

From: [REDACTED]
To: [REDACTED]
Subject: LPR - Main Mods Representation Form
Date: 30 January 2025 11:13:15
Attachments: [REDACTED]

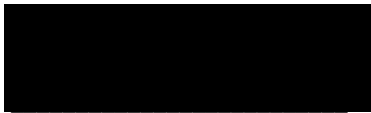
This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Planning Policy Team,

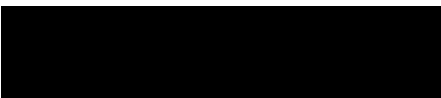
Please find attached, our additional representation form regarding the Main Modifications and SEA / SA documents.

Kind regards

Atul



Atul Hindocha





**West Berkshire Local Plan Review 2022-2039 (LPR)
 Consultation on Proposed Main Modifications
 (6 December 2024 – 31 January 2025)**

Representation Form

Ref:
 (For official use only)

| | |
|--|---|
| Please complete and return this form: | By email: [Redacted] |
| | By post: Planning Policy, Development and Housing, Council Offices, Market Street, Newbury, RG14 5LD |
| Return by: | 11:59pm on Friday 31 January 2025 |

Please read the **Guidance Note**, available on the Council's website <https://www.westberks.gov.uk/lpr-proposed-main-modifications>, before making your representations.

This form has two parts:
 PART A – Your details
 PART B – Your representation(s)

Please complete a new form for each representation you wish to make.

| <u>PART A: Your details</u> | | |
|---|---|------------------------------------|
| <i>Please note the following:</i> | | |
| <ul style="list-style-type: none"> • We cannot register your representation without your details. • Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published. | | |
| | 1. Your details | 2. Agent's details (if applicable) |
| Title | Mr | |
| First Name* | Atul | |
| Last Name* | Hindocha | |
| Job title (where relevant) | [Redacted] | |
| Organisation (where relevant) | Prosper Infinity Ltd | |
| Address* <i>Please include postcode</i> | Newbury Leisure Park Lower Way Thatcham RG19 3AL | |
| Email address* | [Redacted] | |
| Telephone number | [Redacted] | |
| Consultee ID (if known) | | |

*Mandatory Field

PART B – Your representation(s)

All comments made at previous stages of the LPR have been taken into account by the Inspector and there is no need to resubmit these. Publication of the proposed Main Modifications is a regulatory stage and any representations made should relate specifically to the legal compliance and soundness of the proposed Main Modifications and should not relate to parts of the Plan that are not proposed to be modified.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

| | |
|--|----------------------|
| Your name or organisation (and client if you are an agent): | Prosper Infinity Ltd |
|--|----------------------|

Proposed Main Modifications and Proposed Changes to the Policies Map

1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:

| | |
|---|--|
| Issue | Settlement Boundary for Thatcham: Colthrop Industrial Estate |
| Document name | Draft Local Plan update and Policies Map |
| Modification/Change reference number (MM / PMC) | Draft Local Plan Appendix 2 (Settlement Boundary Review) PMC4 |

2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:

- a) **Legally compliant** Yes No
- b) **Sound** Yes No

If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:

| | |
|--|---|
| Positively Prepared: The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. | X |
| Justified: the LPR should be the most appropriate strategy, when considered against the reasonable alternatives | X |
| Effective: the LPR should be deliverable | |
| Consistent with national policy: the LPR should enable the delivery of sustainable development in accordance with the policies of the NPPF | |

3. If you have answered ‘No’ to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.

With regards the inclusion of Colthrop Industrial Estate within the settlement boundary, we wholly support the representation made by Thatcham Town Council.

The documentation for the Examination does not provide any explanation for the inclusion of Colthrop Industrial Estate within the settlement boundary. The resulting potential for development of the south east corner of the estate (and possibly also other parts) appears to be an unintended consequence of this decision.

For the **modification to the settlement boundary for Thatcham to be sound, the criteria need to be applied consistently across all portions of that boundary**. We wish to particularly highlight the need to include Newbury Leisure Park within the settlement boundary as it's unarguably previously developed land, and is situated adjacent to the settlement boundary and already consists of residential property within the site (Moorstream Cottage).

The proposed amendment to the Policies Map for Thatcham in PMC4 is therefore unsound, because it is not based on objective assessment or whether this is the most appropriate strategy.

Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

4. Do you have any comments on the updated Sustainability Appraisal/Strategic Environmental Assessment Report – Proposed Main Modifications (November 2024)?
(Please be as precise as possible)

| | |
|------------------|--|
| Page number | |
| Paragraph number | |
| Comments: | |

Habitats Regulations Assessment

5. Do you have any comments on the addendum to the Habitats Regulations Assessment of the Proposed Main Modifications (November 2024)?

(Please be as precise as possible)

| | |
|------------------|--|
| Page number | |
| Paragraph number | |
| Comments: | |
| | |

Notification of Progress of the Local Plan Review

6. Do you wish to be notified of any of the following?

(please tick/mark 'X' all that apply)

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| <i>The publication of the report of the Inspector appointed to carry out the examination</i> | X |
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| Signature |  | Date | 27 th January 2025 |
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From: [REDACTED]
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Attachments: [REDACTED]

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Kind regards

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Proposed Main Modifications and Proposed Changes to the Policies Map

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|---|---|
| Issue | Settlement boundary for Thatcham: Newbury Leisure Park |
| Document name | Draft Local Plan Appendix 2 (Settlement Boundary Review) Policy DM2, settlement boundary for Thatcham and Policies Map |
| Modification/Change reference number (MM / PMC) | MM3 PMC4 |

2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:
(please tick/mark 'X' one answer for a and one for b)

a) **Legally compliant** Yes No

b) **Sound** Yes No

Please refer to the guidance notes for a full explanation of 'legally compliant' and 'soundness'

If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:

(please tick/mark 'X' all that apply)

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|--|---|
| Positively Prepared: The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. | X |
| Justified: the LPR should be the most appropriate strategy, when considered against the reasonable alternatives | X |
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3. If you have answered ‘No’ to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.

The Settlement Boundary for Thatcham should be expanded, to include the area of the Newbury Leisure Park. This is a site which has a disused leisure complex and separate, detached residential dwellings (Moorstream Cottage) built on it since 1970s.

Paragraph 119 of NPPF (2021) states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, **in a way that makes as much use as possible of previously-developed or ‘brownfield’ land**”

The Secretary of State for Housing, Communities and Local Government, made a written statement on 30 July 2024, which included the following:

“If we have targets that tell us how many homes we need to build, we next need to make sure we are building in the right places. **The first port of call for development should be brownfield land**, and we are proposing some changes today to support more brownfield development: being explicit in policy that **the default answer to brownfield development should be yes...**”

Appendix 2 of Appendix D of the draft Local Plan update describes the Council’s approach to the review of settlement boundaries. It states:

Settlement Boundaries “identify the main built-up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations. While allowing for development, settlement boundaries protect the character of a settlement and prevent unrestricted growth into the countryside. They create a level of certainty about whether or not the principle of development is likely to be acceptable.”

“Specific issues to be considered on a site-by-site basis:

... Employment and leisure use located on the edge of settlements will be considered according to their scale, functionality, visual and physical relationship to the settlement ...”

The site of the Newbury Leisure Park is within the ‘Parcel 4’ in the Appropriate Countryside Designation Study. The map on page 113 of this report shows a dot for “established recreation areas/uses” at its location, but it is not mentioned at all in the text. It does not mention existing residential dwellings on it (Moorstream Cottage).

The report treats each parcel as a monolithic block, with their boundary starting at the settlement boundary that was proposed at the time that the report was prepared. The definition of the block is arbitrary, and not related to the land usage within them. For example, Parcel 5 includes both the Colthrop Industrial Estate and the farmland to the south of the River Kennet which are entirely different in character but were considered together.

There is no evidence in the report that the consultants considered the nature and status of the Newbury Leisure Park. For settlement boundary reviews over 40 years, the exclusion of Newbury Leisure Park within the settlement boundary has been erroneous, and yet the previous LDP identified this as a leisure facility for Newbury and Thatcham. It was an error that it was not provided to be within scope of this study. As the settlement boundary was a starting assumption for the study and not a conclusion, very little weight can be given to that part of the boundary of the block.

We also note that the garden centre adjacent to the A4/Tull Way roundabout, which is site THA12 is within the settlement boundary, despite being outside of the current residential area of the town and immediately adjacent to the gap between Thatcham and Newbury defined by Policy DM2 and the Policies Map (both before and after the proposed amendment).

The Inspector has directed the Council to include the Colthrop Industrial Estate within the settlement boundary of Thatcham, although it does not include (and is not envisaged to include) any development for housing. The spatial relationship of the Newbury Leisure Park to the town of Thatcham is similar to Colthrop Industrial Estate, and both currently have approval for non-housing use.

Therefore, having included Colthrop Industrial Estate within the settlement boundary, **it would be unsound not to also include the Newbury Leisure Park**. The plan trajectory fails to meet its target for Housing, and Newbury Leisure Park is immediately deliverable and achievable within 18 months. It seems inconceivable that Newbury Leisure Park would not be allocated for upto 100 homes as it is previously developed land and would be sustainable on Lower Way, a residential road.

As was discussed during Examination, the current use for the site as a leisure park has not been financially viable for several years. **The site is therefore previously developed land**. It follows that the case for including Newbury Leisure Park within the settlement boundary is stronger than for Colthrop Industrial Estate, in order **to comply with paragraph 119 of NPPF and the written Ministerial Statement, and for the Plan to be positively prepared**.

The Newbury Leisure Park must therefore be included within the settlement boundary for Thatcham, as an essential consequential change resulting from the inclusion of the Colthrop Industrial Estate within the settlement boundary.

Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

4. Do you have any comments on the updated Sustainability Appraisal/Strategic Environmental Assessment Report – Proposed Main Modifications (November 2024)?

(Please be as precise as possible)

| | |
|---|--|
| Page number | Appendix 6, pages 6-10 |
| Paragraph number | Assessment of policy DM2: Separation of settlements around Newbury and Thatcham, SA Objectives 1, 2, 5 and 7 |
| Comments: | |
| The SA/SEA for policy DM2 is flawed and contains demonstrably incorrect statements, because it has not taken into account the Newbury Leisure Park, which is previously developed land that immediately adjoins the proposed settlement boundary. This SA/SEA must be reviewed and amended. | |

Appendix 5 - SA/SEA of DM2: Separation of settlements around Newbury and Thatcham

SA Objective – To promote and improve the efficiency of land use

SA Sub-Objective – To maximise the use of previously developed land and buildings where appropriate

Effects of Policy – The policy is unlikely to impact on PDL

Our Comment – **The above assessment is unarguably incorrect. The Newbury Leisure Park site is unarguably and de facto “previously developed land”.**

This policy seeks to undermine, prevent and oppose “promote and improve land use”, as well as “maximise the use of previously developed land and buildings”.

Pictures of the Site for reference to Brownfield Site Registration:

Views of the Site – pre 2020



Views of the Site – pre 2020



Views of the Site – pre 2020



Views of the Site – “Mothballed in 2020”



Views of the Site – “Mothballed in 2020”



2024 (NOW) - Every door, window and roof has been smashed more than 2 times, fly tipping, and anti-social behaviour on site



Views of residential property opposite the site



Habitats Regulations Assessment

5. Do you have any comments on the addendum to the Habitats Regulations Assessment of the Proposed Main Modifications (November 2024)?
(Please be as precise as possible)

| | |
|-------------|--|
| Page number | |
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| | |
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| Signature |  | Date | 27th January 2025 |
|------------------|---|-------------|-------------------------------------|

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Please note – Personal/Contact Details

All submitted representations will be made publicly available, including on the Council’s website, with the person/organisation making the representation being identified. A copy of all submitted representations will also be made available to the Planning Inspectorate and the person appointed by the Secretary of State to conduct the examination.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the LPR. The Council therefore cannot accept anonymous representations – you must provide us with your name and contact details. Address details will not be made publicly available. All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>.

The Council will also need to make sure that the names and full addresses of those making representations can be made available and taken into account by the Inspector. By submitting a representation, you confirm that you agree to this and accept responsibility for your comments. The Planning Inspectorate's privacy statement for local plan examinations is available at <https://www.gov.uk/guidance/local-plans#plans-privacy-statement>.

From: [REDACTED]
To: [REDACTED]
Subject: LPR - Main Mods Representation Form
Date: 30 January 2025 11:09:53
Attachments: [REDACTED]

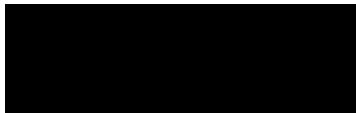
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Proposed Main Modifications and Proposed Changes to the Policies Map

1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:

| | |
|---|--|
| Issue | Quantum of Development at North East Thatcham |
| Document name | Schedule of Proposed Main Modifications (MM) - November 2024 |
| Modification/Change reference number (MM / PMC) | MM25 & Housing Trajectory 2023/24-2040/41 |

2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:
(please tick/mark 'X' one answer for a and one for b)

- a) **Legally compliant** Yes No
- b) **Sound** Yes No

Please refer to the guidance notes for a full explanation of 'legally compliant' and 'soundness'

If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:

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3. If you have answered ‘No’ to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.

We wholly support the comments made by Thatcham Town Council with regards the Quantum of Development at North East Thatcham.

The sustainability appraisal for the quantum of development is seriously flawed, so needs to be reviewed. Once that has been done, the Main Modification to increase the size of the development from 1,500 to 2,500 dwellings must be reconsidered, in particular the following:

“Homes

The site is to be allocated for the phased delivery of up to approximately 2,500 dwellings, with the final number of dwellings to be determined by the adopted Masterplan Supplementary Planning Document (SPD) required by this policy..”

The Housing Trajectory 2023/24-2040/41 on page 164 of the Main Modifications document **predicts a total of 1760 houses within the plan period**. There have been several representations made during the examination period and within this consultation period which will highlight **availability of alternate Brownfield sites, such as Newbury Leisure Park** (for up to 100 dwellings) which are capable of delivering additional housing capacity within the plan period.

Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

4. Do you have any comments on the updated Sustainability Appraisal/Strategic Environmental Assessment Report – Proposed Main Modifications (November 2024)?

| | |
|--|---------------------------|
| Page number | Pages 21-23 of Appendix 4 |
| Paragraph number | Table in Section 2.4 |
| Comments: | |
| <p>The assessment in Section 2.4 fails to meet Section 12 of The Environmental Assessment of Plans and Programmes Regulations 2004</p> <p>It should NOT be based on unsubstantiated speculation.</p> <p>The current SA/SEA for the quantum of development is based on assumptions that are inconsistent with the content of policy SP17, both at Reg.19 and with the Main Modifications, and which are unsubstantiated and questionable assumptions.</p> <p>A proper sustainability appraisal therefore needs be undertaken, and the decision on the size of the development then reconsidered.</p> <p>Until this is done, the size of the development in Policy SP17 should remain as “approximately 1,500”.</p> <p>Any future SA/SEA appraisal should also include the option of 1760 dwellings.</p> | |

Habitats Regulations Assessment

5. Do you have any comments on the addendum to the Habitats Regulations Assessment of the Proposed Main Modifications (November 2024)?

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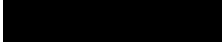
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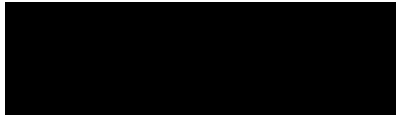
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*Mandatory Field

PART B – Your representation(s)

All comments made at previous stages of the LPR have been taken into account by the Inspector and there is no need to resubmit these. Publication of the proposed Main Modifications is a regulatory stage and any representations made should relate specifically to the legal compliance and soundness of the proposed Main Modifications and should not relate to parts of the Plan that are not proposed to be modified.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

| | |
|--|----------------------|
| Your name or organisation (and client if you are an agent): | Prosper Infinity Ltd |
|--|----------------------|

Proposed Main Modifications and Proposed Changes to the Policies Map

1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:

| | |
|---|---------------------------------------|
| Document name | Schedule of Main Modifications |
| Modification/Change reference number (MM / PMC) | MM36, MM42, MM43, MM44, MM45 |

2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:
(please tick/mark 'X' one answer for a and one for b)

- a) **Legally compliant** Yes No
- b) **Sound** Yes No

Please refer to the guidance notes for a full explanation of 'legally compliant' and 'soundness'

If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:
(please tick/mark 'X' all that apply)

| | |
|--|----------|
| Positively Prepared: The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. | X |
| Justified: the LPR should be the most appropriate strategy, when considered against the reasonable alternatives | X |
| Effective: the LPR should be deliverable | X |
| Consistent with national policy: the LPR should enable the delivery of sustainable development in accordance with the policies of the NPPF | X |

3. If you have answered 'No' to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.

You will need to say why this change will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

MM36 highlights THA25 which is development of 85 dwellings on previous Greenfield land MM42, MM43, MM44, MM45 also identifies sites that are either on greenfield, greenbelt and / or outside of the previous settlement boundary.

There are Brownfield sites that WBC is aware of, have been highlighted through several representations in Reg 18, Reg 19, and to the Independent Inspector's process in 2024 which WBC fail to allocate, and yet propose sites that are on greenfield and greenbelt. This representation only highlights one Brownfield site - THA 21 – Newbury Leisure Park which houses a disused leisure complex and separate detached residential dwellings called Moorstream Cottage. The remaining 4.25 acres of the site is developed as car parking spaces for approximately 200 cars. We expect additional representations for the other discounted sites.

At the Independent Inspector's hearings in October 24, WBC stated their methodology for assessing site THA21 (Newbury Leisure Park) failed to be registered onto the Brownfield Register due to WBC's "Gap Policy" and because a portion of the land was in Flood zone 3.

The Inspector commented that the whole plot of this 1.7hectare site cannot be discounted if less than 25% is within FZ3, and Brownfield sites should be allocated / proposed prior to Greenfield / greenbelt sites. Additionally, THA 21 is adjacent to the settlement boundary, and given WBC have amended the settlement boundary in other areas, the methodology is not considered sound (positively prepared, justified, effective or consistent with national policy). It's also important to note there is no government legislation regarding the council's "Gap Policy". The Inspector noted that the developable area could accommodate up to 100 dwellings.

The additional pages below will provide evidence as to why the methodology of assessing sites is flawed, and the above MM documents have discounted several sites which would meet the Government's legislation and directives, but WBC insist they do not meet some WBC criteria and not compliant with government directives and legislation.

The rationale for not registering this site on the Brownfield Register may also be considered discriminatory due to the land owner's race and colour. There is a legal review underway to consider legal action regarding all above matters.

I would like to document and highlight WBC's methodology for assessing sites fails for the following:

- The methodology does not adhere to legislation, and
- Uses WBC's own assessment criteria without public consultation
- Ignores the directives from central government and the Independent Inspector

I would like to highlight site THA21, a 4.25 acre site that was previously called Newbury Leisure Park on Lower Way, Thatcham. This is unarguably a Brownfield site (see pictures below), was developed in the 60s with residential dwellings, and further developed in the early 1980s with a large development for a leisure facility providing tenpin bowl, nightclub, restaurants, bars, arcade games, etc. Several leisure operators have failed at this site, and the pandemic saw the demise of the last operator in 2020. The site has not had any interest from the market in 4 years to use as a leisure facility; it has been derelict and regularly targeted by criminal activity. The site is on a predominantly residential road, Lower Way, Thatcham.

WBC's methodology fails to recognise this as Brownfield / previously developed land, and the planning team states that it cannot be adopted on the Brownfield Register Part 1, nor on the Brownfield Register Part 2. Part 2 registration would automatically assign the site to have "Permission in Principle".

1 The WBC methodology does not adhere to Legislation

WBC's methodology does not adhere to the following 2 legislations:

Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 publishes criteria for Brownfield Land Registration within the statutory instrument 2017 No. 403 (copy attached).

To summarise, here are the 4 criteria and the assessment for the above parcel of land to be included on the "Brownfield Register, Part 1":

| Criteria | Assess Newbury Leisure Park (NLP) | Met |
|---|---|-----|
| Land is at least 0.25 hectares | NLP is 1.7 hectares | YES |
| Land is suitable for Residential Development | Already contains Residential dwelling, historically multiple cottages. Wider parcel is suitable for residential Dev | YES |
| Land is Available for Residential Development | The land owner has made submissions for this land being available since 2021 | YES |
| Residential Development is achievable | Strong Developer Interest for this site, and achievable / deliverable within 18 months | YES |

Article 4 of the Town and Country Planning (Permission in Principle) Order 2017 grants Permission in Principle for the development of Land that is entered in Part 2 of a Brownfield land Register.

As this site is considered a major development (1.7 hectares), the guidance from central government states: ***“the council can grant permission in principle by entering this site into Part 2 of its Brownfield Land Register which will trigger a grant of “Permission in Principle”***

2 Uses WBC’s own assessment criteria

At the Independent Inspector’s hearings in Oct 24, WBC quoted the following 2 reasons for THA21 not meeting the criteria for being registered on Part 1 of the Brownfield Register:

A. Countryside Designation Study – “Gap Policy”. There is no reference to a “Gap Policy” in the NPPF, and this Countryside Designation Study which WBC has adopted as the basis of their “Gap Policy” was developed in Nov 22. The study’s scope was flawed as it shows a red dot on the map for the site, and yet no text regarding it. THA21 has been formally promoted / represented for Brownfield Registration since 2021. WBC officers recognise that the site should have always been included within the settlement boundary since its original development over 50 years ago. This administrative error excluded it from the scope of the Countryside Designation study, and because there was no public consultation, the error was not highlighted for inclusion.

B. Flood Zone. At the Inspector hearings, WBC stated that a portion of the land (less than 25%) is on Flood Zone 3. The Inspector quoted several legal cases where government directive has been that the whole plot of land cannot be discounted for planning permission, but the Council can stipulate that areas within Flood Zone 1 and 2 could be developed within guidelines.

Despite the above guidance and directives, WBC have refused to correctly assess and allocate this site within the Main Modifications document. There are many other similar sites, and discounting Brownfield sites prior to proposing green belt land seems to be contrary to government legislation and directive.

3 Ignores directives from central government and the Independent Inspector

I will only quote one parliamentary statement below that has been ignored by WBC for the case of THA21 – Newbury Leisure Park below. With regards the directive from the Inspector, this has been documented above.

The Parliamentary statement made by Angela Rayner on 30th July 2024. (Link from West Berks Site) : <https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>)

*“The first port of call for development should be brownfield land, and we are proposing some changes today to support more brownfield development: **being explicit in policy that the default answer to brownfield development should be yes**”*

Pictures of the Site for reference to Brownfield Site Registration:

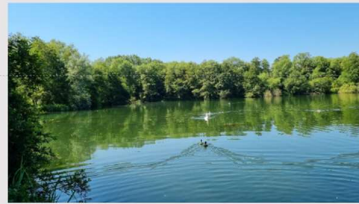
Views of the Site – [pre 2020](#)



Views of the Site – [pre 2020](#)



Views of the Site – [pre 2020](#)



Views of the Site – “Mothballed in 2020”



Views of the Site – “Mothballed in 2020”



2024 (NOW) - Every door, window and roof has been smashed more than 2 times, fly tipping, and anti-social behaviour on site



Views of residential property opposite the site



Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

4. Do you have any comments on the updated Sustainability Appraisal/Strategic Environmental Assessment Report – Proposed Main Modifications (November 2024)?

(Please be as precise as possible)

| | |
|---|--|
| Page number | 6 |
| Paragraph number | <i>Section 2.4 highlights the difficulties encountered in compiling information or carrying out the assessment</i> |
| Comments: | |
| <p><i>Within the Sa/SEA Document, Section 2.4 highlights the difficulties encountered in compiling information or carrying out the assessment. In particular, the section that states:</i></p> <p><i>“Where there is uncertainty, this can be reduced through research and professional judgement, although there will still remain an element of uncertainty”</i></p> <p><i>This section should not accept uncertainty. It should be changed to include “where there is uncertainty, legal compliance to all planning laws should be accounted first, then the government’s directives second, the independent inspector’s directives third, and only if all of these have been accounted for, then professional judgement should be applied to reduce uncertainty”.</i></p> <p><i>The additional pages below will provide evidence and examples where the methodology of the SA/SEA Main Modifications has not taken account of all planning laws, government directives, or the Independent Inspector’s directives from the LPR process.</i></p> | |

Habitats Regulations Assessment

5. Do you have any comments on the addendum to the Habitats Regulations Assessment of the Proposed Main Modifications (November 2024)?

(Please be as precise as possible)

| | |
|------------------|--|
| Page number | |
| Paragraph number | |
| Comments: | |
| | |

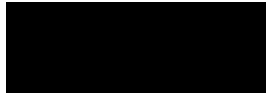
Notification of Progress of the Local Plan Review

6. Do you wish to be notified of any of the following?

(please tick/mark 'X' all that apply)

| | |
|--|---|
| <i>The publication of the report of the Inspector appointed to carry out the examination</i> | X |
| <i>The adoption of the Local Plan Review</i> | X |

Please ensure that we have either an up-to-date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy Team.

| | | | |
|------------------|---|-------------|---------------------------|
| Signature |  | Date | 27 th Jan 2025 |
|------------------|---|-------------|---------------------------|

Your completed representations must be received by the Council by 11:59pm on Friday 31 January 2025.

From: [REDACTED]
To: [REDACTED]
Subject: LPR - Main Mods Representation Form
Date: 30 January 2025 11:06:12
Attachments: [REDACTED]

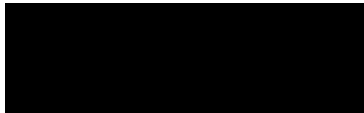
This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Planning Policy Team,

Please find attached, our representation form regarding the Main Modifications and SEA / SA documents.

Kind regards

Atul





**West Berkshire Local Plan Review 2022-2039 (LPR)
 Consultation on Proposed Main Modifications
 (6 December 2024 – 31 January 2025)**

Representation Form

Ref:
 (For official use only)

| | |
|--|---|
| Please complete and return this form: | By email: [Redacted] |
| | By post: Planning Policy, Development and Housing, Council Offices, Market Street, Newbury, RG14 5LD |
| Return by: | 11:59pm on Friday 31 January 2025 |

Please read the **Guidance Note**, available on the Council's website <https://www.westberks.gov.uk/lpr-proposed-main-modifications>, before making your representations.

This form has two parts:
 PART A – Your details
 PART B – Your representation(s)

Please complete a new form for each representation you wish to make.

| <u>PART A: Your details</u> | | |
|---|---|------------------------------------|
| <i>Please note the following:</i> | | |
| <ul style="list-style-type: none"> • We cannot register your representation without your details. • Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published. | | |
| | 1. Your details | 2. Agent's details (if applicable) |
| Title | Mr | |
| First Name* | Atul | |
| Last Name* | Hindocha | |
| Job title (where relevant) | [Redacted] | |
| Organisation (where relevant) | Prosper Infinity Ltd | |
| Address* <i>Please include postcode</i> | Newbury Leisure Park Lower Way Thatcham RG19 3AL | |
| Email address* | [Redacted] | |
| Telephone number | [Redacted] | |
| Consultee ID (if known) | | |

*Mandatory Field

PART B – Your representation(s)

All comments made at previous stages of the LPR have been taken into account by the Inspector and there is no need to resubmit these. Publication of the proposed Main Modifications is a regulatory stage and any representations made should relate specifically to the legal compliance and soundness of the proposed Main Modifications and should not relate to parts of the Plan that are not proposed to be modified.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change.

| | |
|--|----------------------|
| Your name or organisation (and client if you are an agent): | Prosper Infinity Ltd |
|--|----------------------|

Proposed Main Modifications and Proposed Changes to the Policies Map

1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:

| | |
|---|---|
| Issue | Sustainability Appraisal of sites CA12 and CA17 (Land at Henwick Park, and Land east of Regency Park Hotel, both at Bowling Green Road, Thatcham) |
| Document name | Schedule of Proposed Main Modifications (MM) - November 2024 |
| Modification/Change reference number (MM / PMC) | MM42 and MM43 |

2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:
(please tick/mark 'X' one answer for a and one for b)

a) **Legally compliant** Yes No

b) **Sound** Yes No

Please refer to the guidance notes for a full explanation of 'legally compliant' and 'soundness'

If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:
(please tick/mark 'X' all that apply)

| | |
|--|---|
| Positively Prepared: The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. | X |
| Justified: the LPR should be the most appropriate strategy, when considered against the reasonable alternatives | X |
| Effective: the LPR should be deliverable | |
| Consistent with national policy: the LPR should enable the delivery of sustainable development in accordance with the policies of the NPPF | X |

3. If you have answered ‘No’ to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.

The SA/SEA assessments of sites CA12 and CA17 have serious shortcomings, and therefore do not demonstrate that they are capable of the delivery of sustainable development in accordance with the policies of the NPPF, based on an objective assessment.

We would like to particularly highlight the exclusion of the Newbury Leisure Park site from the local draft plan which is unarguably previously developed land, and re-purposing of this site for up to 100 residential dwellings would be sustainable, deliverable and achievable within 18 months.

The inclusion of these sites in the draft Local Plan update must therefore be reconsidered once an adequate SA/SEA assessments has been undertaken.

Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

4. Do you have any comments on the updated Sustainability Appraisal/Strategic Environmental Assessment Report – Proposed Main Modifications (November 2024)?
(Please be as precise as possible)

| | |
|--|---|
| Issue | Sustainability Appraisal of sites CA12 and CA17 (Land at Henwick Park, and Land east of Regency Park Hotel, both at Bowling Green Road, Thatcham) |
| Page number | Pages 59-66 and 75 of Appendix 8a |
| Paragraph number | Appendix 8a; CA12 and CA17 |
| Comments: | |
| <p>We wholly and unequivocally support the representation made by Thatcham Town Council with regard to Sites CA12 and CA17.</p> <p>The SA/SEA assessments for sites CA12 and CA17 are clearly inadequate and incorrect, as demonstrated in the representation made by Thatcham Town Council.</p> <p>The SA/SEA assessments of these policies need to be undertaken properly. This might find that these sites are not capable of the delivery of sustainable development in accordance with the policies of the NPPF, and yet other sites (such as Newbury Leisure Park) would comply with these policies.</p> | |

Habitats Regulations Assessment

5. Do you have any comments on the addendum to the Habitats Regulations Assessment of the Proposed Main Modifications (November 2024)?
(Please be as precise as possible)

| | |
|-------------|--|
| Page number | |
|-------------|--|

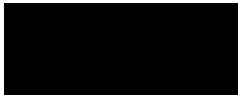
| | |
|------------------|--|
| Paragraph number | |
| Comments: | |
| | |

Notification of Progress of the Local Plan Review

6. Do you wish to be notified of any of the following?
(please tick/mark 'X' all that apply)

| | |
|--|---|
| <i>The publication of the report of the Inspector appointed to carry out the examination</i> | X |
| <i>The adoption of the Local Plan Review</i> | X |

Please ensure that we have either an up-to-date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy Team.

| | | | |
|------------------|---|-------------|-------------------------------------|
| Signature |  | Date | 27th January 2025 |
|------------------|---|-------------|-------------------------------------|

Your completed representations must be received by the Council by 11:59pm on Friday 31 January 2025.

Please note – Personal/Contact Details

All submitted representations will be made publicly available, including on the Council’s website, with the person/organisation making the representation being identified. A copy of all submitted representations will also be made available to the Planning Inspectorate and the person appointed by the Secretary of State to conduct the examination.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the LPR. The Council therefore cannot accept anonymous representations – you must provide us with your name and contact details. Address details will not be made publicly available. All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>.

The Council will also need to make sure that the names and full addresses of those making representations can be made available and taken into account by the Inspector. By submitting a representation, you confirm that you agree to this and accept responsibility for your comments. The Planning Inspectorate's privacy statement for local plan examinations is available at <https://www.gov.uk/guidance/local-plans#plans-privacy-statement>.