

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Objection to West Berks Local Plan Review [Our ref: TOM47.1]
Date: 31 January 2025 11:21:11
Attachments: [REDACTED]

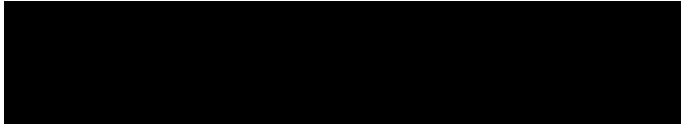
This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Sir or Madam

Please find attached an objection submitted on behalf of our client Mr Tompkins.

Yours sincerely,

Ben Garbett | Consultant Solicitor
Recognised by The Legal 500 2025 for Planning

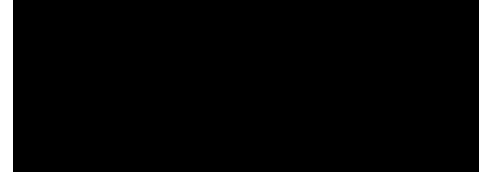


KEYSTONE LAW



Keystone Law is a trading name of Keystone Law Limited, a company authorised and regulated by the Solicitors Regulation Authority with its registered office at First Floor, 48 Chancery Lane, London WC2A 1JF, United Kingdom. Company number: 4650763. VAT number: GB 200 7302 72. SRA number: 400999. A list of its directors is open to inspection at its registered office. Keystone Law Limited provides its services under these [terms](#) and purchases services subject to these [additional terms](#). This email and the information it contains are confidential and may be privileged. If you have received this email in error, please notify us immediately and refrain from disclosing its contents to any other person. This email has been checked for potential computer viruses using technology supplied by Mimecast. Keystone Law does not accept service of documents by email. The title 'Partner' is a professional title only. Our Partners are not partners in the legal sense. They are not liable for the debts, liabilities or obligations, nor are they involved in the management of any entity in our international network.

Planning Policy Team
Development & Housing
Werts Berkshire District Council
Market Street
Newbury
RG14 5LD



31 January 2025

Dear Council

West Berkshire Local Plan Review

We are engaged by Mr Peter Tomkins to express concerns in relation to the Local Plan Review currently underway, and what is perceived to be a lack of any convincing evidential justification for maintaining, as drawn, policies DM20 and RSA25 relating to provision of 24 plots for Travelling showpeople at Long Copse yard.

The Inspector has directed the Council to re-address these issues by requiring the deletion of Table 8 of policy DM20 and asking for it to explain why there is an ongoing need for the allocation of 24 plots for Travelling showpeople, by cross-reference to policy RSA25: see AP59 & 60 of IN27 – Action Points from Week 4 of the Inspector’s hearings. The Council responded in the following terms (EXAM 45 – Council’s Response to AP59):

‘A Main Modification is proposed to the supporting text of the policy to clarify the plots are needed for the Circus use to house staff and families.’

However, the Council has conspicuously failed to perform the task that was required of it because it has not provided an up-to-date GTAA which ought to have been the objective basis underpinning its decision to continue with the existing allocation.

We consider this part of the Plan is not ‘sound’ having regard to para. 36 of the NPPF which states that Plans are ‘sound’ if they, amongst other things, are positively prepared and provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs. (*With reference to para. 62*). Para. 62 of the NPPF states: *‘...strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance.’* Para. 63 of the NPPF states: *‘Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.’* The NPPF goes on to say that ‘groups’ should include travellers, and the Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed.

This method of demonstrating robust evidence of need for the purposes of Plan preparation is not in the least controversial.

In this case the Council's rationale for relying upon the GTAA Update (June 2021) is highly dubious. The GTAA 2021 submitted by the Council as part of its evidence base purports to comply with the Planning Policy for Traveller Sites guidance. It claims to represent '*...the latest available evidence to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople across the district.*'

Even so, that document only concluded that: '*There is no additional need for Travelling Showperson plots but it is recommended that the existing yard is safeguarded for Travelling Showperson use.*' (Para. 7.5). Whilst there may be some lingering doubt about whether "additional need" meant a surplus need for plots (i.e. in addition to the previous site allocation) or not, it is abundantly clear that any historical reasons for the allocation at Long Copse yard are in fact no longer present. The site was originally identified because of the expected movement of a specific group of individuals in connection with Zippos circus. That business has not required use of the site for caravan pitches. The actual use of the site has been storage and only rarely (and for a temporary period) for stationing caravans and trucks, whilst the relationship with the current site owner/applicant is vague and uncertain.

Moreover, the policy represents an unjustified extension of the territorial limits of the area covered by the permitted circus yard. In its proper context the GTAA 2021 describes the existing accommodation at the time of the study as comprising '*... one Travelling Showperson yard (used for storage).*' (Para. 4.7). For the avoidance of doubt, however, the 'existing yard' is a tightly defined area on the site at Long Copse yard. It is described in detail in drawing CM17904/B and as referred to in condition 2 of Appeal decision ref: APP/W0340/A/01/1060563.

The Council has also sought to rely upon an entirely circular proposition that the pending application for re-development of the Long Copse yard site is of itself demonstrative of need instead. In truth, however, the current planning application is just an opportunist shot at obtaining planning permission on the back of an out-of-date policy.

Additionally, it is important to appreciate that the site in question, being in a remote location, unconnected to services and served by inadequate roads, displays none of the usual 'sustainability' credentials of a suitable housing development site. In this context, the Council's "need" case requires extra close scrutiny.

Overall, the Council's justification for maintaining the allocation in this Plan Review period is manifestly weak and lacking in the usual degree of objective rigour. Accordingly, allocation of RSA25 supported by DM20 should be excised from the Plan prior to any decisions being taken about whether the whole Plan is sound.

Yours faithfully,



Ben Garbett
Keystone Law

