

Appeal Statement of Case

Local Planning Authority

Town and Country Planning Act 1990
Section 78 appeal against the refusal of planning permission

Appeal: APP/W0340/W/25/3367152

Site: Land adjacent the M4 adjacent Membury Airfield .

Proposal: Construction of an asphalt plant with associated facilities

Date: July 2025

Council Reference: 23/02142/MINMAJ

Appeal Statement of Case

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1. Introduction

- 1.1 This Statement of Case has been prepared in respect of an appeal lodged against the Council's refusal of planning permission to an asphalt processing plant in the District under reference 23/02142/MINMAJ earlier this year at Planning Committee. For the avoidance of doubt the officer recommendation was to approve the application with conditions, but this was overturned by the Western Area Planning Committee. Attached at Appendix 1 is the Committee report with update and the full minutes of that meeting held on the 19/03/25.
- 1.2 This Statement of Case has been prepared in accordance with the Planning Inspectorate's [*Procedural Guide: Planning Appeals – England*](#). It supports the Council's reasons for opposing the development.

Reasons for Refusal

- 1.3 The Council's reasons for refusal are as below.
1. The application site is located in an unsustainable location, having regard to its rural location and the lack of active travel and public transport options for the site. Therefore, the proposed development will not reduce the need for travel, improve and promote opportunities for healthy and safe travel, minimise the impacts of travel on the environment and help tackle climate change, or promote sustainable transport contrary to West Berkshire Core Strategy policies CS13 and CS9 and the National Planning Policy Framework.
 2. Insufficient information on traffic movements and impact has been provided, with particular regard to the unknown quantity of vehicles using the motorway service station and not Ramsbury Road/Ermin Street in order to access the M4 motorway. This may be suppressing the baseline vehicle movements in the transport assessments and it is not possible to accurately conclude whether the residual cumulative impacts on the road network would be severe in line with NPPF paragraph 116. The Local Planning Authority is therefore also unable to conclude whether the proposal will be able to mitigate impacts on the local transport network or result in unacceptable impacts on road safety and local amenity, in line with West Berkshire Core Strategy policy CS9, West Berkshire Minerals and Waste Local Plan policy MWLP22, and the National Planning Policy Framework.
 3. The local racehorse industry is of high value to the local rural economy, and it is a highly sensitive and mobile industry. Insufficient evidence has been provided to demonstrate the proposal would not have an adverse

effect on horse respiratory health. It is therefore not possible to conclude whether the proposal will have unacceptable impacts on air quality or unacceptable pollution of the environment in line with West Berkshire Minerals and Waste Local Plan policy MWLP26 and West Berkshire District Local Plan Saved Policy OVS.5. The proposal also has the potential to harm the local racehorse industry based on the perceived impact from environmental pollution, potentially making the local area unattractive for continued investment and for trainers making use of local facilities. This is contrary to West Berkshire Core Strategy policies ADPP5 and CS12 which require the local racehorse industry to be supported and maintained.

Procedural Matters

- 1.4 For clarity this SOC will only **focus on reason for refusal number 3**. Highways colleagues will examine reasons for refusal 1 and 2 in a separate SOC.
- 1.5 The suggested conditions to be attached if the appeal is allowed are as on the Committee agenda report-without prejudice of course to the Council case. They are also noted in the SOCG .

2. Appeal Site and Proposal

Appeal Site

- 2.1 The appeal site lies in Lambourn Parish well outside of any settlement boundary - however it does adjoin the defined employment area of Membury as identified under policy DM32 in the Local Plan Review recently adopted on June 10th 2025. The application site is immediately to the south of the M4 motorway and to the east of the Membury Motorway Service Area. Access to the site is off an unadopted highway which leads to the MSA -access to the latter is however only permitted for emergency and other authorised vehicles. To the south of the application site lies Membury airfield, a private commercial facility.
- 2.2 The appeal site lies in the North Wessex Downs National Landscape. This covers 74% of the District area. No reason for refusal has been advanced by the LPA in relation to the visual impact of the asphalt plant since the local area is relatively “degraded” given the presence of significant built form, namely the industrial estate, Membury Tower, the MSA and the M4 itself. There is also a solar array adjacent the

airfield. However, for clarity this is not taken to weaken the Council case in any way in respect of the 3 reasons for refusal advanced.,

Planning History

- 2.3 The relevant planning history of the appeal site is set out in the Committee report attached at Appendix 1. For clarity that the LPA accepts the principle of some form of employment development on the site as it is Previously Developed Land, and complies with extant policy in relation to the “in principle” issue but not this particular scheme proposed. Therefore, there is no policy reason for refusal on the application at appeal, as such. Again, however, this is not intended to undermine the Council’s case in any way.

Appeal Proposal

- 2.4 Details of the appeal scheme are set out in the Council officer Committee report. Essentially the scheme is an asphalt producing plant using a degree of recycled materials. The appellant has identified the site as being suitable to serve the local area in terms of tarmacadam production serving the local market. By condition [if the application had been permitted by the LPA] production would be limited to a throughput annually of 25,000 tons of coated roadstone although it is understood that the plant could produce more than this if needed. Clearly if the appeal is allowed the LPA strongly recommends c25 be retained in any decision.

3. Planning Policy

- 3.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is therefore the starting point for decision making. Where a planning application/appeal conflicts with an up-to-date development plan, permission should not usually be granted. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Statutory Development Plan

- 3.2 The statutory development plan for West Berkshire is currently made up of a number of different documents. The table below sets out those development plan documents that are relevant to the appeal proposal, together with a list of the relevant policies.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	
Policy DM5	Environmental Nuisance and Pollution control
Policy DM8	Air Quality
Policy DM31	Designated Employment Areas.
Policy DM35	Sustaining a prosperous rural economy.
Policy DM37	Equestrian and horse racing industry.
Minerals and Waste Local Plan	
Policy MWLP26	Amenity Impacts.

Weight to be given to development plan policies

- 3.3 It is a fundamental principle of the planning system that the weight to be afforded to each issue is solely a matter for the decision maker. However, the NPPF provides some guidance on what weight should be given to development plan policies given the status of the NPPF as a material consideration in deciding planning applications/appeals. Paragraphs 231 and 232 state:

“231. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.

232. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the

plan to the policies in the Framework, the greater the weight that may be given)...”

- 3.4 The weight to be given to the relevant policies is discussed in this statement under the headings relating to each consideration, as appropriate.

Material Considerations

- 3.5 A number of documents are material conditions relevant to this appeal.
- 3.6 The **National Planning Policy Framework (NPPF)** sets out the Government’s planning policies for England and how these should be applied. The NPPF is a material consideration in planning decision, which should be read as a whole (including its footnotes and annexes). The latest version was published in February 2025.
- 3.7 The **Planning Practice Guidance (PPG)** is an online publication which supplements the NPPF and, as a statement of government policy, may also be material when deciding applications/appeals.

Assessment of Appeal Proposal

- 3.8 Firstly, the appeal will be assessed against the potential impact the asphalt plant may have upon the local rural economy if it is allowed, close to the Valley of the Racecourse. This is addressed against policy **DM35** specifically. The local equine industry in the Lambourn Valley provides a significant number of jobs in the area and allows for considerable inward investment. It has an estimated annual value of circa £33 million to the local District economy. As such it is one of two foremost Racehorse areas in the whole of the UK [the other being Newmarket] promoted in part by the proximity of the newly renovated Newbury Racecourse. If a development in the locality were to undermine the attractiveness of the area to existing and new racehorse establishments, such as this plant, this would be potentially harmful to the ongoing viability of this important subcomponent of the rural economy of the District. In particular criterion c] in the upper text policy is prayed in aid in respect of this appeal given it relates to the compatibility of adjoining uses. The Council considers that the gaseous/particulate emissions generated by the Plant could detrimentally impact the future health of the racehorses in the locality, which would

undermine the continuing attraction of the area to investors/trainers and others involved in the racehorse industry economy. This in turn would be contrary to policy-the Council considers that the creation of “just” 5 jobs at the Plant is not sufficient weight to allow the appeal given the fact that it believes potentially many more jobs may be lost in the racehorse industry if the appeal is allowed. It is known that 4 horses correspond to the creation of one job in the Lambourn Valley for example so it would only take the loss of 20 horses as a whole to equate to 5 jobs.

3.9 The Inspector should also take into account the fact that many other smaller businesses rely on the racehorse industry such as vets, the jockeys, the suppliers of goods, farriers and so on.

3.10 So, whilst on the one hand the application at appeal is supported by policy DM35, on the other hand its future potential detrimental impact could in fact cause an overall loss of employment in the area and so diminishing the rural economy as a whole, contrary to the advice in the NPPF of 2025. Para 88 notes the following—
" Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

3.11 It is clear that the racehorse industry is a land based one, and clearly also relates to leisure as well. Accordingly, weight should be attached to this National policy advice. It is known [for example] that in the Lambourn Valley, there are 34 Training Yards which employ 33% of all of the local working age population in various jobs including the support ones, such as farriers. It is estimated that some £33 million a year is the overall value and turnover of the racehorse industry to the local economy and so the western part of the District as a whole. Although not immediately relevant to this appeal it is noted that across the UK economy as a

whole there about 65,000 jobs related to the racehorse industry in total. This adds about £4 billion to the National GDP per annum.

3.12 Policy DM37 in the LPR specifically relates to the local racehorse industry [inter alia]. In particular attention is drawn to the following criterion, [point 4] “Development proposals, particularly within or around Lambourn and Upper Lambourn, which would negatively impact on the long term vitality and/or viability of the horseracing industry as a whole, will be resisted. There must be clear and convincing evidence that the development would generate planning benefits that would outweigh any significant harm to the horseracing industry as a whole; “

3.13 In this case whilst the Council accepts [without prejudice to its case] that there will be some economic benefits arising from the asphalt plant if it is allowed at appeal, the case against it weighs far more heavily with the type of emissions and fine particulates which will be generated by the Plant possibly impacting the future health of the racehorses in the locality. The attention of the Inspector is drawn to the many objection letters received from local racehorse trainers who are experts in this matter, and have set out clear and significant concerns about the apparent failure of the applicant [now appellant] to provide sufficient information to assess properly the potential harmful impacts on air quality in the surrounding area as it would/could impact the physiology of highly valuable horses kept in the locality of the appeal site. Therefore, whether such is scientifically demonstrable is largely academic, as the level of concern from those within the industry is clearly indicative of the perception of degradation of air quality to those within the racehorse industry that would lead to a potentially widespread and detrimental impact on the attractiveness of the Lambourn Valley for racehorse business and consequently serious harm to its future viability. Weighed against the more minor economic benefits of the appeal proposal the economic disbenefits are considered by the Council to outweigh the benefits, just as they were in the Whitewalls Quarry decision in Yorkshire [APP /P2745/A/15/3002825].

3.14 The Council's Economic Development officer has reviewed and updated advice on the proposal following a revised and more balanced assessment of the application. His views are given below—

“ The proposal demonstrates small but positive economic benefits to the district, hailing from the investment and intensification of a protected employment area (Membury Industrial Estate), the creation of 5 FTE of rural employment opportunities (which conforms with , and the economic benefits associated with operating the supply chains and maintaining the site (such as HGV drivers, logistics and administrative staff, and spending generated by employees on local goods and services).

The main area of dispute in terms of economic growth is the objection raised by Lambourn Parish Council and The Jockey Club about the economic impact on the local racehorse industry if services are not used or horses are moved out of the valley owing to air quality resulting from the proposed asphalt plant.

The Economic Development Team acknowledges and promotes the Lambourn racehorse industry's multimillion GVA contribution to the district's economy (in line with LPR policy DM32], not just via direct racing but also through its broader supply chain impact on agriculture, medical professions, entertainment, and recreational spending and activities. However, we still should assess the benefits of the application against the potential negative impacts on the wider economy, in this case the potential air quality impact upon horse racing and the negative impact the perception of damage could have on a key local industry.

As stated by the WBC Environmental Health team, "The air quality assessment demonstrates that air quality impacts will be insignificant/negligible at the closest receptors, and emissions will not cause exceedance of air quality objective limits." While this would suggest that the air quality impacts would be negligible, it is important to highlight that horses, and specifically high-performance racehorses, are much more receptive to particulates in the air. As such, this sensitivity should be considered when reviewing the air quality assessment, as the assessment was produced in consideration for human sensitivity.

On review, the Economic Development team opposes the approval of the application, as there is not conclusive evidence that the asphalt plant will not cause harm to the racehorses currently within the Lambourn Valley.”

- 3.15 Therefore, the negative perception of the impact on the racehorse industry garnered by the proposal has the potential to damage the Lambourn Valley's prestigious reputation as a high-performance cluster for British horseracing and thus could result in reduced training activity or trainers moving outside of the district. This could cause widespread economic damage to Lambourn due to the knock-on impacts on auxiliary services and businesses that support the industry, which would outweigh the relatively low economic outputs proposed by the asphalt plant. As stated above, the value of the racehorse business to the local rural economy of the Lambourn Valley is an estimated £33 million per year, and 33% of the employment

locally, the loss or devaluation of which would result in significant harm to the local economy and local employment.

- 3.16 For the Inspector's information Kingwood Stud lies approximately half a mile to the north of the asphalt plant proposed location, which is a very significant stud in the area, and Lodge Down, another large training establishment, is about 1 mile to the north west of the appeal site. Finally, Carisbrooke Stud lies approximately 1.6 miles to the north of the appeal site. It is estimated that about 1000 horses "reside" in the Lambourn Valley as a whole, but clearly not all are in close proximity to Membury. However, the above establishments are in close proximity and all contribute to the overall prosperity and viability of the Lambourn "Valley of the Racehorse", as it is known locally.
- 3.17 It is pertinent to note that given the importance of health of the racehorses in the area, the local training fraternity have contributed £60,000 in 2026 to ensure no oilseed rape is planted and harvested within circa 1 mile of the appeal site [i.e. a subsidy to the farmers] to ensure air quality is not diminished for the horses. This emphasises how much of a "live" issue air quality is to trainers and stud and stable operators in the vicinity of the site, and that considerable inward investment has been directed by the racehorse industry to its ongoing protection.
- 3.18 It is acknowledged that the Council's Environmental Health officer has had no objections to the scheme. However, it is important that the Inspector consider that this is on the basis that they are only considering impacts on human health as they are required to do. This is reflected in the Committee report advice and the minutes of the Committee meeting. What Members of the Committee and so the LPA are concerned about are the possible impacts on equine health. This is outside the remit of the EH officers but it is not outside the remit of the Committee, since they were entitled to take into account the legitimate views of the objectors to the application, particularly where this directly relates to a material consideration, namely economic impact as a whole.
- 3.19 It is concluded in this respect that the appellant has failed to convince the LPA that the apparent economic benefits of the asphalt plant outweigh the detrimental impact upon the racehorse industry as a whole, so being contrary to the advice in

very recently adopted policy DM37 in the LPR. It is asked that the Inspector agree with this issue.

3.20 Criterion a] of policy **DM5** is also highlighted for the Inspector which relates to environmental nuisance and pollution control. The policy is noted below.

Environmental Nuisance and Pollution Control

3.21 “Development will be supported where it does not lead to adverse effects on pollution of the environment. In ensuring a site is suitable for development proposals should satisfy the following criteria: a. There would be no harm to the amenity of occupants of neighbouring land and buildings, and future occupants of the development, through an unacceptable increase in pollution, including from light, noise, dust, vibration and/or odour. Where necessary suitable mitigation measures will be put in place; b. It would be compatible with surrounding uses; and not give rise to unreasonable restrictions placed on existing businesses and community facilities; c. There would be no adverse impact on the environment by pollution of air, soil, or water, through the storage and disposal of waste and hazardous materials or through emissions; et al...

3.22 It is argued that the asphalt plant, whilst not being harmful to human health may be to equine health and so many of the criteria in this policy are pertinent to the assessment of the appeal. This is one more policy reason why the Council considers that the appeal should be dismissed.

3.23 In addition, policy MWLP26 is noted in the reason for refusal number 3—policy OVS5 in the WBDLP of 1991 to 2006 has been formally superseded by policies in the LPR now adopted since March 2025. The policy notes the following-- “Public Health, Environment and Amenity Minerals and Waste development proposals will be permitted where all the following are demonstrated: a. The development would not result in unacceptable impacts on air quality including any adverse impacts on Air Quality Management Areas (AQMAs); b. The development would not result in unacceptable impacts on the intrinsic quality and quantity of water resources (including ground and surface waters) including any adverse impacts on Source Protection Zones (SPZ)(56); c. The development would not result

in unacceptable impacts from lighting, noise, dust, odour, emissions, pollution, vibration and litter, including impacts that are generated by traffic associated with the site; d. The development would not result in unacceptable impacts on land stability; and e. Consideration has been given to public health and safety, amenity, quality of life of local communities and the natural, built and historic environment; Appropriate mitigation measures relating to all these matters shall be included within the proposals and all reasonable opportunities must be taken to conserve and enhance the environment and amenity of the area.”

3.24 Whilst again it is acknowledged that the principal purpose of the policy is to protect human health from any adverse factors arising from e.g. noise and dust from minerals and waste facilities [the asphalt plant of course being one], and other controls in the Environmental regime are available, other than planning controls, the quality of life in local communities is identified in criterion e. It is argued by the Council that if the appeal were to be allowed, the potential detrimental impact upon the local racehorse industry would in fact impact upon the quality of life for at least some of the local Valley population. Hence the reasoning behind this inclusion of the policy in the reason for refusal. This is because historically much of the inherent community value in the Valley is largely based upon the Racehorse Economy.

Comments on the Appellants grounds of appeal.

3.25 The Council officer has read the above in relation to reason for refusal number 3. The Council makes the following comments in relation to this, noting that whilst the Officer recommended the application for approval, it is also clear that the Committee in supporting their local community, were genuinely concerned that the presence of the plant could affect the racehorse industry which is an integral part of the local community. Hence the decision of the LPA [in part] to reject the application now at appeal. The appellant appears to believe that because the physical facts have not been proven in relation to harmful asphalt plant emissions affecting the health of racehorses detrimentally, then de facto the perception of harm should automatically not arise. This is patently not the case as this proof has. The Council planning evidence has no specific contention with the scientific detail of the nature and type of emissions from the Plant, as evidenced in the appellants

proof on this basis, as it is not required to do so—instead it prays in aid the logic of the Inspector in the Whitewalls decision, [see below] which noted on the one hand the acceptance that the physical effects were not scientifically justified, but , **notwithstanding** that point/issue, still agreed with the objectors that the perception was a real and cogent issue to be taken into account in the determination of that appeal. The Council on this basis asks the Inspector to make a similar finding.

Comments on the Members concerns at the Committee meeting -Minutes 19/03/25

3.26 The Inspector will know that Councillors are not obliged to accept officer recommendations on planning applications, but they are required to give appropriate reasoning for doing so relating to material planning considerations. It is a fact that the perception of harm can, in certain contexts be a valid material factor in determining planning applications and appeals. Reference is made to the Whitewalls Quarry decision in Yorkshire [APP /P2745/A/15/3002825] where the Inspector in dismissing the appeal made reference to the following—paragraphs 40 to 43 in particular of that decision letter refer specifically to the perception of harm to the equivalent local racehorse industry at Norton in East Riding. This is extracted below for ease of reference.

“40 Norton is an important centre for the training of racehorses, and it has been associated with the industry for at least 3 centuries. Evidence indicates that this and related activities contribute some £21m to the local economy, involve about 200 skilled people employed by trainers at the Malton and Norton yards and give employment to a host of ancillary occupations and businesses, such as work riders, farriers, vets, saddlers, feed and bedding merchants, physiotherapists, equine dentists, transporters and the like. This is a competitive business, and it depends on the owners of high value racehorses choosing to stable their horses in Norton, rather than at Newmarket or, indeed, anywhere else. The concern is that if owners were to perceive that their horses might be exposed to contaminated grazing or poor quality air, due to the proximity of the proposed asphalt plant, then they might choose to stable their horses elsewhere rather than at the training yards in Norton, so jeopardising the continuation of a long established traditional, skilled and valuable industry.

41. Although I consider that the evidence does not demonstrate an unequivocal link between the likely emissions from this asphalt plant and the respiratory health of racehorses, it seems to me that the evident presence of the plant could well influence owners about where to stable their racehorses. True, the plant itself would almost certainly not be visible

from the training yards or from nearby vantage points. However, the emissions from the stack would be evident on occasions and it is entirely understandable that owners would perceive the proximity of such emissions as having the potential to be detrimental to the well-being and performance of their horses. The nearest stables would be only some 430m from the position of the stack and several would be down-wind from a prevailing south westerly.

42. Moreover, although the quarry and the racehorse training businesses have operated side-by-side in Norton for half a century and the recycling operation for a decade or so, I think that the installation of this asphalt plant would alter the basis of that relationship. First, it would result in visible emissions from the quarry site close to the town. Second, it would entail roughly a 30% increase in HGV traffic (maybe more) where the permissions for the concrete batching plant and for the manufacture and storage of concrete products have already engendered a significant additional quantum of HGV movements. I consider that the cumulative effect of such additional HGV traffic would be sufficient, on occasions, to noticeably alter the character of the traffic on Welham Road. Since that road forms part of the route from some of the training yards to the gallops on Langton Road, the juxtaposition of HGVs and racehorses would be emphasised. This too would be evident to racehorse owners and might well further discourage them from entering into training contracts with some of the trainers in Norton.

43. For those reasons, it is hard to see how the economic benefits of the scheme, or the limited additional employment likely to arise, would outweigh the adverse economic effects of the proposal that could emanate from the harmful perception it would be likely to convey to racehorse owners in choosing to stable their horses at Norton. Of course, such an effect is difficult to quantify. But that does not mean that it could not be real; much business and many economic effects depend on perceptions. And, it seems to me that just such factors would be particularly important in an industry where results and reputations influence decisions. In those circumstances the risks to the horse training industry represented by this scheme, and to the businesses linked to it, constitute a real economic threat to the local economy. The proposal would thus fail to comply with policy SP6."

3.27 The Inspector identified that many business decisions by [inter alia] owners of racehorses are largely but not wholly based on perception-if they begin to be worried that the introduction of an asphalt plant at Membury could detrimentally affect the respiratory physiology of their highly valuable racehorses in their care [as with Trainers as well] some could decide to relocate to eg Newmarket instead so taking valuable investment away from the Lambourn Valley itself. He accordingly concluded in para 48 of his letter that the appeal should be dismissed [in part] on this basis.

3.28 The minutes of the Committee meeting make it clear that whilst the case officer gave limited weight to this perceived level of harm [based on the fact that the actual scientific evidence relating to actual impact on equine health is low] the Councillors elected to take a different approach in applying far more weight to the perception issue , which they are entitled to do. They took into account the economic impacts as well -for 5 fte jobs at the Asphalt plant the ramifications of losing racehorses in the Lambourn Valley has a much wider impact with all the trickledown effects such as transport, bedding suppliers and so forth. The racehorse industry is well known to be a volatile and sensitive commercial enterprise, being highly mobile as well, which the Committee particularly referred to. It is accordingly asked that the Inspector take these matters very carefully into account in the appeal, notwithstanding the fact that the M4 motorway intervenes between the appeal site and the local racehorse establishments locally.

3.29 For example in the Committee minutes Councillor Abbs made the following comments - “ Regarding the impact on the racing industry, Councillor Abbs referred to the previous Whitewall Quarry appeal decision, and noted it was about potential and perception, and based on discussions at the Committee, perception would be present for the proposed application. Councillor Abbs was concerned about the proximity of the proposed plant to studs and breeding establishments, with some being half a mile or less away. The caused perception might not impact the whole of the Lambourn area, but he queried how many jobs would be lost as a result, when there were two other similar plants that could easily supply the needs of Berkshire. Councillor Abbs wished to listen to the views of other Members however, struggled to see how he could support the application.” This is indicative of the concerns of the Councillors at Committee in seeking to reject the application before them, hence reason for refusal number 3.

3.30 What is also important in this respect, is the Committees views that should the asphalt plant be approved, over time further planning applications could be received for extending its overall capacity. Whilst the Council could of course refuse such applications [without prejudice] they could be successful at future appeals. Whilst it is appreciated that the present appeal can only be determined on its own individual merits the Council had this future potential concern in mind, in rejecting

the application. The cumulative impact on the local racehorse industry will then be even more serious and so the local economy. In this regard it is of course possible [without prejudice] that the applicant has decided to submit a “small” capacity application first to see if it is successful financially as they are entitled to do, but with the expectation that if viable then future rises in capacity would be inevitably sought. This is a risk/precedent which the Inspector should be aware. If the Inspector allows the appeal it will be important to highlight the need for this capacity to be restrained in the future if at all possible. Condition 25 [inter alia] will be important to apply.

Conclusion

3.31 On the one hand the Council accepts that there will be some economic benefits arising from the appeal scheme and it lies adjacent a current DEA in accordance with policy in the LPR. It is also accepted that the proximity of the M4 motorway does have an impact on the area already. It is also accepted that the Council EH officer has raised no objections to the application. Although this is based only on human health not equine health. However, the Council continues to consider [with good local knowledge] that the introduction of the Plant at the appeal site will harmfully affect the perception of the local racehorse business community, such that this highly mobile industry [and notoriously cyclical] may be impacted. Due to the perceived effects on the respiratory health of the racehorses in the locality. It is thus contrary to policy highlighted in the SOC. Accordingly it considers that reason for refusal number 3 is substantiated and is well founded.

3.32 The Inspector is formally asked to dismiss the appeal. If allowed however, suggested conditions are noted in the officer Committee report -the sole changes would relate to the wording of the reasons for the new LPR policies.

4. Conclusion

4.1 X