

Notice of Meeting



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Eastern Area Planning Committee

Wednesday 14 January 2026 at 6.30 pm

**in the Council Chamber Council Offices
Market Street Newbury**

This meeting will be streamed live here: [Link to Eastern Area Planning Committee broadcasts](#)

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If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on Tuesday 13 January by emailing planningcommittee@westberks.gov.uk.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 6 January 2026

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email planningcommittee@westberks.gov.uk.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk.

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



WestBerkshire
C O U N C I L

Agenda - Eastern Area Planning Committee to be held on Wednesday 14 January 2026
(continued)

To: Councillors Alan Macro (Chairman), Richard Somner (Vice-Chairman),
Jeremy Cottam, Paul Kander, Ross Mackinnon, Geoff Mayes,
Justin Pemberton, Vicky Poole and Clive Taylor

Substitutes: Councillors Jane Langford, Janine Lewis, Tom McCann, Biyi Oloko,
Christopher Read and Joanne Stewart

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes**
To approve as a correct record the Minutes of the meeting of this Committee held on 10 December 2025.
The Minutes of the previous meeting will be to follow.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **25/00357/FUL Youngs Industrial Estate Paices Hill** 5 - 24
Proposal: Retrospective change of use of land to B8 storage use with retention of ancillary temporary office use. Compound A3.
Location: Youngs Industrial Estate, Paices Hill.
Applicant: Youngs Estates.
Recommendation: The Development Manager be authorised to GRANT planning permission.
 - (2) **25/00395/FUL Youngs Industrial Estate Paices Hill** 25 - 46
Proposal: Retrospective change of use of land to B8 storage use Compound A, A3 and A5.
Location: Youngs Industrial Estate, Paices Hill.



Agenda - Eastern Area Planning Committee to be held on Wednesday 14 January 2026
(continued)

Applicant: Youngs Estates.

Recommendation: The Development Manager be authorised to
GRANT planning permission.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke.

Sarah Clarke
Executive Director - Resources
West Berkshire District Council

If you require this information in a different format or translation, please contact
Thomas Radbourne on telephone (01635) 519 502.



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Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/00357/FUL Aldermaston	8 th August 2025	Retrospective change of use of land to B8 storage use with retention of ancillary temporary office use. Compound A3. Youngs Industrial Estate, Paices Hill. Youngs Estates.
¹ Extension of time agreed with applicant until 7 th November 2025.			

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SS12R3RD0HE00>

Recommendation Summary: The Development Manager be authorised to GRANT planning permission.

Ward Member(s): Councillor Boeck

Reason for Committee Determination: The Councillor is concerned on behalf of the parish that increasingly new development is being approved in the DEPZ under delegated authority which is putting public safety at risk potentially.

Committee Site Visit: 1st October 2025.

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
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Email: sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the regularisation of an existing storage use at Compound A3 with the use of an ancillary office in the Youngs Industrial Area., It is understood that this use commenced in 2021. The operator is CSE a vacuum excavation Company employing 7 employees. The site area is 0.1ha and the area of the temporary portacabin to be retained is 60m2. On site will be 5 HGV spaces and 2 car park spaces. The operation of the site involves up to 5 drivers of the lorries being used daily depending on demand and the site office for welfare and administration purposes.
- 1.3 The application site is largely concrete hard standing at present with no structures upon it apart from the “offsite” temporary portacabin also within the Youngs Yard and in the submitted red line application site.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
112220	Proposed garden centre	Refused 06/01/1980 Appeal Allowed 16/07/1980
95/46212/OUT	Redevelopment of garden centre for B2 and B8 uses	Refused 04/08/1990 Appeal Dismissed 24/01/1996
04/02943/COMIND	Demolition and rebuilding of block of industrial units (block B) within the same site	Approved 02/02/2005
14/02707/FUL	RETROSPECTIVE: Change of use of garden centre to builder's merchants	Approved 12/02/2015
15/00607/FULC	Construction of new builder's merchants building following demolition of garden centre	Approved 20/07/2015
15/00926/COMIND	Construct new B1 units	Approved

		03/11/2015
22/02730/FULD	Construction of 8 No. light industrial units and 1 No. light industrial unit with office accommodation in a single building, including parking and access roads.	Refused 16/02/2023 Appeal Dismissed 29/04/2024
24/02552/FULMAJ	Construction of industrial units (Use Class E [g] B2 and B8 in a single building.	Approved 04/06/2025 Decision Quashed by Court Order 24/09/2025
25/02203/FULMAJ	Reconsideration of application 24/02552/FULMAJ following the quashing of that decision by the High Court: Construction of industrial units (Use Class E/B8) in a single building.	Pending Consideration
25/01736/FULMAJ	Construction of industrial units (use Classes E(g), B2 and B8) in a single building.	Pending Consideration
25/00395/FUL	Retrospective use of the land for storage and distribution (Use Class B8)	Pending Consideration
25/00396/FUL	Retrospective planning application for a temporary residential lodge (Use Class C3)	Pending Consideration

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 20th June at the site entrance with a deadline for representations of the 11th July. Nine neighbours were consulted with an overall expiry date of the 11th July.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identifies the relevant local financial considerations for this proposal

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	6.7 -6.12

- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.7** The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8** Having regard to the proposed industrial B8 use, there is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10** Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.11 Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. 48-49 Paices Hill is a grade II listed building located to the north. It borders the wider Youngs Industrial Estate, but it is approximately 111m from this application site. A further grade II listed building, Barn End House, is located further north along Paices Hill, some 266m from this application site.
- 3.12 Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Whilst there are no conservation areas in the area, the site does lie adjacent to the Aldermaston Historic Registered Park to the east which is required to be taken into account.

4. Consultation

Statutory and non-statutory consultation

- 4.1** The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Aldermaston Parish Council:	<p>Resolved to object to the application. The following issues are relevant</p> <ul style="list-style-type: none"> This is a retrospective application dating from March 2021 (as per application form), which we assume covers both
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	<p>the B8 open air storage and office since not stated otherwise</p> <ul style="list-style-type: none"> the planning statement summarises the development as B8 and ancillary temporary office, and then states 'Accordingly, no new non-residential development shall be proposed to meet the requirements of Policy CS15.' Actually, Policy CS15, relating to Sustainable Construction and Energy Efficiency, covers residential and non residential development with the latter required to meet a minimum standard of construction BREEAM Excellent. The application form states that the site has 7 full time employees, but no information is given about hours of work and how many work from the office. The Planning statement says an Estate Site wide 'AWE specific emergency plan, which sets out details of emergency action including evacuation, alerting the staff, and safety equipment' has been submitted. This is not on the website. Officer note -now public. There is no opinion as at 08/07/25 from WBC Emergency Planning as to whether this development can be accommodated in the OSEP AWE and the MOD have submitted a strongly worded Objection (see comments submitted by APC under application 25/00395/FUL) <p>APC has question marks about why the office facility is apparently regarded as temporary given that it appears to date back to 2021, and why it should not be measured against planning policy applicable to non-residential development. There is also no timeframe given for how long this temporary building will be required for. APC also shares AWE and the ONR safety concerns, especially with regards to the potential cumulative effect of so many developments in the area which might individually be regarded as insignificant. For these reasons, APC agreed to respond OBJECT.</p>
Highways:	No objections raised. Site has good overall access to the principal main road network of the A340 and beyond. Recommend limitation of use class by condition.
Drainage:	No objections raised.
Gardens Trust:	Do not wish to comment on the application at this stage.
AWE:	Object strongly to the application. It comprises additional employment development within the DEPZ for which there is no exceptional need or indeed economic justification. Accordingly with the potential for a cumulative impact of such schemes over the years this could compromise the future operational capability of the AWE in terms of using ionising radiation in its research with implications for national security. This should take precedence in the decision making process. The application is contrary to policy and so should be refused.
Emergency Planning:	The EP officer has examined the submitted Emergency Plan and following the submission of amendments has confirmed "I have now had a chance to review the attached plan and am content with it. As a result, I have no adverse comments in relation to this

	application and would suggest as detailed previously that the following conditions are applied with some small amendments as highlighted below.”
Office for Nuclear Regulation:	Notes that given the removal of the objection from the EP officer of the Council the ONR no longer advise against the development.

Public representations

4.2 No representations have been received from the public

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	SP1 Spatial Strategy SP3-Settlement hierarchy. SP4 AWE Aldermaston & Burghfield SP5 Responding to Climate Change SP6 Flood Risk SP7 Design Quality SP8 Landscape Character SP9 Historic Environment SP10 Green Infrastructure SP11 Biodiversity & Geodiversity SP17 Strategic approach to employment land. SP19 Transport DM3-Health and wellbeing. DM4 Building Sustainable Homes & Businesses DM12-Registered Parks and Gardens. DM15 Trees, Woodland & Hedgerows DM31 Designated employment areas. DM35-Sustaining a prosperous rural economy. DM41 Digital Infrastructure DM42 Transport Infrastructure DM44 Parking

5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 The most important policies for assessing the principle of development are Policies SP1, SP3, SP17, and DM35 of the Local Plan Review. The economic benefits are also important material considerations in this assessment.
- 6.2 **Policy SP1** sets the overarching spatial strategy for West Berkshire, which directs development to areas of lower environmental value, optimises use of previously developed land, and optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment.
- 6.3 The application site is located with the spatial area known as the Eastern Area. The policy states that the area will continue to be important for business development with the retention of designated employment areas. Outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in policy DM35 for economic development.
- 6.4 **Policy SP3** provides a settlement hierarchy to focus development based on the function and sustainability of settlement across the District and promote sustainable communities. Development outside of these settlements, in other rural hamlets and in isolated groups of development will be restricted to that which is appropriate in a rural area.
- 6.5 The application site is located outside of any settlement boundary, and is therefore treated as open countryside where development is more restricted, and policy DM35 applies. A detailed assessment against Policy DM35 follows, but it is considered that the proposed development complies with Policy DM35 and therefore is also in accordance with Policies SP1 and SP3.
- 6.6 **Policy SP17** sets the strategic approach to employment land. It states that through the LPR the Council will seek to facilitate the growth and forecasted change of business development over the plan period through site allocations and by promoting the supply of B8 storage space in the District.
- 6.7 According to Policy SP17, appropriate proposals for business development (offices, industrial, and storage and distribution) will be supported where they are located:
- a. On sites allocated for business development in accordance with the individual site specific policy (ESA1 - ESA6) in this Plan or any subsequent neighbourhood plans; or
 - b. On a suitable site within a settlement boundary; or
 - c. Within a Designated Employment Area (DEA) in accordance with policy DM31, and as listed in Appendix 4 and as defined on the Policies Map; or
 - d. On previously developed land within existing suitably located employment sites; or
 - e. Within the countryside provided the proposal is in accordance with other relevant policies within the Plan, in particular policy DM35.
- 6.8 The policy goes on to say that the redevelopment and regeneration of existing employment sites for businesses use will be supported.

- 6.9 The proposed development would contribute a small level of storage and distribution (Class B8) to the meet the needs of the district. The application site is not allocated for development, within a settlement boundary, or within a DEA. However, it is on previously developed land, as the storage area is on the part of the site which was previously occupied by a garden centre, and forms an existing employment site. The portacabin is sited on a grassed area close to the existing Youngs Industrial Estate office. The site is within the industrial estate, part of which (the Youngs Industrial Estate) is designated a DEA, and is therefore considered to be a suitably located employment site. An assessment against Policy DM35 follows, but the proposal is considered to comply with this policy. As such, the application is considered to comply with Policy SP17 in terms of the location of the application site.
- 6.10 Policy SP17 further states that the redevelopment and regeneration of existing employment sites for business uses will be supported. A range of types and sizes of employment sites and premises will be encouraged throughout the District to meet the needs of the local economy. Proposals for business development should be of a high quality design and in keeping with the surrounding environment.
- 6.11 The application site partially comprises previously developed land adjacent to an existing DEA, and within the developed envelope of the wider Youngs Industrial Estate. The area of storage is on the hardstanding which previously formed part of the garden centre. The proposal therefore constitutes the redevelopment and regeneration of existing employment sites for business uses, in accordance with Policy SP17. The proposal provides for an established local business need, in keeping with the surrounding industrial estate environment.
- 6.12 Overall, the proposal is considered to comply with Policy SP17.
- 6.13 **Policy DM35** (sustaining a prosperous rural economy) states that development proposals that contribute to sustaining a prosperous rural economy will be encouraged. To support the rural economy, proposals for economic development in the countryside will only be permitted where they satisfy the given criteria.
- 6.14 It should be noted that Policy DM35 applies to all forms of economic development in the countryside. This is consistent with paragraph 88 of the NPPF which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.
- 6.15 The criteria of policy DM35 are set out below, with an appraisal of the proposed development.
- a. *The proposals demonstrate that the business can make a positive contribution to the rural economy.*
- 6.16 Paragraph 24 of the Hoad Way Theale appeal decision (APP/W0340/W/25/3360702) reinforces that “the [current Local Plan Review] policies are not worded to specify or limit the particular nature of the proposed development to rural enterprises, rather look to a generalised benefit of the rural economy.” The proposed uses do not necessarily have an intrinsic connection to a rural area. However, given their location in the countryside of the Eastern Area, it is reasonable to conclude that a number of future employees may live in the local area which is predominantly rural, and to this extent will contribute positively to the generalised benefit of the rural economy.
- b. *The use/development is suitable for a rural location.*
- 6.17 This must be assessed in the context of each application site. In this case, the development would form part of an established industrial estate (albeit beyond the

designated employment area), in an area which is also heavily influenced by industrial/military character development at AWE Aldermaston. The site is on the periphery of established existing industrial estate development, and so the use considered to be suitable within this rural location.

c. The proposals are compatible with uses in the surrounding area.

- 6.18 The adjoining development is industrial in character. There is residential dwelling further north; 48-49 Paices Hill immediately abuts the site to the north (albeit currently damaged and vacant following a fire), and is separated from this site by intervening development within the footprint of the former garden centre and a grassed area with mature trees. There are a few dwellings interspersed along Paices Hill before reaching the Aldermaston settlement. There is also residential development to the south (two gypsy/traveller sites). In both directions there is intervening existing industrial development, therefore it is not considered that this development would have any greater impact than existing development in that respect.

d. Where new buildings are proposed the landowner has not disposed of, or converted, any buildings to a residential use in the previous 3 years which could have met the needs of the development proposed.

- 6.19 No conflict has been identified with this criterion.

e. Any proposals are of a high quality design, are appropriate in terms of siting scale, form, massing, character and appearance having regard to the surrounding rural area and its setting in the wider rural landscape.

- 6.20 It cannot be said that the portacabin is of high quality design, but given the local context it is considered to be neutral in relation to this criterion, as it does not result in additional visual incursion into the surrounding countryside, and is in keeping with the existing character of the estate.

f. New or replacement buildings are located within or adjoining an existing group of buildings and further expansion into the open countryside is avoided.

- 6.21 The existing building is located on the periphery of an existing group of buildings, with buildings to the north, east and south. It is a brownfield site, and there would be no further expansion into the open countryside.

g. It would not generate traffic of a type or amount inappropriate for the rural roads, byways or restricted byways affected by the proposal or require improvements to these roads, byways, or restricted byways which could be detrimental to their character and use by motorised and non-motorised traffic.

- 6.22 Whilst recognising that the application site is located in a rural area which is heavily reliant on private motor vehicle, it is also located within an established employment area (albeit beyond the area designated as a DEA) and the A340 (Paices Hill) is identified as a 'district access route to key destinations' on the West Berkshire Freight Route Plan in the Freight Strategy of the Local Transport Plan. The proposal does not, therefore, generate inappropriate traffic for the access road as it links directly to the localised network. The Highways officer has not objected to the scheme.

h. It would not have a detrimental effect on the fabric, character and setting of historic buildings or other heritage assets.

- 6.23 There is a listed building, 48-49 Paices Hill, which is the dwelling referred to above in paragraph 6.17 to the north of the site, situated 111m from the northern edge of the compound. However, given the separation distance, the mature trees and grassed

area which visually and functionally separate the developed parts of the Industrial Estate from the listed building is not considered to harm the setting of the listed building. There is no visibility of the site from the adjacent Registered Park and Garden due to the A340 and intervening development. There is no material impact on the Aldermaston Conservation Area due to the significant separation distance.

i. Appropriate proposals which make more efficient use of previously developed land will be encouraged.

- 6.24 The development is an existing area of hardstanding and a low profile commercial building. It therefore represents efficient use of previously developed land.
- 6.25 Policy DM35 also states that, insofar as a planning application is required, proposals resulting in the loss of existing business sites and premises in the countryside, will only be permitted where the applicant can demonstrate that no alternative economic use can be found, and that the proposal does not have a significant negative impact upon the vitality and viability of the local economy of the surrounding rural area.
- 6.26 The proposal does not result in the loss of existing B8 space, but the expansion of such a use, and so are considered to have a positive benefit in terms of the vitality and viability of the local economy.
- 6.27 Overall, the proposed development complies with Policy DM35.
- 6.28 Taking the above policies together, it is accordingly considered that the principle of development is in accordance with the current Local Plan.

DEPZ of AWE Aldermaston

- 6.29 Policy SP4 says that within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE site. The policy goes on to say that development within those zones that pose an unacceptable risk to the operation of the AWE Off-site Emergency Plan (OSEP) and/or affect the defence capability of the AWE sites will be refused planning permission. The policy sets out when the ONR and AWE/MOD will be consulted and says that development within the DEPZ is likely to be refused planning permission where the ONR as regulator of the nuclear site advise against the development.
- 6.30 The application has been subject to extensive dialogue between the applicant and Emergency Planning Officer to develop a suitable site-specific emergency plan. Following this dialogue, an acceptable site-specific emergency plan has been submitted. This can be secured by condition, subject to appropriate review mechanisms.
- 6.31 It is noted that the measures within the emergency plan include using the portacabin building as emergency shelter. Given the nature of its construction, the proposed conditions also include a review of this emergency plan after 7 years in case the building is no longer suitable for this purpose.
- 6.32 Subject to conditions, the Emergency Planning Officer raises no objections to the application, and the ONR does not advise against. The application therefore complies with Policy SP4.
- 6.33 It is noted that AWE objected to the application at the outset. This objection is on the basis that the cumulative impact of applications which will increase resident and non-

resident populations across the DEPZ should be resisted in the interest of both public safety and the future operational capability of the AWE(A) site. However, this application has since been subject to extensive consideration by Emergency Planning, such that no objection is raised by the ONR under Policy SP4.

Character and appearance

- 6.34 The application site lies in the northern section of the Youngs Industrial Area and is relatively modest in scale. Members will note from their site visit that it is surrounded on a number of aspects by existing built form which screens the scheme and mature trees to the west. Whilst the fact that the site is well screened does not automatically make it acceptable, the visual impact of the site, being in character with the nature of surrounding buildings/uses, is appropriate and not considered to be harmful.

Accordingly, it is considered by officers that the scheme complies with Policies SP7 and SP8 in the LPR which notes that (inter alia) new development should be sensitively located in its immediate context, appropriate in scale, form and design. The local capacity for change should be taken into account: the scale of surrounding buildings on the site are largely far more significant than the current proposal.

Highways

- 6.35 Policy SP19 sets out the policies which relate to development that generates a transport impact, and seeks to minimise all forms of travel on the environment, to mitigate any adverse impacts on local transport networks and the strategic road network. Policy DM44 sets out the parking requirements for new development.
- 6.36 The Highways Authority have considered the proposals, and are satisfied that the trip generation would have a minimal impact on the surrounding highways network, and are satisfied with the parking arrangements on site, as well as the access arrangements. However, this recommendation has been reached on the basis of the information provided about the existing level of use on the site, and to ensure that the impact on the highway network remains minimal they are seeking a condition to limit the use to storage and ancillary office use, as a greater intensification of use requires further consideration. A condition requiring the use to be limited to B8 with ancillary office would be appropriate in accordance with Policy SP19.

Aldermaston Parish Council objection

- 6.37 The Parish Council have objected to the application on a number of grounds. The implications of the DEPZ have been considered above, but other matters have been raised.
- 6.38 Firstly, policy CS15 no longer applies to the proposal as this has been formally superseded by policy DM4 in the LPR relating to sustainable homes and business. Policy DM4 is only relevant to increases in floorspace of more than 100m² and this office building is 60m².
- 6.39 Secondly, it is correct that the applicant has not specified how long the portacabin would be on site for, although it is understood to be owned by the current occupants. The building does not result in planning harm and therefore there is no need to stipulate it is only retained for a temporary period. Conversely, however, it is recognised that the nature of its construction justifies reviewing the emergency plan after seven years because it is proposed as shelter in the event of an incident.

7. Planning Balance and Conclusion

- 7.1 The applicant is seeking approval of a small scale B8 use, with ancillary office space. It has been demonstrated that the proposal accords with the policies of the Local Plan for the location of development, given the location of the site on previously developed land adjacent to a DEA, and within an industrial estate. The proposal is not considered to harm the rural setting of the site, and will make a modest contribution to the rural economy given the scale of the development.
- 7.2 In the light of no objection from the ONR and the Emergency Planning Officer, and the fact that the scheme will comply with extant Development Plan policy for employment as noted above, the application is recommended for approval with conditions.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan received 13th June 2025; Site Plan Drawing No 13.418.P.AY.001 Rev C received 18th March 2025; and Compound A3 Emergency Plan Version 1.1 Dated October 2025 received 7th October 2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Emergency plan</p> <p>The use hereby permitted shall not take place except in accordance with the site-specific emergency plan hereby approved (Compound A3, Emergency Plan Version 1.2 dated October 2025 received 7th October 2025), or any subsequent revision/replacement approved by the Local Planning Authority. Such emergency plans shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston.</p> <p>Reason: A site-specific emergency is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
3.	<p>Emergency Plan Revisions</p> <p>Any site-specific Emergency Plan in effect for the site shall be kept up-to-date, and relevant to the current occupant at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan</p>

	<p>shall be submitted to the Local Planning Authority for approval within 1 month of notice being given.</p> <p>Reason: A site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. It is essential that the plan is kept up-to-date, and that there are provisions for enabling its revision in the future. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
4.	<p>Emergency plan review date (7 years)</p> <p>The site-specific emergency plan shall be reviewed and a new/revised emergency plan submitted to the Local Planning Authority for approval should no later than 7 years from the date of this permission.</p> <p>Reason: A site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. In particular, this relates to the condition of the current shelter/office which as a result of the temporary nature of the structure can require replacement after 10 years and it has already been in place for approximately 3 years. The site-specific emergency plan for this development will require review within the above timeframe to ensure that the measures remain robust. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
5.	<p>Emergency Plan for new occupants</p> <p>The site shall not be occupied by any new occupant until a new/revised site-specific Emergency Plan tailored to that specific occupant has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
6.	<p>Use class restriction</p> <p>The premises shall be used for Class B8 storage with ancillary office use and for no other purpose (including any purpose in Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>Reason: To ensure the level of trips remain appropriate on highway grounds. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP19 of the West Berkshire Local Plan Review 2023-2041.</p>

Informatives

1.	<p>Biodiversity Net Gain</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and <ul style="list-style-type: none"> (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024. 4. The permission which has been granted is for development which is exempt being: <ul style="list-style-type: none"> 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where: <ul style="list-style-type: none"> i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii). 4.2 Development below the de minimis threshold, meaning development which: <ul style="list-style-type: none"> i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
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ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is

	<p>minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan. <p>PHASED DEVELOPMENT</p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
2.	<p>Positive Statement</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p>
3.	<p>Emergency Planning</p> <p>For queries relating to the content of the site-specific Emergency Plan, please contact the Joint Emergency Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 503535, Email: emergencyplanning@westberks.gov.uk. Please quote the application reference.</p>

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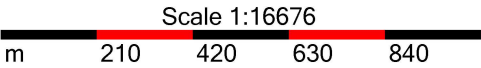
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Organisation	West Berkshire Council
Department	Not Set
Comments	Not Set
Date	25 September 2025
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	25/00395/FUL Aldermaston	14 TH April 2025.	Retrospective change of use of land to B8 storage use Compound A, A3 and A5. Youngs Industrial Estate, Paices Hill. Youngs Estates.
¹ Extension of time agreed with applicant until 7 th November 2025.			

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SSAC6DRD0PL00>

Recommendation Summary: The Development Manager be authorised to GRANT planning permission.

Ward Member(s): Councillor Boeck

Reason for Committee Determination: The Councillor is concerned on behalf of the parish that increasingly new development is being approved in the DEPZ under delegated authority which is putting public safety at risk potentially.

Committee Site Visit: 1st October 2025.

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the regularisation of an existing open storage use on existing concrete hardstanding at three compounds in the Youngs Industrial Estate. It is understood that the B8 use of one part of the application site commenced in 2013, and has been used continuously in excess of 10 years. It was decided that an application be submitted to cover the whole of the application site concerned.
- 1.3 The application site is largely concrete hard standing at present with no structures upon it, lying to the north and west of the estate.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
112220	Proposed garden centre	Refused 06/01/1980 Appeal Allowed 16/07/1980
95/46212/OUT	Redevelopment of garden centre for B2 and B8 uses	Refused 04/08/1990 Appeal Dismissed 24/01/1996
04/02943/COMIND	Demolition and rebuilding of block of industrial units (block B) within the same site	Approved 02/02/2005
14/02707/FUL	RETROSPECTIVE: Change of use of garden centre to builder's merchants	Approved 12/02/2015
15/00607/FULC	Construction of new builder's merchants building following demolition of garden centre	Approved 20/07/2015
15/00926/COMIND	Construct new B1 units	Approved 03/11/2015
22/02730/FULD	Construction of 8 No. light industrial units and 1 No. light industrial unit with office	Refused

	accommodation in a single building, including parking and access roads.	16/02/2023 Appeal Dismissed 29/04/2024
24/02552/FULMAJ	Construction of industrial units (Use Class E [g] B2 and B8 in a single building.	Approved 04/06/2025 Decision Quashed by Court Order 24/09/2025
25/02203/FULMAJ	Reconsideration of application 24/02552/FULMAJ following the quashing of that decision by the High Court: Construction of industrial units (Use Class E/B8) in a single building.	Pending Consideration
25/01736/FULMAJ	Construction of industrial units (use Classes E(g), B2 and B8) in a single building.	Pending Consideration
25/00357/FUL	Retrospective use of the land for storage and distribution (Use Class B8) with ancillary temporary office	Pending Consideration
25/00396/FUL	Retrospective planning application for a temporary residential lodge (Use Class C3)	Pending Consideration

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on the 18th June at the site entrance with a deadline for representations of the 9th July. Nine neighbours were consulted with an overall expiry date of the 11th July.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identifies the relevant local financial considerations for this proposal

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
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Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	6

3.4 Community Infrastructure Levy (CIL): Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

3.5 Public Sector Equality Duty (PSED): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion

or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.8 Having regard to the proposed industrial B8 use, there is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. It is noted that a listed building lies to the north east of the application site being 48-49 Paices Hill listed grade II at about 40m from the site. It is accordingly necessary to take into account the setting of this building in the determination of the application.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Whilst there are no conservation areas in the area, the site does lie adjacent to the Aldermaston Historic Registered Park to the north east which is required to be taken into account.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Aldermaston Parish Council:	<p>Objects as follows</p> <ul style="list-style-type: none"> part of this site is immune from enforcement having been in continuous use for over 10 years. The part of the site identified as Compound A appears to be that area for which immunity could be claimed. There is no information on the length of use of the sites A1 & A4 which appear to be approximately half the overall site area.
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	<ul style="list-style-type: none"> • a lack of information about the exact use of Compounds A1 and A4 and no trip generation information to give an indication of how many vehicles travel to/from the application site is available • Emergency Planning's opinion that the application's Emergency Plan is 'not fit for purpose'. The EP Officer shares WBC guidelines on how to produce an acceptable Emergency Plan and recommends Conditions that could require the • applicant to produce a 'completely revised emergency plan' within 3 months. • AWE's Objection on behalf of AWE and the MOD dated 08/07/25 on the grounds that additional industrial and • commercial developments within the DEPZ is directly contrary to public safety and emergency planning advice. AWE articulates specific concern about; the failure of the application to produce a site EP plan, the cumulative effects of similar developments that could collectively result in a tipping point that renders the OSEP inadequate, and that additional developments could put unreasonable restrictions on AWE in the event that the ONR concludes that the OSEP is inadequate, and AWE has to cease work with ionising radiation. <p>APC is aware that restricted resources within WBC Emergency Planning mean that it is unable to follow up on Conditions. This makes us nervous about considerations relating to Emergency Planning being addressed by Conditions after approval and risking the safety of residents. For this reason, and the fact that AWE/MOD has issued such a strongly worded objection, APC agreed to respond OBJECT.</p>
Highways:	No objections raised. Site has good overall access to the principal main road network of the A340 and beyond. No parking is proposed on the site. Recommend limitation of use class by condition.
Drainage:	No objections raised, subject to a condition being attached on suds
Gardens Trust:	No views received.
AWE:	Object strongly to the application. It comprises additional employment development within the DEPZ for which there is no exceptional need or indeed economic justification. Accordingly with the potential for a cumulative impact of such schemes over the years this could compromise the future operational capability of the AWE in terms of using ionising radiation in its research with implications for national security. This should take precedence in the decision making process. The application is contrary to policy and so should be refused.
Emergency Planning:	It is disappointing that the applications are retrospective. Whilst the compounds have very infrequent attendance on the site by the tenant they do visit the site so an emergency plan is required.

	<p>Following the submission of emergency plans the EP Officer has confirmed</p> <p>“Following the review of this application and emergency plans submitted please see below the emergency planning response. I would ask that were highlighted I have correctly noted the approved plan as per the planning portal.</p> <p>Summary</p> <p>It is disappointing that this application is retrospective and there are concerns in relation to this practice not least since it is certainly not a given that approval will be approved, not least since these applications result in more people within the DEPZ and therefore a risk to their health safety and wellbeing. However, this proposal has been duly assessed in the same was as if it had not yet taken place.</p> <p>It should be noted that in my last response on 29th Sept 25 we missed that the submitted Estate Emergency Plan (Katmal Ltd) had in effect been retracted by the applicant. Therefore, my comments now do not refer to that plan.</p> <p>It is noted that the 3 compounds in this application have very infrequent attendance on site by the tenants, however since they do visit the site there should be an emergency plan in place to accommodate for any people associated with these compounds in the interest of public safety. As a result, a revised emergency plan to that submitted previously has been accepted and received by emergency planning on 6th November 25. The plan has now been reviewed and is considered satisfactory.</p> <p>Recommend conditions</p>
Office for Nuclear Regulation:	Do not advise against this development.
Environmental Health:	No objections but given the proximity of the dwelling to the north a condition limiting the times of use of the site should be applied.
Natural England:	No response received.

Public representations

- 4.2 No representations from the public have been received.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	SP1 Spatial Strategy SP3-Settlement hierarchy. SP4 AWE Aldermaston & Burghfield SP5 Responding to Climate Change SP6 Flood Risk SP7 Design Quality SP8 Landscape Character SP9 Historic Environment SP10 Green Infrastructure SP11 Biodiversity & Geodiversity SP17 Strategic approach to employment land. SP19 Transport DM3-Health and wellbeing. DM4 Building Sustainable Homes & Businesses DM5 Environmental Nuisance and Pollution Control DM12-Registered Parks and Gardens. DM15 Trees, Woodland & Hedgerows DM30 Residential Amenity DM31 Designated employment areas. DM35-Sustaining a prosperous rural economy. DM41 Digital Infrastructure DM42 Transport Infrastructure DM44 Parking

5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 The most important policies for assessing the principle of development are Policies SP1, SP3, SP17, and DM35 of the Local Plan Review. These are assessed below. The previous appeal decision and the economic benefits are also important material considerations in this assessment.
- 6.2 **Policy SP1** sets the overarching spatial strategy for West Berkshire, which directs development to areas of lower environmental value, optimises use of previously developed land, and optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment.
- 6.3 The application site is located with the spatial area known as the Eastern Area. The policy states that the area will continue to be important for business development with

the retention of designated employment areas. Outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in policy DM35 for economic development.

- 6.4 **Policy SP3** provides a settlement hierarchy to focus development based on the function and sustainability of settlement across the District and promote sustainable communities. Development outside of these settlements, in other rural hamlets and in isolated groups of development will be restricted to that which is appropriate in a rural area.
- 6.5 The application site is located outside of any settlement boundary, and is therefore treated as open countryside where development is more restricted, and policy DM35 applies. A detailed assessment against Policy DM35 follows, but it is considered that the proposed development complies with Policy DM35 and therefore is also in accordance with Policies SP1 and SP3.
- 6.6 **Policy SP17** sets the strategic approach to employment land. It states that through the LPR the Council will seek to facilitate the growth and forecasted change of business development over the plan period through site allocations and by promoting the supply of B8 storage space in the District.
- 6.7 According to Policy SP17, appropriate proposals for business development (offices, industrial, and storage and distribution) will be supported where they are located:
- a) On sites allocated for business development in accordance with the individual site specific policy (ESA1 -ESA6) in this Plan or any subsequent neighbourhood plans; or
 - b) On a suitable site within a settlement boundary; or
 - c) Within a Designated Employment Area (DEA) in accordance with policy DM31, and as listed in Appendix 4 and as defined on the Policies Map; or
 - d) On previously developed land within existing suitably located employment sites; or
 - e) Within the countryside provided the proposal is in accordance with other relevant policies within the Plan, in particular policy DM35.

The policy goes on to say that the redevelopment and regeneration of existing employment sites for business use will be supported.

- 6.8 The proposed development would contribute a small level of storage and distribution (Class B8) to meet the needs of the district. The application site is not allocated for development, within a settlement boundary, or within a DEA. However, it is on previously developed land, as the compounds are site on hardstanding that previously formed part of the garden centre on the site. It is within an established industrial estate, part of which is designated a DEA, and is therefore considered to be a suitably located employment site. As assessment against Policy DM35 follows, but the proposal is considered to comply with this policy. As such, the application is considered to comply with Policy SP17 in terms of the location of the application site.
- 6.9 Policy SP17 further states that the redevelopment and regeneration of existing employment sites for business uses will be supported. A range of types and sizes of employment sites and premises will be encouraged throughout the District to meet the needs of the local economy. Proposals for business development should be of a high quality design and in keeping with the surrounding environment.

- 6.10 The application site comprises previously developed land. The proposal therefore constitutes the development of land adjacent to an existing employment site for business uses, in accordance with Policy SP17. The proposal provides for an established local business need, in keeping with the surrounding industrial estate environment.
- 6.11 Overall, the proposal is considered to comply with Policy SP17.
- 6.12 Policy DM35 (sustaining a prosperous rural economy) states that development proposals that contribute to sustaining a prosperous rural economy will be encouraged. To support the rural economy, proposals for economic development in the countryside will only be permitted where they satisfy the given criteria.
- 6.13 It should be noted that Policy DM35 applies to all forms of economic development in the countryside. This is consistent with paragraph 88 of the NPPF which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.
- 6.14 The criteria of policy DM35 are set out below, with an appraisal of the proposed development.

a. The proposals demonstrate that the business can make a positive contribution to the rural economy.

Paragraph 24 of the Hoad Way Theale appeal decision (APP/W0340/W/25/3360702) reinforces that “the [current Local Plan Review] policies are not worded to specify or limit the particular nature of the proposed development to rural enterprises, rather look to a generalised benefit of the rural economy.” The proposed uses do not necessarily have an intrinsic connection to a rural area. However, given their location in the countryside of the Eastern Area, it is reasonable to conclude that a number of future employees may live in the local area which is predominantly rural, and to this extent will contribute positively to the generalised benefit of the rural economy.

b. The use/development is suitable for a rural location.

- 6.15 This must be assessed in the context of each application site. In this case, the development forms part of an established industrial estate (albeit beyond the designated employment area), in an area which is also heavily influenced by industrial/military character development at AWE Aldermaston. The site is on the periphery of established existing industrial estate development.

c. The proposals are compatible with uses in the surrounding area.

- 6.16 The adjoining development is industrial in character. There is residential further north; 48-49 Paices Hill immediately abuts the site to the north (albeit currently damaged and vacant following a fire), there are a few dwellings interspersed along Paices Hill before reaching the Aldermaston settlement. Conditions can be imposed to minimise the impacts to the adjoining residential dwelling, due to noise and disturbance, as discussed in more detail below. There is also residential development to the south (two gypsy/traveller sites). In two directions there is intervening existing industrial development, therefore it is not considered that this development would have any greater impact than existing development in that respect.

d. Where new buildings are proposed the landowner has not disposed of, or converted, any buildings to a residential use in the previous 3 years which could have met the needs of the development proposed.

6.17 No conflict has been identified with this criterion, as no buildings are proposed.

e. Any proposals are of a high quality design, are appropriate in terms of siting scale, form, massing, character and appearance having regard to the surrounding rural area and its setting in the wider rural landscape.

6.18 Hardstanding with the associated fencing is clearly not of a high quality but given the local visual context it is considered to be acceptable and in keeping with the existing character of the estate.

f. New or replacement buildings are located within or adjoining an existing group of buildings and further expansion into the open countryside is avoided.

No buildings are proposed.

g. It would not generate traffic of a type or amount inappropriate for the rural roads, byways or restricted byways affected by the proposal or require improvements to these roads, byways, or restricted byways which could be detrimental to their character and use by motorised and non-motorised traffic.

6.19 Whilst recognising that the application site is located in a rural area which is heavily reliant on private motor vehicle, it is also located within an established employment area (albeit beyond the area designated as a DEA) and the A340 (Paices Hill) is identified as a 'district access route to key destinations' on the West Berkshire Freight Route Plan in the Freight Strategy of the Local Transport Plan. The proposal does not, therefore, generate inappropriate traffic for the access road as it links directly to the localised network.

6.20 The Highways officer has not objected to the scheme.

h. It would not have a detrimental effect on the fabric, character and setting of historic buildings or other heritage assets.

6.21 This has been assessed above in relation to the setting of the listed buildings to the north. There is a clear separation between the curtilage of the listed building and the Industrial Estate, and between the site and the boundary is a grassed area an embankment with trees, which separates the site from the listed building. The development is viewed as part of the wider industrial/commercial development to the south and so the setting of the listed building is not harmed. The Aldermaston Court Registered Park and Garden is to the east of the A340, and given the separation from the site, by the road, and intervening landscaping the proposal will not harm the setting of that heritage asset. There is no material impact on the Aldermaston Conservation Area due to the significant separation distance.

i. Appropriate proposals which make more efficient use of previously developed land will be encouraged.

6.22 The development is an existing area of hardstanding, that formed part of the garden centre use on the site and constitutes previously developed land. The scale of the development is commensurate with the size of the site and the surroundings, and is considered to be an efficient use of the site.

6.23 Policy DM35 also states that, insofar as a planning application is required, proposals resulting in the loss of existing business sites and premises in the countryside, will only be permitted where the applicant can demonstrate that no alternative economic use can be found, and that the proposal does not have a significant negative impact upon the vitality and viability of the local economy of the surrounding rural area.

- 6.24 The proposal does not result in the loss of existing B8 space, but the expansion of such a use, and so are considered to have a positive benefit in terms of the vitality and viability of the local economy.
- 6.25 Overall, the proposed development is taken to comply with Policy DM35.
- 6.26 Taking the above policies together, it is accordingly considered that the principle of development is in accordance with the current Local Plan.

DEPZ of AWE Aldermaston

- 6.27 Policy SP4 says that within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE site. The policy goes on to say that development within those zones that pose an unacceptable risk to the operation of the AWE Off-site Emergency Plan (OSEP) and/or affect the defence capability of the AWE sites will be refused planning permission. The policy sets out when the ONR and AWE/MOD will be consulted and says that development within the DEPZ is likely to be refused planning permission where the ONR as regulator of the nuclear site advise against the development.
- 6.28 The application has been subject to extensive dialogue between the applicant and Emergency Planning Officer to develop a suitable site-specific emergency plan. Following this dialogue, an acceptable site-specific emergency plan has been submitted. This can be secured by condition, subject to appropriate review mechanisms.
- 6.29 The nature of the storage use on the site is that visitors to it are infrequent. However as there will occasionally be people present, there needs to be provision made in case of an emergency. Following the initial consultation response from the Emergency Planning Officer, an updated emergency plan was submitted. The latest version was reviewed by the Emergency Planning Officer and are considered to be acceptable.
- 6.30 Subject to conditions, the Emergency Planning Officer raises no objections to the application, and the ONR does not advise against. The application therefore complies with Policy SP4.
- 6.31 It is noted that AWE objected to the application at the outset. This objection is on the basis that the cumulative impact of applications which will increase resident and non-resident populations across the DEPZ should be resisted in the interest of both public safety and the future operational capability of the AWE(A) site. However, this application has since been subject to extensive consideration by Emergency Planning, such that no objection is raised by the ONR under Policy SP4.

Character and appearance

- 6.32 The application site lies at the northern-most extent of the Youngs Industrial Area. Members will note from their site visit that it is surrounded to the east by the A340 road with trees, by existing built form to the south which screens the scheme and mature trees to the west. Whilst the fact that the site is well screened does not automatically make it acceptable, the visual impact of the site, being in character with the nature of surrounding buildings/uses, is appropriate and not considered to be harmful.

Heritage

- 6.33 To the north-east of the application site is a grade II listed, 48 - 49 Paices Hill. The proposed development is on previously development land comprises existing hard-standing. There is a narrow strip of banked grassland with mature tree cover, that filters views between the site and the listed building. Given the open nature of storage proposed, the proposal broadly maintains the existing relationship with the listed building and development to the south. On this basis, the proposed development is not considered to materially alter the setting of the listed building.
- 6.34 There is no visibility of the site from the adjacent Registered Park and Garden due to the A340 and intervening development. There is no material impact on the Aldermaston Conservation Area due to the significant separation distance.

Residential Amenity

- 6.35 Policy DM35 as previously discussed required the proposed use to be compatible with surrounding land uses. Policy DM5 says development proposal will be supported where amongst other criteria there would be harm to the amenity of occupants of neighbouring land and buildings though an unacceptable increase in pollution, including from light, noise, vibration and/or odour. Policy DM30 also sets out criteria for assessing the harm on living conditions of existing residential dwellings, which includes no harm due to noise, dust, fumes and odours.
- 6.36 There is a separation distance of approximately 40 metres between the boundary of the site and the dwelling to the north. Environmental Health were consulted on the proposal, and they have recommended a condition limited operating hours on the site, which are the same as the adjacent unit. This is considered to be necessary to ensure satisfactory living conditions for the adjoining occupiers, in accordance with the relevant policies.

Highways

- 6.37 Policy SP19 sets out the policies which relate to development that generates a transport impact, and seeks to minimise all forms of travel on the environment, to mitigate any adverse impacts on local transport networks and the strategic road network. Policy DM44 sets out the parking requirements for new development. The assessment under policy DM35 above also considered the traffic impacts of the development.
- 6.38 The Highways Authority have considered the proposals, and are satisfied that the trip generation would have a minimal impact on the surrounding highways network, and are satisfied with the parking arrangements on site, as well as the access arrangements. However, this recommendation has been reached on the basis of the information provided about the existing level of use on the site, and to ensure that the impact on the highway network remains minimal they are seeking a condition to limit the use to storage and ancillary office use, as a greater intensification of use requires further consideration. A condition requiring the use to be limited to B8 in accordance with Policy SP19.

Aldermaston Parish Council objection

- 6.39 The Parish Council have objected to the application on a number of grounds. The implications of the DEPZ and highway matters have been considered above. The PC raise queries regarding the number of trips associated with the use; in the absence of

site-specific information this will be assessed on the basis of the size of the site and typical movements associated with a B8 use.

7. Planning Balance and Conclusion

- 7.1 The applicant is seeking approval of a small scale B8 use on the edge of the existing Youngs Industrial Estates, within the footprint of previously developed land. It has been demonstrated that the proposal accords with the policies of the Local Plan for the location of development, given the location of the site on previously developed land adjacent to a DEA, and within an industrial estate. The proposal is not considered to harm the rural setting of the site, and will make a modest contribution to the rural economy given the scale of the development.
- 7.2 In the light of no objection from the ONR and the Emergency Planning Officer, and the fact that the scheme will comply with extant Development Plan policy for employment as noted above, the application is recommended for approval with conditions.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan received 17th February 2025; Site Plan drawing No 13.418.P.AY001A received 17th February 2025; and Emergency Plan Compound A, A1 & A4 Version 1.0 dated November 2025 received 13th November 2025.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Emergency Plan</p> <p>The use hereby permitted shall not take place except in accordance with the site-specific emergency plan hereby approved (Emergency Plan Compound A, A1 & A4, Youngs Industrial Estate, RG7 4PW Version 1.0 dated November 2025 received 13th November 2025), or any subsequent revision/replacement approved by the Local Planning Authority. Such emergency plans shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston.</p> <p>Reason: A site-specific emergency is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
3.	<p>Emergency plan revisions</p>

	<p>Any site-specific Emergency Plan in effect for the site shall be kept up-to-date, and relevant to the current occupant at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan shall be submitted to the Local Planning Authority for approval within 1 month of notice being given.</p> <p>Reason: A site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. It is essential that the plan is kept up-to-date, and that there are provisions for enabling its revision in the future. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
4.	<p>New/revised emergency plan for new occupants</p> <p>The site shall not be occupied by any new occupant until a new/revised site-specific Emergency Plan tailored to that specific occupant has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP4 of the West Berkshire Local Plan Review 2023-2041.</p>
5.	<p>Use restriction</p> <p>The premises shall be used for Class B8 storage and for no other purpose (including any purpose in Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>Reason: To ensure the level of trips remain appropriate on highway grounds. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP19 of the West Berkshire Local Plan Review 2023-2041.</p>
6.	<p>Drainage</p> <p>Within three months of the date of this decision the applicant shall submit to the Local Planning Authority details of sustainable drainage methods (SuDS) to be implemented within the site. The proposed measures shall be designed in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December (2018). Thereafter, the approved drainage measures shall be fully implemented on site within six months of the approval of details.</p> <p>Reason. To ensure suitable drainage measures in accordance with Policy SP6 of the West Berkshire Local Plan Review 2023-2041.</p>
7.	<p>Times of use</p>

	<p>No deliveries shall be taken at or despatched from the site, and no employees shall be on site outside the following hours: 7:00 am to 7:00 pm to Mondays to Fridays; 7:00 am to 1:00 pm on Saturdays; No use on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5, DM30 and DM35 of the West Berkshire Local Plan Review 2023-2041.</p>
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Informatives

1.	<p>Positive statement</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p>
2.	<p>Emergency Planning</p> <p>For queries relating to the content of the site-specific Emergency Plan, please contact the Joint Emergency Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 503535, Email: emergencyplanning@westberks.gov.uk. Please quote the application reference.</p>
3.	<p>Biodiversity Net Gain</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p>

<p>1. The application for planning permission was made before 12 February 2024.</p> <p>2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.</p> <p>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where: i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).</p> <p>4.2 Development below the de minimis threshold, meaning development which: i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).</p> <p>4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).</p> <p>4.5 Self and Custom Build Development, meaning development which: i) consists of no more than 9 dwellings; ii) is carried out on a site which has an area no larger than 0.5 hectares; and iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).</p> <p>4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</p>

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity

	<p>gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
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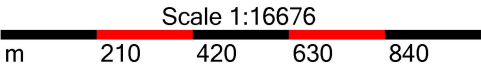
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Department	Not Set
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