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To: [PlanningPolicy](#)
Cc: [REDACTED]
Subject: Consultation on the Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039 [IM-ACTIVE.FID4569277]
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Attachments: [Letter in response to Local Plan consultation - Enborne Parish Council\(46327517.4\).pdf](#)

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Dear Council,

On behalf of our client, Enborne Parish Council, please find attached a response to the Council's current consultation on the Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039.

Please acknowledge safe receipt.

Kind regards,
Lizi

Elizabeth Mutter
Solicitor
Irwin Mitchell LLP

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Planning Policy Team
Development and Housing
West Berkshire District Council
Market Street
Newbury
RG14 5LD

Pamela Chesterman
Partner
Direct Dial: [REDACTED]

23 January 2025

Dear Council

THE LOCAL PLAN REVIEW

On behalf of our client, Enborne Parish Council (our “**Client**”), we have material concerns about the Local Plan Review submitted by West Berkshire District Council (the “**Council**”).

Following submission of the Local Plan Review to the Secretary of State (who subsequently appointed a Planning Inspector, William Fieldhouse BA(Hons) MA MRTPI, to independently examine the Local Plan Review), the Planning Inspectorate published ‘IN27: Action Points from week four hearing sessions’ (the “**Inspector’s IN27**”). The Inspector’s IN27 details modifications felt by the Inspector to be necessary to inform his consideration of whether the Plan is sound.

Of particular concern to our Client is whether the Council have properly actioned points AP59 and AP60 in the Inspector’s IN27, which concern policy and site allocation for Travelling Showpeople. This concern is based upon earlier observations and objections made to the Council in response to an application for planning permission which seeks permission for the 24 plots identified as demonstrative of the existing need and reliance on the existing use of that one individual plot, to support the policy in its current term.

For ease, we have recited the actions set out as required by the Inspector below:

“DM20 and RSA25 Travelling showpeople

AP59. Council to propose modification to the reasoned justification to policy DM20 to delete Table 8 and explain why 24 plots are needed at the existing travelling showpersons yard with cross reference to policy RSA25.

AP60. Council to consider whether policy RSA25 and/or the associated map (and Policies Map) need to be modified to clarify the relationship between the 24 plots proposed and the existing authorised use of the site

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as a yard for travelling showpeople, including the extent of the agricultural land within the red line that is proposed for development.”

The Council has sought to address the points of the Inspector’s IN27 in the ‘Schedule of Proposed Main Modifications (MM) - November 2024’ (the “**Schedule of Proposed MMs**”). However, our Client does not believe the Council have met the requirements of the Inspector’s IN27, as explored further below.

As stated in the Government’s PPG on Plan-making, the “*development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise.*” A flaw in the development plan could therefore cause a number of other secondary problems by way of poor planning decisions.

It is our Client’s view that if the local plan is adopted in its current form, they would be prepared to challenge the decision to adopt it in the High Court by way of section 113 of the Planning and Compulsory Purchase Act 2004 (“**PCPA**”).

The Council’s Main Modifications

As per section 23 of the PCPA, following recommendations of main modification under examination, a local planning authority can only adopt a local development document with the main modifications.

In the Council’s Schedule of Proposed MMs, amendments to policy DM20 and policy RSA25 have been included. However, it is our Client’s contention that these do not satisfactorily address the Inspector’s main modifications.

Policy DM20 sets out how the Council will meet the needs of Gypsies, Travellers and Travelling Showpeople for the Local Plan period. The modifications proposed by the Inspector require three things:

- i) justification for 24 travelling showpersons plots need,
- ii) explanation of why they are needed at Long Copse Farm, Enborne and
- iii) clarification on the existing and proposed use of Long Copse Farm.

The Schedule of Proposed MMs provides the following justification “*There is currently one Showperson’s Yard in the District which is located at Long Copse Farm, Enborne. 24 plots are allocated for use by Travelling Showpeople, as defined in the Planning Policy for Traveller Sites, under policy RSA25. The eastern part of the site has an authorised use for Circus headquarters and agricultural holding as a dual use. The allocation would enable a residential and operational base for staff and families associated with the Circus.*”

The following sentence has been proposed to be deleted from the Local Plan Review “*The 2019 GTAA concludes that there is no additional need for Travelling Showpersons yard and any need that does arise can be addressed on the Long Copse yard*”. An amendment to the Policies Map is also proposed to “*ensure the interactive version of the Policies Map reflects the indicative site map and the ‘hard copy’ of the Policies Map in relation to RSA25 for consistency purposes*”.

Lack of evidenced need for 24 travelling showpersons plots

As set out above, the Schedule of Proposed MMs proposes removal of all reference to the Council’s Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (“**GTAA**”) in relation to travelling showpeople and provides little to no alternative justification of the need for 24 plots – only saying “*24 plots are allocated for use by Travelling Showpeople*” with no reference to evidence these plots are needed. While part of the site is authorised for Circus headquarters, this is a very small area that the Local Plan Review proposes to extend and there is no live permission for caravans or use of the land residentially.

There is a pending planning application for Long Copse yard. Planning application 23/02596/FULMAJ was submitted in 2023 for “*use of land to site up to 24 Travelling Showpersons plots*” at Long Copse yard. Our

Client has submitted detailed objections to this application which largely centre on the lack of demonstrated need for the proposed development. The application makes several references to the need for the development, referring back to various versions of the GTAA all predating the Local Plan Review and indeed the application. However, as set out in our letter, the GTAA fails to evidence a local need.

Perhaps the Council's removal of all reference to the GTAA in the Local Plan Review demonstrates their own acknowledgment that the GTAA is insufficient. Whilst that deletion might remove an erroneous basis for evidenced need, without any alternative evidence proving that 24 travelling showpersons plots are required, the Local Plan Review cannot meet the requirements of the Inspector's IN27 (which requires the Local Plan Review to explain why 24 plots are needed).

The Council have not prepared an updated GTAA since 2021. Long Copse yard is allocated for 24 plots, despite there being no need for 24 plots within the catchment at present time and a record of the site being used for storage over a significant period of time. The latest version of the GTAA is reliant on previous iterations in saying the site has been allocated for 24 plots, but also states the annual Travelling Showperson caravan count showed zero caravans on Travelling Showpersons yards (including on the existing pitch) and stated "there is no additional need for Travelling Showperson plots but it is recommended that the existing yard is safeguarded for Travelling Showperson use".

The 2015 version of the GTAA goes into further detail about the allocation of Long Copse yard in saying Zippos Circus (at the time) were seeking to accommodate an additional 20 families at the site, all of whom were located outside of West Berkshire and on a temporary site near London. It is said in this version of the GTAA the lease for their temporary site was coming to an end in the near future (in 2015) and thus they needed relocating. This does not satisfactorily demonstrate a current need within West Berkshire for the allocation of 24 Travelling Showperson Plots.

In contrast, in the supporting text to policy DM20 when setting out the need for Gypsy and Traveller sites, the Council go to great lengths to reference the GTAA and justify all allocations.

In addition and especially considering the lack of evidenced need, it is concerning the Local Plan Review is occurring concurrently to an application for Long Copse which will deliver all of the Travelling Showperson plots for West Berkshire.

Considering the GTAA's evidence of zero Travelling Showpersons' caravans within the district, it is concerning the application and Local Plan Review seem entirely dependent and reliant on each other, without any further evidence being provided to necessitate either.

Current use of Long Copse yard

The Schedule of Proposed Main Modifications suggests insertion of "*The eastern part of the site has an authorised use for Circus headquarters and agricultural holding as a dual use*" into text supporting policy DM20. An amendment to the Policies Map is also proposed to "*ensure the interactive version of the Policies Map reflects the indicative site map and the 'hard copy' of the Policies Map in relation to RSA25 for consistency purposes*" (the 'indicative site map' presumably being that for the pending planning application).

While it is true that part of Long Copse yard is an existing Travelling Showpersons yard, it does not currently have formal record of permission for the stationing of caravans or trucks and, as is repeatedly said in the GTAA, is used for storage. A temporary use of land was granted in December 2018 for the southwest corner of Longcopse Farm to station caravans and trucks (reference 18/01427/FUL). A further temporary use of the land was granted in 2020 (reference 20/01314/FUL) but expired in 2021.

The Site has arguably been developed in a piecemeal manner to date. Whilst there are some recordings of permission being granted, there are also records of unauthorised use (for storage). The temporary permissions cannot be considered as any legitimate fallback provision, but in any case, the piecemeal nature means that the Site has not (arguably) operated as a whole site for the purpose proposed in the Local Plan Review allocation. Accordingly the policy as currently written is wholly dependant on the grant of permission of the application pending. The Council has failed to properly justify how reliance for Local Plan Review

purposes and more importantly Travelling Showperson allocation may be based solely on the allocation of this one site, which has a pending application.

Worst still this has a potentially predeterminative impact on the pending application, without justification or explanation in either the Local Plan Review submission, or application consideration to date.

Conclusion

Based on the above review of the Council's Schedule of Proposed Main Modifications, our Client contends the Council have failed to properly address the Inspector's proposed areas for Main Modification by explaining why 24 plots are needed at Long Copse yard, as required by the Inspector. Therefore, as part of the Inspector's final report, we strongly recommend the allocation of Long Copse yard and the unevidenced statement 24 Travelling Showpersons' plots are needed are moved from the Local Plan Review.

For clarity, our Client's preferred approach is not to postpone adoption of the Local Plan but rather to have the unsound and unevidenced policies removed prior to adoption. This option has been used on a number of occasions by the Planning Inspector and Councils. For example, Brighton and Hove City Council's Local Plan Review in 2016, the Inspector recommended no site allocations for Gypsy and Traveller pitches as the Council's evidence base was not up-to-date and so allowed for further evidence work to be undertaken and the need to be addressed in a Part 2 to the Local Plan. The Cheshire West and Chester Local Plan 2015 similarly deferred allocation to a later date.

Based on the lack of evidence of the need for 24 Travelling Showpersons plots in West Berkshire as a whole but also on this site specifically, we suggest the same is actioned on the Local Plan Review; the unevidenced policies are removed prior to adoption of the Local Plan, evidence gathering takes place and the need is addressed in further policy can come forward and be examined afresh, at a later date.

If not removed by the Inspector, we urge the Council to refuse to adopt the Local Plan. If adopted without the above being addressed, our Client will be seeking to challenge the adoption under section 113 of the PCPA.

Yours faithfully

PAMELA CHESTERMAN
PARTNER
For and on behalf of IRWIN MITCHELL LLP