



West Berkshire Local Plan Review 2022-2039
Proposed Submission Representation Form

Ref:

(For official use only)

Please complete online or return this form to:	Online: http://consult.westberks.gov.uk/kse
	By email: planningpolicy@westberks.gov.uk
	By post: Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	4:30pm on Friday 3 March 2023

This form has two parts:

- Part A - Your details: need only be completed once
- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

PART A: Your Details

Please note the following:

- *We cannot register your representation without your details.*
- *Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*
- *All information will be sent for examination by an independent inspector*
- *All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>*

	Your details	Agent's details (if applicable)
Title:		Mrs
First Name:*		Sarah
Last Name:*		Moorhouse
Job title <i>(where relevant):</i>		Associate Director
Organisation <i>(where relevant):</i>	F&C Commercial Property Holdings Ltd	Lichfields
Address* <i>Please include postcode:</i>	c/o Columbia Threadneedle Real Estate Partners LLP	Apex Plaza Forbury Road Reading RG1 1AX
Email address:*		████████████████████
Telephone number:		0118 3341920

*Mandatory field

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Lichfields on behalf of F&C Commercial Property Holdings Ltd
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	DM34
Appendix:	
Policies Map:	
Other:	Supporting Text to Policy DM34 – para 12.15

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

N/A

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		X
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		X
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		X

Please give reasons for your answer:

See response to Section 4.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

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

Newbury Retail Park, owned by our client, is a successful and currently fully let Retail Park with recent new tenants including Lidl, Pets at Home, Hobbycraft and Deichmann. JD Sports and Cancer Research UK are both opening stores in 2023. A Tim Hortons drive-thru restaurant is also opening in 2023. It is necessary for the owner/our client to take a long term view in relation to the Parks future as the Local Plan runs up to 2039.

Draft Policy DM34 seeks to safeguard identified existing retail parks within the District for retail and leisure uses, including Newbury Retail Park. However, it also states that proposals within these areas should either individually, or cumulatively with other such proposals, have no significant detrimental impact on the vitality and viability of Newbury town centre or other nearby centres. The supporting text (para. 12.15) specifically references that any proposals would be subject to the sequential test, where appropriate.

The policy, as currently drafted, therefore restricts the future use of the identified retail parks to retail and leisure use (with the supporting text highlighting that the areas perform well and it is important that such locations are safeguarded for retail and leisure uses to ensure the health and diversity of the local economy) but at the same time, it conversely constrains any future expansion/alteration of these locations for further retail and leisure uses without the NPPF retail tests (sequential and impact) being met.

Over the Plan period, this constrains future development/redevelopment of the site and does not meet any of the Monitoring Indicators for the Economy and Town Centres set out in Appendix 1. The past 10 to 15 years have seen the retail economy significantly change and the need for flexibility to ensure retail floorspace can be adapted and repurposed as the retail market is dynamic and continues to evolve. The draft policy does not allow for this and is overly stringent.

The SA/SEA Environmental Report (Nov 2022), Appendix 6 states that, as worded, the policy is *“likely to have a positive impact on access to local services and facilities that are located within retail parks”*. However, we do not consider this will be the case as the proposed designation and draft policy is overly restrictive, does not support the evolution of retail and leisure uses or allow any flexibility for alternative uses and adaptation to respond to changing shopping patterns and the resulting retail climate.

The policy is also based on a historic evidence base (West Berkshire Retail and Commercial Leisure Assessment (WBRCLA) 2016 – now approaching seven years old). The Council’s Retail Background Paper (Dec 2022) acknowledges this stating that the Council is committed to a full review of the District’s needs in the first five year review of the Local Plan and highlights that this is also because of the changes to retail, locally and nationally since the WBRCLA was published.

We therefore consider draft Policy DM34 is not sound as it is neither justified nor is it consistent with national policy. To ensure that the future of the Newbury Retail Park site can be realised (whether it be for continued use as retail or for alternative uses) the policy should therefore be removed from the draft Local Plan.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

If the draft Policy DM34 remains in the Submission Version of the Local Plan, our client would like the opportunity to put forward their case as to why the policy is not sound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

6. Notification of Progress of the Local Plan Review

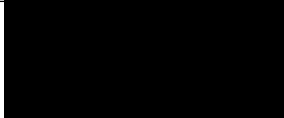
Do you wish to be notified of any of the following?

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	√
The publication of the report of the Inspector appointed to carry out the examination	√
The adoption of the Local Plan Review	√

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

Signature		Date	28.02.23
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.