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Dear Mr Lyttle

West Berkshire Local Plan Review Proposed Submission (Regulation 19) Consultation

Thank you for consulting us on the West Berkshire Local Plan Review (LPR). This letter forms the basis of our response.

1. Theale Rail-Road Transfer Site

a) Relevant Context

Our response to the LPR is made in the context of key policy drivers to increase the movement of freight by rail and to ensure that any future development does not impact on the operational railway.

Rail freight is vital to Britain's economic success. It contributes to the economy and plays a significant role in reducing congestion and carbon emissions. Rail freight provides a faster, greener, safer and more efficient way of transporting goods than roads. It is an indispensable part of the British economy, and an essential component in supporting economic recovery and long-term sustainable growth.

Rail freight has seen significant growth over the last 20 years, particularly those involving intermodal and construction materials. Despite this growth, rail freight's overall market share amongst all commodities transported sits at around roughly 9% leaving much room for growth. The surge in recent years in the construction sector has seen considerable uplift in construction material volumes with demand for materials in the Southeast a particular driver.

Future freight growth forecasting has highlighted considerable expected continued growth across rail freight commodities which in turn is factored into Network Rail's strategic planning framework.

Critical to the growth of rail freight is a wider Government and societal commitment to modal shift. As such one of the core commitments for freight in the 'Plan for Rail' (and the Transport Decarbonisation Plan) is that the Government will set a rail freight growth target.

The Great British Railways Transition Team (GBRTT) is developing a range of rail freight growth targets to support the development of rail freight across Great Britain. The target has been mandated by Government, with a recent address by the Secretary of State for Transport outlining the importance of setting a long-term freight growth target for rail.

The rail freight growth target will act as a catalyst for investment in the rail freight sector by setting a clear ambition for growth and modal shift to rail. It will help to highlight the role of freight on the rail network, giving confidence to the sector's customers and investors.

This growth would decarbonise the nation's logistics chains and get lorries off roads and generates approximately 76 % less carbon emissions compared to HGVs per tonne of goods transported.

It is Network Rail and the government's intention to increase the use of rail freight to hit national decarbonisation targets and achieve net-zero. Given the finite number of rail freight sites nationwide and in line with government policy objectives around achieving net-zero carbon emissions by 2050; Network Rail is wholly supportive of development of facilities on third party owned rail-served sites to maximise modal-shift; enabling goods to pass by rail in lieu of long-haul HGV movements.

By way of illustration of the modal shift potential, a single typical contemporary bulk materials freight train would displace some 70+ HGVs from national and regional trunk roads.

In this context the Theale Rail-Road Transfer Site, as identified on the currently adopted West Berkshire Core Strategy Policies Map and under Saved Policy ECON.7, Safeguarding Rail-Based Industry at Theale, is a key rail freight site serving the region. Its proposed continued identification on the existing Rail-Road Transfer Site on the LPR Policies Map and by Draft Policy DM43, Theale Rail-Road Transfer Site, is fully supported.

Currently the Theale Rail-Road Transfer Site is primarily a rail aggregates and cement terminal, and this traffic will continue to grow. Critically the last remaining undeveloped parcel of land within the rail freight site comprises land in the ownership of Beftonforth with whom Network Rail are currently working to secure further rail served development supported by a new access road and new rail sidings. It is expected that the new rail sidings will be used to import aggregates and Network Rail Operational Division have confirmed that the Beftonforth land would have a likely maximum capacity of 375,000 tonnes of aggregates per annum. This will secure significant sustainability and environmental benefits.

It is important to recognise that consumer goods traffic by rail is also growing rapidly and is now the largest single commodity on Britain's railways at 40 % of all volume. West Berks and Reading is a major consuming area for these goods and there is significant interest in using rail to transport consumer goods into the area. Indeed the LPR at paragraph 12.101 itself confirms that transport of consumer goods by rail continues to be important for the local economy.

A rail industry led (GBRTT) national review of potential Intermodal Rail freight Interchange (IRFI) sites was undertaken in Spring 2022. This worked through a sequence of a) existing operational sites, b) non-operational sites with existing main line connections, c) sites with previous main line connections, and d) other sites with potential merit in terms of location and accessibility by rail. The overall objective was to identify a future pipeline of sites able to provide additional capacity in the event of existing Intermodal or Strategic Rail Freight Interchange facilities being exhausted, and/or where no material capacity exists at present to serve particular regions or sub-regions (e.g. South West or South-East).

From an original long list of over 600 sites nationally, the high-level search for suitable locations for IRFI identified only 4 sites following the first sift, within the South East. Of these land west of Wigmore Lane (and west of the existing Theale Rail-Road Site) has been identified as the only site capable of serving the western end of the region. The assessment concluded that scope existed to create an intermodal facility, subject to land availability (land is not in the ownership of the rail industry) and flood risk mitigation.

Network Rail Operational Division and Engineering Team have looked in detail at all existing rail sidings at Theale and their relationship to the mainline and regional railway lines, and they have concluded that the only site that can accommodate an IRFI is the land west of Wigmore Lane.

On this basis, Network Rail has subsequently engaged with Englefield Estate, the owners of the land west of Wigmore Lane with a view to investigating the key potential the land offers to secure modal shift from road to rail and meet identified demand for further rail served development in this location. As a result NR and the Estate are working jointly to review development options for the land in particular in terms of operationally suitable options for the delivery of necessary sidings infrastructure. The proposals are at an early stage and at the appropriate time will need to be reviewed via pre-application consultation with West Berkshire, be subject to detailed design development and full assessment as part of a formal planning application. Initial engagement has also been had with West Berkshire Council in respect of the potential this site offers in rail freight terms.

It is further confirmed that Network Rail, Englefield Estate and Beftonforth have agreed to work together to ensure that any rail-based development of the allocated Beftonforth land will not impact on the potential future development of land west of Wigmore Lane particularly the design of the new rail sidings, which will not prejudice or preclude the opportunity to extend the rail sidings westwards to allow for the expansion and growth of the existing Rail-Road Transfer site..

The following joint statement is agreed between the three parties:

It is confirmed that Network Rail, Beftonforth and Englefield Estate have been liaising with regard to the Beftonforth proposals and Network Rail's identification of the potential that land west of Wigmore Lane offers for expansion. It is understood by all parties that growth of the existing Theale Rail-Road Transfer Site will require close working between the three parties and that connection to the main line for land west of Wigmore Lane would ideally be taken via the Beftonforth Land.

All parties are committed to working jointly to ensure that development of the Beftonforth land is brought forward for rail freight use in accordance with the current Development Plan and that the potential for the future growth of rail freight provision at Theale on land west of Wigmore Lane is safeguarded and protected.

There is agreement that the provision for future rail expansion must be taken into consideration and all siding designs on the Beftonforth land will not fetter further rail connections to the west (land west of Wigmore Lane).

There is further agreement between NR and Englefield Estate that:

Rail connection of land west of Wigmore Lane could potentially be provided direct to the main line.

Expansion of rail freight development on land west of Wigmore Lane will give rise to a requirement to reduce risk at the pedestrian crossing of the GWR main line to the southeast of the proposed expansion site. This will require the provision of a footbridge

Englefield Estate and Beftonforth are making their own representations to the Local Plan Review which, amongst other things, reflect the above position as relevant to each party. The representations made by Englefield Estate and Beftonforth provide further detailed consideration of their respective sites and relevant planning considerations in the context of the LPR. It is confirmed that NR are fully supportive of the respective representations made and are in agreement in particular with regard to points of objection raised, points of soundness identified and required changes.

In summary, given Theale is the only location identified as being available to provide for additional transfer of freight from road to rail to serve this part of the South East region it is critical that capability for this to grow continues to be supported in the LPR. This is alongside continued support for aggregates traffic within the existing Theale Rail-Road Transfer Site. The following specific comments in the context of the Theale Rail-Road Transfer Site, potential for expansion and growth and wider

policy support for movement of freight by rail are provided for completeness but should be read in conjunction with the representations made by Englefield Estate and Beftonforth.

b) Response to Draft Policies Map and Policy DM43 – Theale Rail-Road Transfer Site

Identification of the full extent of the existing Theale Rail-Road Transfer Site on the draft Policies Map is fully supported as is the proposed Draft Policy DM43 which continues to reserve the site solely for those industries which required a rail-road transfer facility and access to the highway network. Identification and safeguarding of such sites is as required by national policy (NPPF).

It is noted that the Regulation 18 Consultation (December 2020) included supporting text to then Draft Policy DC31 (Now Policy DM43) which signposts the potential for ‘growth’ of the Theale Rail-Road Transfer Site and the importance of this. Specifically supporting paragraph 12.12 was clear that:

“...Nonetheless, transport of consumer goods by rail continues to grow and West Berkshire and Reading area significant consumer market. Theale is the only location which offers road-rail transfer facilities in the area. As a result, it is important to the local economy that this continues to be protected and grows”.

This approach reflects to a large extent the approach in the currently adopted Local Plan (Policy ECON.7 and supporting Text) and accords with the adopted Local Transport Plan and is consistent with National Policy requirements. Objection is raised to the removal at Regulation 19 stage to references to ‘growth’ in supporting text to Policy DM43.

There was certainly no expectation on the part of NR that the position, in terms of references to growth of the Theale Rail-Road Transfer Site, would significantly alter between Regulation 18 and Regulation 19 stage. It is acknowledged that the potential of land west of Wigmore Lane specifically to allow for expansion and growth of the existing Theale Rail-Road Transfer Site was not identified at Regulation 18 stage either by NR or the landowner. However, in the intervening period of more than two years since the last Regulation 18 consultation NR has identified the clear potential that land West of Wigmore Lane offers, underpinned by policy based need and identified demand, and as confirmed has been progressing early discussion, review and assessment of the potential the land offers both with West Berkshire Council and the landowner Englefield Estate.

It would appear from informal engagement with the West Berkshire Policy Team that the implications of the redrafting and any perceived changes in emphasis with regard to support for ‘growth’ of the Theale Rail-Road Transfer Site were not intentional. It is understood that the changes at Regulation 19 stage were intended to bring it more into line with the Minerals and Waste Plan. Certainly the amendments do not make any statement to the effect that growth is not supported and do not in themselves preclude growth of the site. Notably the importance of transport of consumer goods by rail in terms of it continuing to be important for the local economy continues to be referenced. It is appreciated that the implication of the redrafting in terms of removing references to growth may not have been fully considered. However, the removal of references to growth and the failure to expressly identify and support the potential for growth of rail freight at Theale, if not corrected, is considered to make this part of the LPR unsound.

The NPPF is clear in the context of preparing and reviewing plans and confirms at paragraph 31 that: *“the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take account relevant market signals”.*

The relevant and up-to-date evidence base is that there is a need to ensure that expansion and growth of rail freight at Theale is supported. Critically, there are no other locations where this need could be met within the West Berkshire area and indeed beyond the LPR area. Land has been identified by NR with potential to accommodate expansion of rail freight provision at Theale and is being jointly proposed with the landowner. It is considered that it would be unsound if the potential for expansion of the existing Theale Transfer Site were not appropriately referenced and supported in the West Berkshire Local Plan. This would reflect how expansion of the Theale site is referenced and supported in the currently adopted Local Plan policy and supporting text and in more general terms in the Local Transport Plan. There has been no material change in circumstances since the current Local Plan and Local Transport Plan documents were adopted which would justify a different approach being taken. If anything the declaration of a climate change emergency and the role sustainable transfer of goods by rail has to play in that context only serves to underpin the increased need to ensure growth of rail freight at Theale is supported.

There is a clear policy drive both at National, Regional and Local Transport Plan level (and notably in the emerging Local Transport Plan recently issued for consultation) to shift freight from road to rail (or other sustainable means of transport) and a clear imperative to support sites which can support sustainable transport of freight in coming forward.

If the LPR fails to continue the same policy approach as has been historically in place (and remains in place to date) i.e. that potential for growth is expressly identified, then it is considered to fail to accord with the requirement at Paragraph 11 of the NPPF to apply a presumption in favour of sustainable development. For plan-making this means, amongst other things, that all plans should promote a sustainable pattern of development. It is also considered to be an unduly inflexible approach. This inflexibility is contrary to the NPPF, paragraph 32 (d), which requires, in the context of building a strong, competitive economy, that planning policies should be flexible enough to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances.

It is relevant that in the context of promoting sustainable transport the NPPF, para 106 (c) require that planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development. At paragraph 106 (e) there is a requirement for planning policies to provide for any large scale transport facilities that need to be located in the area. This is to be read together with the requirements at paragraph 83 that planning policies should recognise and address the specific locational requirements of different sectors and for storage and distribution operations at a variety of scales and in suitably accessible locations. The LPR as currently drafted is not consistent with any of these National policy requirements.

In the context specifically of promoting sustainable transport, and the soundness tests and key requirements, the LPR should be identifying and supporting sites and routes where infrastructure could be developed to widen transport choice and linked to the Local Transport Plan (adopted and emerging).

c) *Comments on other LPR Draft Policies (SP1, SP5, SP23, DM42 and supporting text).*

In non-site-specific terms the LPR policies in respect of spatial strategy, climate change and transport considerations also raise concerns in the context of the tests of soundness. The spatial strategy, climate change policy and transport policy should equally be consistent with National Policy requirements with regard to supporting and promoting sustainable transport.

Across the LPR there are concerns that opportunities for policies to support sustainable development and specifically to encourage modal shift (to ensure the plan is positively prepared and consistent with national policy) have not been included. This again raises issues of soundness.

The LPR as currently drafted is not consistent with NPPF requirements in terms of meeting the challenge of climate change (paragraphs 152-154). Neither is it consistent with wider national policy

requirements in terms of encouraging modal-shift to rail freight in the context of the role it has to play in reducing emissions from the freight sector.

d) Consideration of Tests of Soundness

By reference to **Response Form Question 2**, and in the absence of any wording in the LPR expressly supporting the growth of rail freight provision at Theale and wider omissions in respect of the Spatial Strategy, Climate Change Policy and Transport Policies, the LPR is not considered to meet the tests of soundness for the reasons identified above and summarised below:

- **The Plan is not positively prepared** – it does not respond to identified need and it does not facilitate sustainable development.
- **The Plan is not justified** – The Plan is not justified since it fails to be an appropriate strategy taking into account reasonable alternatives and based on proportionate evidence. The approach of not including either policy or supporting text to identify and support the growth of rail freight at Theale is not the most appropriate strategy when considered against the reasonable alternatives. There is no clear audit trail as to why this approach has been adopted and changed from earlier stages. The Sustainability Appraisal does not appear to consider how a different approach (supporting growth) would perform. As such it is not clear that the SA has been able to robustly inform the content of the LPF. The evidence points to the need to support the growth in rail freight provision both generally and in regional/local plan terms. The sound approach (and reasonable alternative) would be to at minimum provide supporting text which supports growth at Theale and/or to otherwise have this expressed within Policy text itself.
- **The Plan is not Consistent with National Policy** – the LPR is not consistent with NPPF and other relevant national policy in particular with regard to: promoting a sustainable pattern of development; meeting the challenge of climate change; supporting sustainable transport (including supporting modal shift of freight from road to rail, wherever possible, to reduce emissions from the freight sector); considering the specific locational requirements of different sectors in suitably accessible locations. The lack of consistency with National Policy is both in terms of site specific considerations of the Theale Rail-Road Transfer Site under Policy DM 43 and supporting text and more generally in respect of: Spatial Strategy Policy SP1, Climate Change Policy SP5, and Transport and Transport Infrastructure Policies SP23 and DM42.

e) Changes required to make the West Berkshire Proposed Submission (Reg 19) Local Plan Sound

By reference to **Response Form Question 4** changes are identified as being required to make the West Berkshire Proposed Submission Local Plan sound. Specifically, the changes are required to ensure the plan is positively prepared, justified, and consistent with National Policy.

To address the concerns raised with regard to soundness and specifically the failure of the LPR to appropriately identify and support modal shift in the context of transshipment of freight changes are sought in the context of spatial strategy, climate change and transport policies. Additionally, in site specific terms express support for growth of the Rail-Road Transfer Site at Theale is sought. The specific changes required to make the plan 'sound' are as follows: (Changes required shown in red underlined/struck through). It is confirmed that the schedule of required changes has been jointly drafted and agreed between NR, Beftonforth and the Englefield Estate.

Schedule of Required Changes

(a) Policy SP1, Spatial Strategy (Page 17, third para)

“Demand for travel will be managed, and accessibility to sustainable transport opportunities increased through improving choice for transport modes. Opportunities to increase and expand provision of the movement of freight by sustainable means will be supported. Existing community infrastructure will be protected and where appropriate enhanced. Infrastructure requirements will be set out in the Infrastructure Delivery Plan (IDP)”

(b) Policy SP5, Responding to Climate Change

“The principles of climate change.....Depending on the nature and scale of proposals, development will be expected to satisfy the following criteria:

- a. To withstand...
- b. To take advantage....
- c. To achieve net zero.....
- d. To achieve the highest...
- e. To generate and ...
- f. To provide for sustainable forms of vehicular and personal transport...
- g. To demonstrate how opportunities to secure the sustainable movement of freight have been maximised and secured.
- gh To enable....

(c) Policy SP23, Transport

“Development that generates a transport impact will be required to:

- Minimise the impact of all forms of travel.....
- Improve and promote opportunities for....
- Improve travel choice and facilitate sustainable....
- Demonstrate that all options to secure modal shift from road to more sustainable transport means have been explored.
- Demonstrate good access.....”

(d) Policy SP23 Supporting Text (new paragraph 7.50)

“7.49 The Council has established a preferred Freight Route Network (FRN) for West Berkshire.....of their proposed development.

7.50 Encouraging modal shift from road to more sustainable modes of transport in the freight sector is a key element in helping to meet local Climate Emergency target of carbon neutrality by 2030 and reducing HGV road miles. In the West Berkshire area opportunities in this context primarily comprise sustainable freight transportation by rail and expansion of or addition to existing facilities will be supported. Rail freight enables the efficient movement of goods to/from ports, quarries and distributions centres, helping reduce the need for HGVs on roads. On average rail freight trains emit around a quarter of the CO₂ equivalent emissions of HGVs per tonne mile travelled. All development that generates significant HGV movements will be required to show that all practicable means have been explored to make use of rail as opposed to road for the transport of goods.

~~7.50~~.51 Transport Assessments.....

(e) Policy DM42, Transport Infrastructure

“Proposals for new development will be expected to demonstrate the type and level of travel activity likely to be generated. In order to assist in tackling the climate emergency, this travel activity will be expected to be minimised by design of developments that support low levels of travel with a focus on local journeys that can be made sustainably and that support more sustainable freight distribution practices. Development which encourages modal shift of goods and people to more sustainable forms of transport will be supported. Developments will be required to be supported by a range of infrastructure associated with different transport modes. New development will only be supported where the relevant transport infrastructure is delivered in a timely manner. Where required....”

- a. Connections and improvements
- b. Walking, cycling and
- c. Secure cycle and
- d. Improvements to
- e. Provision of real
- f. New or improved
- g. Improvements to
- h. Works to
- i. Provision of electric vehicle charging points and associated infrastructure; and
- j. Measures to improve the movement of people and goods by rail.

(f) Policy DM42, Supporting Text (paragraph 12.95)

12.95 The development and delivery of transport infrastructure will need to contribute to the aims of Policy SP23 and.....Transport Plan. There is a need for development to assist in the provision of deliverable measures that will contribute towards modal shift to sustainable modes for travel for residents and employees of both new, and if possible, for existing communities and towards modal shift to sustainable modes for the transport of freight.

(g) Policy DM43, Theale Rail-road Transfer Site

“The rail-road transfer site at Theale is reserved solely for those industries which require a rail-road transfer facility and access to the highway network.

Redevelopment for any uses not expressly for this purposes will not be permitted.

Expansion of the Theale Site to provide further rail-road transfer, in particular for the transhipment of consumer goods, will be supported subject to other policies in the Local Plan.”

(h) Policy DM43, Supporting Text (para 12.101 and new para 12.102)

12.100 The rail-road transfer site at Wigmore Lane, Theale, is an important infrastructure facility within the District allowing for the transfer of goods from rail to road. The facility is primarily an aggregates terminal and the Minerals and Waste Local Plan (2022-2037) safeguards the site to ensure the supply of minerals and the continued export of minerals from the District by road. Any non-mineral and waste development on the site would need to comply with Policy 9 of the Minerals and Waste Local Plan

12.101 Nonetheless, transport of consumer goods by rail continues to be important for the local economy and West Berkshire and Reading are a significant consumer market. Theale is the only location which offers road-rail transfer facilities in the area and there is an identified shortage of appropriate sites for such facilities across West Berkshire and the South East. The Theale Site should be protected for those industries which require a rail-road transfer facility and access to the network. The growth and expansion of the Theale Site to support additional and diversified transport of goods by rail will be supported in principle. Land west of Wigmore Lane is in particular identified as having the potential to accommodate expansion of the existing facility and meet identified need for the transport of consumer goods by rail. National Local Plan and Local Transport Plan policies support modal shift from road to more sustainable means of transport subject to environmental and transport considerations.

12.102 Any extension to the area designated under Policy DM43 would be subject to other policies in the Local Plan and the following factors: (a) a demonstrated need for the expansion of the road-rail transfer site; (b) the scale and intensity of the proposed development and its wider environmental impact; (c) its impact upon existing residential properties which are in proximity, in particular in terms of noise, traffic and visual intrusion; (d) the scale and nature of environmental and landscape improvements; (e) the provision of satisfactory access.

12.1023 The extent of the rail-road transfer site is defined on the Policies Map.

Early discussion with West Berkshire Council with regard to the representations made and suggested changes would be welcomed.

2. North East Thatcham Strategic Site Allocation

Policy SP17 North East Thatcham Strategic Site Allocation looks to provide an urban extension at Thatcham. The railway runs south of Thatcham any traffic travelling into or from Thatcham southwards will travel over Thatcham level crossing.

Thatcham level crossing is a public highway crossing with manually controlled barriers (locally monitored by CCTV). The crossing has 133 passenger and freight trains per day crossing, 9234 vehicles and 162 pedestrians or cyclists (figures recorded in Aug 2019). The line speed is 100mph.

The barriers at this crossing are down more than ½ of the time, as such traffic backs up and more often, than not, vehicles are left waiting before they can cross. This is identified in the Thatcham Strategic Growth Study (TSGS) at para 2.19 which states that....

2.19 There is a level crossing at Thatcham on Chamberhouse Mill Lane/Station Road which is a constraint for north-south vehicular traffic, with queues often forming in peak periods on both sides of the railway. These queues sometimes do not clear before the barriers come back down again for the next train.

Network Rail often received complaints in this regard. The only solution to this would be an alternative crossing such as a bridge.

Unfortunately, the TSGS has concluded that providing a bridge would encourage increases in traffic which would be unsuitable for Cookham Hill. Is it not the case that the provision of an additional 1,500 dwellings would be the cause for the increase the traffic, which without a bridge, would be on to the level crossing thus exacerbating the queuing situation?

An urban extension to Thatcham will increase traffic, queues will become longer, more complaints will be made, and it is likely that misuse of the crossing will occur. As stated in our previous comments on this plan, **a viability assessment should be undertaken which includes a bridge to replace Thatcham level crossing to ensure that this development would be able to provide the required infrastructure to mitigate any adverse impact.**

Changes to SP17 should include Mitigation of the development's impacts on the highways network with improvements to existing junctions and **Thatcham level crossing** where they are needed and delivery of new access points for all forms of movement and transport to the site at locations to be agreed with the planning authority.

We believe that without an alternative for vehicles using the Thatcham level crossing the development proposed for Policy SP17 would not accord with Policy DM42, g. which requires new development to improve the safety and operational capacity of the local road network.

Please let me know if you require any further information.

Yours sincerely



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