

# Planning

## Proof of Evidence (Education)

### Town and Country Planning Act 1990

### Section 78 appeal against the refusal of planning permission

**Witness:** Vincent Haines BA(Hons), Dip. DBE, DMS, MRTPI

**Subject of Evidence:** Education

**Appeal:** APP/W0340/W/20/3265460

**Site:** Sandford Park, Newtown Road, Newbury

**Proposal:** Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works. Matters to be considered: Access.

**Date:** 07 April 2021

**Council Reference:** 20/01238/OUTMAJ

## Proof of Evidence

Name: Vincent Haines

Council Reference: 20/01238/OUTMAJ

Issued: 07 April 2021

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4. WEST BERKSHIRE COUNCIL 1, 2 AND 3 FE BASELINE PRIMARY SCHOOLS EMPLOYERS REQUIREMENT DOCUMENT

# 1. Summary

- 1.1 In the proposals before this Inquiry the appellant acknowledges that planning policies require the delivery of early years, primary and secondary education facilities. However, in my evidence I have set out to demonstrate why the proposals before the Secretary of State fail to deliver the additional and improved educational facilities necessary to meet the requirements of the future residents of the site.
- 1.2 **Delivery of early years and primary school places:** The Council consider that for the reasons listed below the developer's proposals as set out in the application and draft Unilateral Undertaking (UU) could result in the required early years and primary school places not being delivered either in full or before the need arises:
- a Early year's provision has been omitted from the description of development and the draft UU but a 52-place nursery is included in the submitted Planning Statement, the requirement is for this provision to be made on site.
  - b In terms of the area of land to be transferred there are inconsistencies in the submitted plans and documents but the UU states it is to be no more than 2 hectares, the Council requires a site of 2.043 hectares.
  - c The draft UU only obligates the developer to transfer the land to the Council, placing the full cost and responsibility for the necessary site preparation onto the Council.
  - d The provisions in the UU lacks the certainty necessary to plan for delivery of the primary school linked to occupation of the dwellings, the Council will require that the land be transferred prior to the occupation of the 100<sup>th</sup> dwelling to ensure it has full access to the land to undertake the necessary design preparations.
  - e No costings to inform the contributions have to date been tabled by the appellant, the council will expect these to take full account of its Employer's Requirements Document (ERD) (Appendix 3 to this proof) for new build primary schools which draws together accepted widely used industry standards to create standardised primary school designs.
  - f The staged contribution payments as provided for in the draft UU would secure 80% of the developer contributions when 80% of the final phase was occupied. This could result in a significant delay in the school being provided. To give the Council confidence that delivery of the primary school can be linked to the occupation of new homes it is seeking contributions on the following basis:

- 10% - paid on commencement of the development to enable the design of the school,
- 90% - of the remaining monies to deliver a 1FE school with 2FE core to be paid prior to the occupation of the 250<sup>th</sup> dwelling
- 100% - of the monies to deliver the remaining 1FE to be paid prior to the occupation of the 750<sup>th</sup> dwelling.

**.Delivering secondary education facilities:**

- 1.3 The phasing arrangements set out in the draft UU are considered unreasonable and would prejudice the delivery of the secondary education mitigation. No costings have been provided for the provision of additional accommodation at Park House School and these in any event will need to take account of the poor condition of the existing sports hall.
- 1.4 When the costings have been agreed the draft UU provides that the payment of developer contributions is linked to the occupation of the three parcels. This creates the risk of an unreasonable delay between a substantial number of new homes being occupied and the facilities being delivered. The Council's position is that to secure the timely delivery of new facilities developer contribution should be made on the following basis:
- 25% on the occupation of the 100<sup>th</sup> dwelling,
  - 25% on the occupation of the 200<sup>th</sup> dwelling, and
  - 50% on the occupation of the 500<sup>th</sup> dwelling.
- 1.5 The submitted Planning Statement, Appendix 3 (IDP Park House School Feasibility Study, CD 1.3) states that an 'all weather pitch' would be accommodated on the expansion land. However, this is at variance with the Council and the School Trusts requirement for a full adult size natural grass pitch.
- 1.6 The draft UU fixes the proposed area of the expansion land as not more than 1.62 hectares. This however is seen by the Council as the minimum requirement not a maximum. However, it is not just the quantum of land which is important but also the dimensions should accommodate a useable full size adult football pitch, taking full account of the requirement to retain and protect ancient and veteran trees, wildlife corridors and an ancient woodland buffer. The application and subsequent 'Wheatcroft' submission have failed to accommodate the provision of a natural turf adult size football pitch on the expansion land without significant impacts on, or loss of, veteran and ancient trees as well as wildlife habitats.

- 1.7 The draft UU also only provides for the transfer of the land leaving the Council and School Trust facing costs of securing reserved matters approval, groundworks, construction and ongoing maintenance. This cost would be significant if a 3G pitch were to be provided and there are additional costs arising from the need to protect and maintain trees and hedgerows of ecological value.
- 1.7 For all of the above reasons I support the Council's refusal of the application on the basis that the proposal fails to demonstrate the delivery of education facilities required as a result of the development.

## 2. Introduction

### **Qualifications and Experience**

- 2.1 My name is Vincent Haines. I hold a BA (Hons) degree in Urban and Regional Planning from Oxford Polytechnic and have been a Chartered Member of the Royal Town Planning Institute since 1983. I have been appointed by the Education Service of West Berkshire Council to present the evidence in respect of mitigating the education impacts of the proposed development.
- 2.2 I confirm that the evidence which I have prepared and provided for this appeal is true to the best of my knowledge and belief and it has been prepared and is given in accordance with the guidance of the RTPI, my professional institution. I confirm that the opinions expressed are my true and professional opinions.
- 2.3 I have 40 years' experience, including 15 years managing services delivering planning, building control, land charge and specialist services (landscape and conservation). During my local government career, I had responsibility for negotiating and delivering many major development and regeneration projects. This experience extends back to the 1990's when, as an Area Manager, I was engaged in the master planning of an urban extension on the northern edge of the Bristol Conurbation (Emerson's Green) comprising 3000 homes, local centre, schools, parks, health facilities etc.
- 2.4 In 2003 I was appointed Head of Planning and Building Control for Bracknell Forest Borough Council and in that capacity, I was responsible for ensuring the delivery of major development and regeneration projects including a new town centre for Bracknell, redevelopment of Broadmoor Hospital and 8 major housing/mixed developments, ranging from 400 to 1500 new homes. Most of these involved negotiations to secure delivery of affordable housing, community facilities, open space and education provision through S106 agreements. I have also represented various Council's as expert planning witness at public inquiries and hearings.
- 2.5 On leaving Local Government in 2015 I established a consultancy providing planning services predominantly to public sector clients

### **Purpose and Scope of Evidence**

- 2.6 My Proof of Evidence addresses reasons 9.10 and 14 of the Refusal Notice issued in respect of the planning application the subject of this appeal; in so far as they relate to

delivery of education facilities to meet the requirements of the site allocation planning policies and mitigate the impact the proposed development would have on education provision. I first summarise relevant planning policies and then consider how the proposed arrangements for meeting the education requirements arising from the development measure up against these policies.

### Reasons for Refusal relevant to this Proof

Refusal reason 9	This reason refers to the loss of an ancient oak (T34) as a consequence of the proposed layout of the expansion land for Park House School. The submitted application failed to contain any justification as to why the loss of this tree cannot be avoided nor provide details of the suitable compensation strategy that would justify their loss.
Refusal reason 10	This states that the application is unacceptable as it stands and as a result the proposal would fail to make adequate provision in relation to secondary education, to mitigate the needs of the development and to also ensure the satisfactory provision of a sports pitch.
Refusal reason 14	This states that the application as submitted fails to secure satisfactory Section 106 planning obligation/s to deliver the necessary infrastructure, mitigation and enabling works for both the primary and secondary education requirements.

### Procedural Matters

- 2.7 The appellant should demonstrate that it can ensure that the education provision necessitated by this development meets the needs of future residents of the appeal site. It is also important to ensure that current provision serving the requirements of the existing community is not oversubscribed through delays in delivery of the new facilities.
- 2.8 I have assessed what the developer has proposed in the application, the subsequent 'Wheatcroft' submission and the draft Unilateral Undertaking (UU), identifying the deficiencies in those proposals which are likely to put the delivery of education mitigation at risk.

## 3. Planning Policies specific to Education

### 3.1 **National Planning Policy Framework (2019)**

Paragraph 34. *'Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.'*

Paragraph 57. *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

### 3.2 **West Berkshire Core Strategy (2006 - 2026) Development Plan Document Adopted July 2012**

Area Delivery Plan Policy 2

*'Newbury Housing Newbury will accommodate approximately 5,400 new homes over the Core Strategy plan period, contributing to its role and function as the largest urban area in West Berkshire. There is significant development potential on previously developed land, particularly in the town centre and periphery. Urban extensions to the town to the east, on land at Newbury Racecourse and, later in the plan period, to the south at Sandleford, will provide new residential neighbourhoods with supporting facilities and green infrastructure, will be well designed and built to high environmental standards and integrated with the rest of the town through public transport and pedestrian/cycle links. Other development will come forward through the implementation of existing commitments together with infill development and the allocation of smaller extensions to the urban area in the Site Allocations and Delivery DPD. A number of sites which have future potential for development have been identified in the Strategic Housing Land Availability Assessment (SHLAA).'*

Policy CS 3 Sandleford Strategic Site Allocation

This policy states that within the area identified at Sandford Park, a sustainable and high-quality mixed-use development will be delivered in accordance with listed parameters, these include the provision of a new primary school on site and the extension of Park House School.

### 3.3 **Sandford Park Supplementary Planning Document March 2015**

#### Section B: Vision and Strategic Objectives

*10. To provide sufficient education provision to accommodate the pupils from the site including early years provision, primary school provision and contributions for the expansion of Park House School.*

#### Section D: The Site Context

*94. Education provision will need to be provided to meet the full requirements of the development. There is insufficient capacity in the local area to allow growth of existing primary educational facilities therefore the impact will have to be met from the occupation of the first dwelling*

#### Section F. Community Facilities and Services

*F1. Sandford Park will provide a range of facilities which are accessible to both existing and future residents in the area.*

The principal community facilities listed include:

- *Primary educational facilities for the new population.*
- *An extension to Park House School sufficient for the new population.*
- *Early Years and Children's Centre provision for the new population*

## 4. Issues

### PRIMARY AND EARLY YEARS EDUCATION

#### **Developer's Proposed Mitigation**

- 4.1. The application the subject of the appeal relates to delivering 1000 homes and an 80 extra care housing unit on the northern (which is subdivided into Parcel N1 and Parcel N2) and central parcels of the Sandford Park site allocation. The application proposes a 2FE primary school to comply with the development plan (Core Strategy Policy CS3) and to meet the projected number of primary school pupils arising from the 1000 new homes in the northern and central parcels. The UU states that the school would be a site of no more than 2 hectares in the 'general location' shown on the Land Use Parameters Plan within Development Parcel North 1, the boundaries of which shall be fixed by reserved matters approvals.
- 4.2 The draft UU provides for a Primary School Contribution to the Council, the level of which would be based on the specifications set out in West Berkshire Council Baseline Primary Schools Employers Requirement Document (appendix 3 to this proof). The submitted draft UU obligates the developer to pay contributions for each phase (parcel) to the Council in two instalments:
1. a first instalment equivalent to fifty percent of the Primary School contribution payable in respect of the relevant phase prior to the Occupation of the 100th dwelling within that phase; and
  2. a second instalment equivalent to the balance of the Primary School contribution payable in respect of the relevant phase prior to the occupation of the 200th dwelling within that phase.

#### **Council's Position**

- 4.3 The Council consider that the developer's proposals as set out in the application and draft UU would result in the required early years and primary school places not being delivered. This arises from the obligations set out in the draft UU relating to:
- a. what is included within the definition for the school,
  - b. the quantum of land to be transferred,
  - c. site preparation,
  - d. the arrangements for the transfer of the land,
  - e. construction costings
  - f. the proposed stages for payment of contributions.

- 4.4 (a) **Definition of the school to be provided:** Early year's provision is not included in the appellant's description or referred to in the UU but a 52-place nursery is included in the submitted Planning Statement, Appendix 4 (IDP Primary School Feasibility Study, CD1.3) submitted with the planning application and required to meet the need generated by 1000 new homes.
- 4.5 (b) **Required quantum of land:** The documents submitted give different measurements for the primary school site and differ to the size previously required by the Council. The draft UU loosely defines the general location of a school as a site of no more than 2 hectares. The Council will require a site of 2.043 hectares if the WBC Site and Survey Requirements for New Schools v1.1 document specification are to be met (Appendix 4 of this proof). The developer should also, through a plan attached to the UU, demonstrate that the land to be transferred can accommodate the school in accordance with the aforementioned document. The transfer land as shown in a plan included in the UU will be that upon which reserved matters approval will be sought.
- 4.6 (c) **Site preparation:** The draft UU only obligates the developer to transfer the land to the Council, placing the cost and responsibility for the necessary site preparation onto the Council. The UU should obligate the developer to prepare the land to a condition which meets the WBC Site and Survey Requirements for New Schools; with the developer funding and carrying out all surveys and undertaking in full all mitigation resulting from the surveys and to prepare the land prior to the land transfer taking place.
- 4.7 (d) **Land transfer:** The draft UU states that the land will be transferred in the condition set out in the Primary School Specification (appendix 3) and according to the Law Society's Standard Conditions of Sale. The draft UU provides that the land be transferred within an as yet unspecified period starting with the date the development commences. The provisions in the UU lack the certainty necessary to plan for delivery of the primary school linked to occupation of the dwellings in accordance with the phasing of payments sought by the Council (see paragraph 4.9). The Council will require that the land be transferred prior to the occupation of the 100<sup>th</sup> dwelling to ensure it has full access to the land to undertake the necessary design preparations, this linking with the Councils required phasing of contributions set out in paragraph 4.9.
- 4.8 (e) **Construction costings:** The Council has an Employer's Requirements Document (ERD) (Appendix 3 to this proof) for new build primary schools which draws together accepted widely used industry standards to create standardised primary school designs. This document incorporates current national and local guidance, DfE Baseline Designs and DfE Building Bulletin 103. All costings should use the ERD to calculate the costs for the new schools and this should be included for in the UU together with a mechanism providing for construction cost inflation. As the primary school will have

early years provision the accommodation provision is required to also be in line with the DfE's Early Years Framework, which sets out statutory accommodation guidelines. Any primary school design will be expected to meet the above requirements as a minimum.

4.9 (f) **Phasing of Contributions:** It is acknowledged the developer will wish to link delivery of the primary school to the proposed development parcels. As drafted however; the UU could be interpreted such that each phase would pay contributions for each parcel in two instalments on 50% and 80% occupation. Given there are 3 phases proposed this implies that the contributions would be paid to the Council in 6 tranches. This would result in a situation where only 80% of the developer contributions would have been secured when 80% of the final phase was occupied, this could result in a significant delay in the school being provided. To give the Council confidence that delivery of the primary school can be linked to the occupation of new homes it is seeking contributions on the following basis:

- 10% - paid on commencement of the development to enable the design of the school,
- 90% - of the remaining monies to deliver a 1FE school with 2FE core to be paid prior to the occupation of the 250<sup>th</sup> dwelling
- 100% - of the monies to deliver the remaining 1FE to be paid prior to the occupation of the 750<sup>th</sup> dwelling.

## SECONDARY YEARS EDUCATION

### Developer's Proposed Mitigation

4.10 The application and draft UU provide for two linked elements to enable the provision of the extra secondary pupil places at Park House School to meet the requirement created by the proposed development and to accord with Core Strategy Policy CS3 as amplified in the Sandford Park SPD.

- a Financial contributions towards improvements to educational facilities at Park House School including the building of a new sports hall and the existing sports hall being converted to accommodation for the school. The draft UU links the financial contribution for the improvements to occupations in the phases of development. Each phase will pay a contribution based on the dwelling mix and associated child yield.
- b Provision of expansion land: The draft UU states that 'Expansion land' of not less than 1.6 ha is to be transferred to the Council to provide additional sport pitch and

space within the existing school site to accommodate additional built accommodation. The transfer will leave the Council with the responsibility and cost of preparing the expansion land for use. It is noted there are inconsistencies between various originally submitted drawings with the area of the 'expansion land' on the Parameter Plan (drawing no. 14.273/PP02 Rev H, CD1.28) being calculated as 1.6 ha, which is larger than that shown on the Strategic Landscape and Green Infrastructure Plan (drawing number 04627.00005.16.632.13, CD1.21). The submitted Planning Statement and illustrative drawings (appendix 1 of this proof) for the expansion land all relate to an all-weather pitch being constructed. Following the submission of the appeal the appellant has tabled a revised proposal (appendix 2 of this proof) under the 'Wheatcroft' principle for the expansion land which seeks to address the adverse impacts of the original proposals identified in the refusal reasons 9 and 10. The 'Wheatcroft' submission drawing also shows an all-weather pitch.

### **Councils Response to the proposed Secondary Education mitigation**

#### **(a) Contribution towards Improvement and addition of built facilities:**

- 4.11 The Appellants has thus failed to demonstrate that the contribution will be adequate. Costings will be required in order to agree the pro-rata contributions for the UU and to ensure that the phased nature of the project, and the refurbishment of existing spaces, have been adequately accounted for in the cost plan. The costs will need to align with the developer's feasibility study contained in Appendix 3 (IDP Park House School Feasibility Study) of the Planning Statement (CD1.3), and each phase will need to be able to stand alone as mitigation, which will need to be reflected in the costs. However, the existing sports hall is in a poor condition and contains significant amounts of asbestos and this will need to be taken into account when costing out the various elements of the package of works proposed for the school; a contribution based on a general refurbishment rate will not be adequate. The linking of the developer's contribution to occupation of the three parcels based dwelling mix and associated child yield as proposed in the draft UU presents a serious obstacle for delivering the secondary education mitigation as:
- i. the amount of contribution will not be known until the final reserved matters for the central parcel is approved.
  - ii. the contribution will not be made in full until the development is substantially occupied.
- 4.12 The Council's position is that this creates the risk of an unreasonable delay between a substantial number of new homes being occupied and the facilities being delivered. An

acceptable arrangement to secure the timely delivery of new facilities would be staged contribution payments on the following basis:

- 25% on the occupation of the 100<sup>th</sup> dwelling,
- 25% on the occupation of the 200<sup>th</sup> dwelling, and
- 50% on the occupation of the 500<sup>th</sup> dwelling.

**(b) Expansion Land**

- 4.13 The appellant has accepted that the provision of the expansion land is required for the delivery of the programme of built facilities improvements and meet the need for a pitch arising from the additional pupil numbers arising from the development, The submitted Planning Statement, Appendix 3 (IDP Park House School Feasibility Study) (CD1.3) refers to the expansion land as follows::

*'Land has been identified in Development Parcel Centre to allow expansion of Park House School.'* (Page 18 of the LRM Planning Statement, (CD 1.3)

The submitted Planning Statement (CD 1.3) states that an 'all weather pitch' would be accommodated on the expansion land. However, this is at variance with the Councils and the School Trust requirement for a full size natural grass pitch. A 3G pitch would add considerable costs not only in terms of construction but also ongoing maintenance and given the limited life of such surfaced pitches there would also be the cost of replacement of the pitch surface in around 10 years which would all fall onto the School Trust.

- 4.14 The application documents make reference to community use of the expansion land. Any community use would be subject to local agreement with the trust and would have to be controlled by the school on a day-to-day basis. Additionally, if a 3G pitch is provided and used outside normal school hours then to meet Sport England specifications for such facilities floodlighting would need to be provided. The school would have to manage access and therefore would have to be prepared to do so. Uncontrolled access would present a security and safeguarding risk and would not be acceptable to the School Trust or the Council. The Trust may also not wish to or be able to provide this access in the future and so it should not be relied upon as a community asset for the development.
- 4.15 As stated in refusal reason 10 the Council have significant concerns regarding the suitability of the expansion land to accommodate the satisfactory provision of a sports pitch.

*'The proposal however will result in the loss of the ancient tree (T34), as well as a number of trees and hedgerow along its western boundary, while also encroaching*

*onto the buffer of the Barns Copse ancient woodland. It is apparent that these impacts could be avoided by a small increase in the area of proposed expansion land to be secured, the size of which remains inadequate.....'.*

- 4.16 There is an inconsistency between originally submitted drawings with the area of the 'expansion land' greater on drawing no. 14.273/PP02 Rev H , (CD 1.28) than that proposed on the Strategic Landscape and Green Infrastructure Parameter Plan submitted (drawing number 04627.00005.16.632.13) (CD1.21). However, both plans failed to acknowledge the importance of the ecological constraints and with the ancient oak tree (T34) being located within the pitch itself the supporting Planning Statement states this would be removed.
- 4.17 It has also come to light from the responses of other consultees that expansion land shown in the submitted parameter plans would breach the 15m buffer surrounding an adjacent area for the ancient woodland and the wildlife corridor provided by the hedgerow and trees running along the boundary of the expansion land with the school, this contains veteran trees T31 and T33. No assessment has been made to establish the condition of these trees or to provide for the maintenance of the trees and hedgerow in the future
- 4.18 Whilst there are inconsistencies between submitted documents and plans (referred to in paragraph 4.16 of this proof) relating to the proposed area of the expansion land the draft UU fixes this as being not less than 1.62 hectares. However, it is not just the quantum of land which is important but that the dimensions accommodate a useable full size football pitch and takes full account of the requirement to retain and protect ancient and veteran trees, wildlife corridors and the ancient woodland buffer. Table 1 below sets out how the configurations of the expansion land in both the original proposal and 'Wheatcroft' option fail to provide suitable expansion land to accommodate a full size natural turf football pitch with adequate perimeter land which does not impact on the ecological constraints referred to above.
- 4.19 In order to seek to address the grounds for refusing the application contained in reasons 9,10 and 14 the appellant has sought to introduce a second option for the provision of the expansion land (under the 'Wheatcroft' principle). This revised plan (See Appendix 2 of this proof) is intended to provide land which can accommodate a sports pitch and allows for the retention of the ancient and veteran trees (T31, T33 and T34) as well as avoiding encroachment onto ancient woodland buffer. This 'Wheatcroft' submission whilst delivering a slightly larger area of land when compared to the original proposal, narrows the width of the land and elongates its length; thus, it is even more constrained than the initially proposed area. The illustrative drawing (Appendix 2 of

this proof) shows an all-weather surface pitch, it has not been demonstrated it can accommodate the required full size natural turf pitch with run off and perimeter land for spectators.

**Table 1: Comparison of the submitted 'Expansion Land' with 'Wheatcroft' submission**

<b>As proposed in the application Documents (See Appendix 1)</b>	<b>'Wheatcroft' Submission' (See Appendix 2)</b>
<p><i>The submitted drawing appears to show an unlit 3G size hard surfaced pitch measuring 70m X 106m not the required larger adult size natural turf football pitch. A pitch to Sport England 3G specifications would require floodlighting and this would have significant ecological impact's which have not been taken into account in any of the submissions from the appellant.</i></p>	<p><i>The submitted drawing appears to show an unlit 3G size hard surfaced pitch measuring 70m X 106m not the required larger adult size natural turf football pitch. A pitch to Sport England 3G specifications would require floodlighting and this would have significant ecological impact's which have not been taken into account in any of the submissions from the appellant.</i></p>
<p><i>No details provided to enable assessment of the impact of the extent of groundworks necessary to achieve a level pitch.</i></p>	<p><i>No details provided to enable assessment of the impact of the extent of groundworks necessary to achieve a level pitch.</i></p>
<p><i>Ancient tree (T34) removed</i></p>	<p><i>Ancient tree (T34) retained</i></p>
<p><i>Works within the root protection area of two Veteran trees (T31 and T33) which consequently are likely to be lost.</i></p>	<p><i>Works within the root protection area (RPA) of veteran tree T31 and at close proximity to the RPA of veteran tree T33.</i></p>
<p><i>Tree (T35) removed</i></p>	<p><i>Tree (T35) potentially removed</i></p>
<p><i>Loss of hedgerow and trees (G36 and G37)</i></p>	<p><i>Partial loss of hedgerow and trees (G36 and G37)</i></p>
<p><i>Ingress into buffer zone of the Barns Copse Ancient woodland.</i></p>	<p><i>Ingress into buffer zone of the Barns Copse Ancient woodland</i></p>

- 4.20 As already noted, given the topography the proposals could require significant groundworks to level and prepare the land for use. The Appellants have not demonstrated that these groundworks can be accommodated within the restricted boundary of the 'Wheatcroft' expansion land and that there would be no impact on the ancient woodland buffer, wildlife corridors or any of the veteran and ancient trees (see comparison table 1 above). Whilst a modest increase to the width and depth of the 'Wheatcroft' option may be seen as a way to accommodate a pitch this could result in the further compromise of the 15 metre buffer to the nearby ancient woodland.
- 4.21 The 'Wheatcroft' option would also leave the School Trust responsible for managing and maintaining veteran trees (T31 and T33), the hedgerow which forms a wildlife corridor and the ancient oak T34. In this option the presence of the ancient oak would effectively remove a significant part of the expansion land from use by the school.
- 4.22 The Council is seeking to ensure that the schools use of the expansion land is not encumbered by the ecological constraints. The Council will require the developer to secure any necessary permissions (including reserved matters approval) and then to fully prepare the expansion land in accordance with the West Berkshire Site Requirements document (appendix 4) and a specification for the natural turf full size adult football pitch prior to transfer.

## 5. Conclusion

- 5.1 The developer has accepted that the planning policies and the future occupants of the development require additional early years, primary and secondary education facilities. However, in my opinion the proposals before the Secretary of State fail in terms of the education mitigation in four specific ways:
- a) The obligations set out in the draft UU give rise to an unacceptable level of risk that substantial financial costs of the education mitigation would fall on the Council.
  - b) There are serious concerns that the mechanism set out in the UU for delivering both the 2FE primary school (incorporating early year's provision) and additional classrooms at Park House School will fail to ensure the provision is available in time to meet the demand from the new residents.
  - c) The phasing arrangements set out in the draft UU are considered unreasonable and would prejudice the delivery of the secondary education mitigation.
  - d) Both the details submitted with the application and the 'Wheatcroft' submission have failed to demonstrate the suitability of the expansion land for the school to

accommodate the satisfactory provision of a sports pitch without significant impacts on important trees and habitats as set out in the grounds of refusal. The draft UU also only provides for the transfer of the land leaving the Council and School Trust facing costs of groundworks, construction and ongoing maintenance.