhood planning legislation, planning legislation generally, or equality legislation that planning applicants identify households containing persons with protected characteristics and undertake targeted pre-application consultation with them. Such a requirement would raise practical, legal and privacy issues, including the handling of personal and special category data.

Furthermore, the planning system does not ordinarily require applicants to establish whether neighbouring occupiers possess protected characteristics before submitting an application. The proposed requirement would therefore not be reasonable, proportionate or capable of consistent implementation.

When a planning application for the site is received it will be subject to public consultation. An orange site notice will be displayed and letters sent to addresses abutting the site.

Modification 4: Statement regarding Construction Management Plans and the Public Sector Equality Duty

WBC does not support this modification.

The proposed wording seeks to direct how future planning applications should be assessed where particular clinical evidence is provided in relation to an adjacent resident. However, the adequacy of a Construction Management Plan is a matter that can only properly be determined in the context of a specific development proposal and the evidence available at that time.

The Public Sector Equality Duty is a statutory obligation that applies directly to the decision-maker when determining planning applications. Compliance with that duty does not depend upon a statement being inserted into a neighbourhood plan. Should a future planning application identify exceptional circumstances affecting a neighbouring resident, those circumstances can be taken into account by the decision-maker alongside all other material considerations.

As noted above, the Council will take into account any comments that are relevant planning considerations when determining any future planning application for the site.

Conclusions

In summary, WBC considers that the four proposed modifications are neither necessary for the Plan to meet the basic conditions, nor appropriate as neighbourhood planning policies. The modifications seek to address matters that are more appropriately considered through the planning application process on a case-by-case basis.

WBC therefore supports the Examiner's initial conclusion that the issues raised are matters most appropriately addressed through the assessment of any future planning application, including any application relating to LPR policy RSA17, rather than through the inclusion of the proposed modifications within the Plan.

West Berkshire Council response to Question 8 of 02/AM/LNP

8. Policies L14A and L14B. Criterion ii for each allocation states that a Design Code has been prepared for the site. This appears to be a slight misrepresentation. Would it be more accurate to state “*Development of the site should have regard to the guidance set out in the Design Code (Appendix G)*”. I would be pleased to have comments from both Councils.

WBC agrees with the Examiner that criterion ii of policies L14A and L14B is not entirely accurate as currently drafted.

Criterion ii of both policies states that “*A Design Code (see Appendix G) has been prepared for the site...*”

However, Appendix G contains a parish-wide Design Code rather than site-specific design code for either allocation. This point was raised in [WBC's comments](#) on the submitted Lambourn NP, where it was noted that Appendix G does not include a specific design code for the allocated sites.

WBC therefore supports the Examiner's suggested amendment. The revised wording would more accurately reflect the content and purpose of Appendix G, whilst ensuring that development proposals are informed by design guidance contained within the NP.

The modification would also improve clarity for decision-makers and applicants by avoiding any implication that a site-specific design code has been prepared and forms part of the NP.

Accordingly, WBC supports the proposed modification to policies L14 A and L14 B.

**West Berkshire Council
6 August 2026**