

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Local Plan Review Proposed Main Modifications - Hope and Clay Construction Ltd  
**Date:** 31 January 2025 14:13:08  
**Attachments:** [REDACTED]  
**Importance:** High

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Dear Planning Policy,

Please find attached two representations on the Proposed Main Modifications consultation, on behalf of Hope and Clay Construction Ltd:

- Response to MM8 and MM9
- Response to MM30.

I would be grateful if you would confirm receipt of these comments.

Many thanks,  
James

James Iles [REDACTED]  
[REDACTED]

# PRO VISION

PLANNING | ARCHITECTURE | URBAN DESIGN | ECOLOGY

[REDACTED]

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**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)

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

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.

<b><u>PART A: Your details</u></b>		
<i>Please note the following:</i>		
<ul style="list-style-type: none"> <li><i>We cannot register your representation without your details.</i></li> <li><i>Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.</i></li> </ul>		
	1. Your details	2. Agent’s details (if applicable)
Title	Hope and Clay Construction Ltd	
First Name*		James
Last Name*		Iles
Job title <i>(where relevant)</i>		[Redacted]
Organisation <i>(where relevant)</i>		Pro Vision
Address* <i>Please include postcode</i>		The Lodge, Highcroft Road, Winchester, SO22 5GU
Email address*		[Redacted]
Telephone number		
Consultee ID <i>(if known)</i>	[Redacted]	

\*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):	Pro Vision on behalf of Hope and Clay Construction Ltd
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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:**

Document name	Schedule of Proposed Main Modifications
Modification/Change reference number (MM / PMC)	MM8 and MM9

**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)

<b>Positively Prepared:</b> The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.	
<b>Justified:</b> the LPR should be the most appropriate strategy, when considered against the reasonable alternatives	<b>x</b>
<b>Effective:</b> the LPR should be deliverable	
<b>Consistent with national policy:</b> 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.**

*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.*

On behalf of our client, Hope & Clay Construction Ltd, we have consistently argued for significant modification to this policy so that it did not have the effect of being a moratorium on development.

We support the amendments to the policy text in so far as they clarify that the LPA will consult the ONR, as regulator of the nuclear licences sites, as the main advisor on development proposals in the DEPZ. We welcome the encouragement in the supporting text for developers to seek pre-application advice. The policy therefore now clarifies that, at least in principle, there is not a moratorium or embargo on development, but that the ONR will need to be satisfied that the redevelopment would not pose an unacceptable risk.

We note that ONR’s Land Use Planning webpages, now cited in the policy text, explains that when consulted on planning applications, its view will be informed by the local planning authority’s emergency planners. Therefore, whilst the policy adds clarity about the central role of the ONR, in practice, it is the local authority emergency planners (who are also responsible for preparing the Off-site Emergency Plan [OSEP]) that will be fundamental in determining whether a development proposal poses an unacceptable risk or not.

We therefore remain concerned that, in practice, policy SP4 will obstruct sustainable development if the local authority emergency planning team cannot provide such reassurance, for whatever reason. At the hearing (12 June 2024), the LPA were unclear about whether, for example, mitigation could be proposed by developers to help the emergency planning.

At the hearings we drew the Inspector’s attention to the forthcoming appeal at ‘The Hollies’, a residential scheme within the DEPZ at Burghfield Common. The Inspector of the recently redetermined appeal<sup>1</sup> has confirmed that through the current OSEP “even taking a precautionary approach, sufficient resources are available to provide a suitable response to the permanent population of around 22,000, the transient population as well as a potential crowd of 24,000 at the nearby stadium - a figure that I heard could increase substantially in the future”<sup>2</sup>.

The OSEP requires regular review and therefore there is no cogent reason as to why the OSEP could not be modified in the future to accommodate planned additional development at Easter Park. As a commercial site, its employees are likely to either already reside in the DEPZ, so included within the OSEP, or be transient, i.e. entering and leaving the DEPZ for work. Similar to schools within the DEPZ, businesses are required to put in place an emergency plan.

In short, The Hollies and other appeal decisions, have established that the risk posed by AWE to the DEPZ is very low and therefore the likelihood of an incident occurring is low. The starting point for planned additional development is this Local Plan and setting clear policies that can enable sustainable development in line with the spatial strategy.

At the June hearing, we also noted that the representative of the ONR clarified that it was not as straightforward as avoiding any population change in the DEPZ and also that they were less concerned about changes on the non-residential population.

<sup>1</sup> Appeal Ref: APP/W03040/W/22/3312261 Land to the rear of the Hollies Nursing Home, Reading Road, Burghfield Common RG7 3LZ (Decision date: 18<sup>th</sup> November 2024).

<sup>2</sup> Paragraph 30.

It is therefore appropriate that Policy SP4 and Policy SP20 be modified so that Easter Park is reinstated as a Designated Employment Area (DEA) and Site ALD6 (Easter Park) is allocated to allow for sustainable growth of Hope & Clay in the future, which would be a positive response to the Employment Land Review (EMP3) and the need for employment land over the plan period.

Planning permission would still be required and this would be subject to consultation with the ONR (and others) to test if the specific proposal, taking into account any mitigation such as expanding existing emergency plans for the existing businesses, would pose an unacceptable risk to the operation of the OSEP and/or adversely affect the defence related operation or capability of the AWE sites (the test of policy SP4).

Clarification through the examination that the policy is not designed to be an embargo on development is helpful, yet we are concerned it will be in practice. This is a threat to the long-term prosperity of many businesses in the DEPZ, who need to plan for future investment and therefore seek certainty from the development plan.

We also remain concerned that decisions to delete the Designated Employment Area (DEA) at Easter Park, despite the recommendations of the Employment Land Review (ELR) (EMP3), were made in a context of uncertainty about the policy position with the DEPZ. We can only assume that this decision was linked to the decision to deallocate the expansion land (Site ALD6).

As addressed in our representations at Regulation 19 consultation, and Matter 11 statement, the only explanation for removal of the draft allocation of ALD6 in the evidence base is the Sustainability Appraisal, which states:

*“The site will not be taken forward. The site is located within the AWE DEPZ and therefore, it is not considered suitable for development”.* SEA/SA Report November 2022 reference – p79 Nov 2022 (CD3a).

The modifications to policy SP4 arising from the examination show that there is not an embargo on development but that ONR needs to be satisfied that the development does not pose an unacceptable risk. The SA is therefore prejudging the prospect of development at Easter Park, simply because of its location in the DEPZ, whereas the revised policy is now encouraging pre-application consultations to assess whether or not development would pose an unacceptable risk, acknowledging that development may be acceptable.

Removal of the DEA status simply because of its location in the DEPZ is inconsistent with the modified policy SP4, and the status of Youngs Industrial Estate, also within the Aldermaston DEPZ and designated as a DEA. Therefore, there is precedent for a DEA in the emergency zone. Please also see our response to MM30.

We are of the view that, despite the significant modifications, the spatial strategy regarding AWE and employment allocations has not been justified and requires further modification to be sound.

## **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	

## 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.

<b>Signature</b>	James Iles, Pro Vision	<b>Date</b>	31 January 2025
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Title	Hope and Clay Construction Ltd	
First Name*		James
Last Name*		Iles
Job title <i>(where relevant)</i>		[Redacted]
Organisation <i>(where relevant)</i>		Pro Vision
Address* <i>Please include postcode</i>		The Lodge, Highcroft Road, Winchester, SO22 5GU
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Please refer to our comments on MM8 and MM9 (policy SP4) in regard to businesses within the DEPZ.

Easter Park was identified as a Designated Employment Area (DEA) in the Regulation 18 Plan, as recommended by the Employment Land Review (EMP3) but this status was removed because of its location within the latest DEPZ. This is inconsistent with the status of Youngs Industrial Estate, also in the Aldermaston DEPZ, which remains a DEA, whereby there is a presumption in favour of employment development (albeit the expansion land has been omitted under MM30).

The developed area of Easter Park is also justified as being a DEA. The LPR should be modified further to include Easter Park as a DEA and the decision to delete allocation of Site ALD6 should be reviewed as it has not been justified.

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