
Appeal Decision

Site visit made on 2 October 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: APP/W0340/W/25/3367152

Land Adjacent To M4, Membury Airfield, Lambourn Woodlands, Hungerford, Berkshire, Easting: 431219; Northing: 17555

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Putnam Properties Ltd against the decision of West Berkshire District Council.
 - The application Ref is 23/02142/MINMAJ.
 - The development proposed is the installation and operation of an asphalt plant and associated ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the installation and operation of an asphalt plant and associated ancillary development at land adjacent To M4, Membury Airfield, Lambourn Woodlands, Hungerford, Berkshire, Easting: 431219; Northing: 17555, in accordance with the terms of the application, Ref 23/02142/MINMAJ, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the original planning application the Council has adopted the West Berkshire Local Plan Review 2023 to 2041 (adopted 2025) (the Local Plan Review). The appeal has therefore been determined against the updated development plan. Parties have had an appropriate opportunity to comment on the change in policy context.
3. The site forms part of a wider landholding that received planning permission¹ for B8 (Storage and Distribution) use in 2022. At the hearing, the appellant's agent stated that this permission remains extant, noting that all relevant pre-commencement conditions had been discharged and that development had commenced on site. The Council offered no evidence to dispute this, but emphasised that, in the absence of a Certificate of Lawfulness for Existing Use or Development (CLEUD), it could not be certain that the asserted fallback position remains extant.
4. There is no formal requirement for a CLEUD to be submitted following the implementation of a planning permission. The absence of a CLEUD is therefore not determinative as to whether the permission remains extant or the site's lawful use.

¹ Local Planning Authority (LPA) Reference: 21/03083/COMIND - 'B8 Use as a storage depot for groundworks contracting business'

5. At the time of my site visit, the site contained large expanses of bare ground with soil bunds formed near some of the boundaries, while it contained plant/vehicles and was being used for the storage of various sizeable construction materials. From my observations of the activity that has taken place at the site, and the evidence before me, it appears likely that the previous permission for B8 use has been implemented, while no robust evidence has been provided to suggest otherwise. Still in the absence of a CLEUD to confirm matters, I cannot be entirely satisfied, such that I have given the appellant's potential fallback position only moderate weight.
6. Following the close of the hearing, further evidence was requested from the appellant to enable a screening direction under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) to be complete. The scheme was subsequently screened as not being EIA development. However, given the screening process involved the submission of new evidence, parties were also offered the opportunity to comment on the updated evidence. Where relevant comments have been received, they have been taken into account in my determination of the appeal.

Main Issues

7. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development having regard to its accessibility;
 - The effect of the proposed development on highway safety; and
 - The effect of the proposed development on the local racehorse industry.

Reasons

Accessibility

8. The appeal site was formerly part of Membury Airfield. It lies off a service road within the Membury Industrial Estate, adjacent to Membury Service Station and the M4 Motorway. The surrounding area is therefore largely characterised by commercial uses, of an industrial nature.
9. Despite the neighbouring commercial uses, and proximity of the motorway, the wider area is rural in character with the appeal site located outside any identified settlement boundary under the Local Plan Review. Moreover, there is a lack of public transport options available to the site and the adjacent Membury Industrial Estate, with the nearest bus stop located a considerable distance away.
10. Due to the distances involved and the surrounding highway context, including a general lack of footways and streetlighting, as well as the traffic environment, I do not consider the site to be realistically accessible via sustainable means of transport. Instead, there would be a heavy reliance on the use of private motor vehicles. Nonetheless, this is also the case in respect of the wider established industrial estate that the site lies adjacent to, as well as for the previously permitted B8 use at the site.
11. Furthermore, as part of the recently adopted Local Plan Review, the Council has identified the adjacent Membury Industrial Estate as a 'Designated Employment

Area' (DEA) whereby land is safeguarded for business uses (office, industry, storage and distribution). Additional sites have also been allocated through the Local Plan Review to enable the further expansion of this DEA to address local and rural demand for industrial land. This is despite the lack of nearby settlements, the wider rural locality of the area, and its general lack of accessibility via sustainable means of transport. At the hearing the Council, including the local highway authority, acknowledged that the appeal site was no less sustainable or accessible a location than the adjacent DEA including its newly allocated sites.

12. The National Planning Policy Framework (the Framework) also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
13. The proposal would employ only a small number of staff, and the vehicle movements associated with their travel to and from the site would therefore be minimal. The nature of the use is such that deliveries and collections would almost invariably be undertaken by private vehicles capable of transporting materials or collecting asphalt. Consequently, even if the site were located in an area with good access to sustainable transport modes, this would be unlikely to materially reduce the number of private vehicle trips generated. In this context, the site's position—on brownfield land, in proximity to other industrial uses, and with convenient access to the wider strategic road network—is an appropriate and logical location for the proposed development and its transport needs.
14. The distances that deliveries to and from the site will occur from, or the use of vehicle backhaul, cannot be guaranteed. Nor can the customer base or the use of reclaimed asphalt from nearby sources in the production process be guaranteed. Nevertheless, I find the appellant's arguments that the asphalt plant is likely to serve a local market to be compelling, particularly given the lack of other nearby plants. I therefore consider it likely that some sustainability benefits will arise through reduced transport requirements associated with the site's proposed location.
15. Bringing the above points together, although the proposed development would not actively encourage travel by walking, cycling, or public transport, the nature of the use means these modes are unlikely to play a significant role in any event. Taking into account the site's context, including its relationship with the recently designated DEA, I find the appeal site is a suitable location for the proposed development having regard to its accessibility. In this regard, I do not consider the proposal to conflict with Local Plan Review Policies SP1, SP19 or DM42². These policies, amongst other matters, seek to promote sustainable development and address the identified climate emergency, including through minimising the impact of all forms of travel on the environment.
16. In reaching the above view, my findings have not been swayed by the appeal decision³ referred to by PFA Consulting. Notably, that appeal related to an alternative form/use of development, in a different locational context, whilst also being determined under a slightly different policy context. As such, it is not directly comparable to the proposal before me.

² At the hearing these policies were agreed between main parties as being the most important policies in respect of this main issue, in light of the Local Plan Review superseding previous Core Strategy Policies identified on the Council's decision notice.

³ APP/W0340/W/24/3356388 - Fishers Farm, Coldridge Copse, Shefford Woodlands, Hungerford RG17 7BP

Highway Safety

17. Together, amongst other matters, Policy DM42 of the Local Plan Review and Policy 22 of the Mineral and Waste Local Plan (adopted 2022) (the MWLP) promote highway safety. This includes through ensuring that development does not result in unacceptable impact upon the efficient and effective operation of the relevant transport network, and road safety.
18. The policies are in line with the Framework, notably, paragraph 116 that sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
19. The appeal site is accessed via a wide private service road that also serves the adjacent industrial estate. The private service road links to Membury Motorway Services to the north-west. However, this highway link to and from the services (and providing access to the M4 beyond) is limited to authorised vehicles only (herein referred to as the restricted service road).
20. The access road from the site also forms a junction with Ramsbury Road that runs through the wider Membury Industrial Estate. Ramsbury Road further connects to Ermin Street (the B4000) to the north via a crossroads priority junction. The B4000 is rural in nature, and provides access to a small number of residential properties, farms, and industrial sites, as well as access to the M4 at Junction 14, via the A338. Given the scale and nature of uses on Membury Industrial Estate, the surrounding road network already appears to attract a significant number of vehicle movements, including from heavy goods vehicle (HGVs).
21. From my observations and the evidence before me, I find the appellant's view that majority of vehicle trips generated (including HGV trips) to and from the development will likely occur along the B4000 (eastwards) to the A338/M4 to be a realistic reflection. This is due to the importance of this route as a connection with the wider strategic highway network and points of interest, compared with alternative available routes.
22. The results of the appellant's traffic surveys along Ermin Street (B4000), are broadly comparable to previous survey work commissioned by interested parties⁴, albeit suggest a slightly higher 5-day average daily flow but with a smaller proportion of these being goods vehicles. Still, even if, Ermin Street experiences a higher volume of goods vehicles typical of local 'B' roads, and high vehicle speeds, this does not necessarily mean that the proposal will detrimentally impact upon its safety.
23. The appellant's transport consultants have undertaken a review of the safety along Ramsbury Road and the B4000 (up to the junction with Eastbury Shute within Woodlands St Marys), utilising personal injury and accident (PIA) data obtained from West Berkshire Council for the proceeding ten years. The ten-year assessment period⁵ provides the most up to date figures available to me. It reveals that a total of 19 PIAs⁶ took place, with 12 classified as 'slight' and 6 classified as 'serious'. Whilst the B4000 may have a slightly higher accident rate than typical of

⁴ Traffic Surveys undertaken in April 2021 and November 2022 on behalf of The Woodlands Protection Group.

⁵ Between 2014 and 2024.

⁶ Discounting two PIAs that were caused by external factors (e.g. falling tree/animal entering carriageway).

B-Roads, a comparison between the most recent five years of data with the preceding five years, does not shown any clear trends that the roads nearby to the appeal site are becoming more susceptible to PIA or deteriorating road safety.

24. The appellant's identified trip generation (which includes a 20% buffer in plant production of up to 30,000 tonnes per year) sets out that there would be an average of 6 HGV deliveries per day (12 two-way movements). In addition, it is estimated that there would be 2 HGV collections per day for highway contractors (4 two-way movements); 18 light goods vehicles per day for customer collections (36 two-way movements) and 10 two-way car movements associated with staff members employed at the site.
25. The traffic generation from the proposed development is therefore forecast to be 62 movements per day, or just under 6 per hour (two-way) across the 11-hour operational period; with peak movements in the morning and evening of 16 vehicles (two-way).
26. Concerns have been raised by third parties, including PFA Consulting, that fluctuations in asphalt demand could at times generate substantially higher traffic volumes than those presented in the appellant's evidence. However, I find the combined views of the Local Highway Authority and the appellant's transport consultants—that any such variations would be marginal and would not materially alter the overall pattern of vehicle movements—to be more persuasive. The use of average trip rates, including TRICS data, is also standard industry practice. Moreover, operational constraints and the practicalities of running the plant would, in any event, limit the likelihood of multiple collections occurring at the same time.
27. I therefore accept the appellant's projections of likely traffic generation. Although it cannot be precisely controlled, I also concur with the Council's view that the use of appropriate planning conditions are likely to restrict the level of traffic generation associated with the proposed development. For example, conditions in respect of limits on annual production, restrictions on operating/delivery hours, and associated monitoring practices.
28. Regardless that the former B8 use would also have generated vehicle movements, including HGVs, the traffic associated with the appeal scheme is likely to be minor in the context of existing flows on the surrounding highway network
29. Furthermore, the appellant's transport consultants have also considered the cumulative effect of the development upon the B4000 alongside committed developments⁷ and through applying growth factors to existing traffic survey data to consider a 2030 baseline year. This analysis has built upon previous technical studies prepared in connection with other nearby approved developments, whilst also forecasting vehicle trip generation for sites allocated as part of the DEA under the Local Plan Review. This has resulted in Annual Average Daily Traffic Flow (AADT) being calculated for several scenarios. Notably, when compared to the future 2030 baseline plus committed developments, the proposed development is calculated to increase the overall daily traffic impact on the B4000 by just over 1%.
30. The priority 'Give Way' junction of Ramsbury Road with Ermin Street consists of a wide bell-mouth layout, with large kerbed entry radius, indicative of having been

⁷ Land south of Tower Works (Ref: 19/02979/OUTMAJ); Land adjacent to Membury Airfield (20/00562/COMIND) and Local Plan Review Sites LAM10 and RSA14.

constructed to accommodate large commercial vehicles associated with the nearby Membury Industrial Estate. Additionally, the junction appears to have adequate visibility in both directions given the length of straight carriageway alignment and the width of roadside high verge along Ermin Street. Similarly, the junction on the Membury Industrial Access/Ramsbury Road junction is also formed as a wide radius-kerbed bell mouth junction, suitable for large vehicles.

31. In respect of the appellant's junction capacity analysis, this again involved industry standard assessments of the Membury Industrial Access/Ramsbury Road junction and Ermin Street/Ramsbury Road/Unnamed Road junction. The same scenarios were tested as those for the AADT in relation to the B4000. The findings indicate that taking account of a 2030 baseline, committed developments, and the proposed development, the ratio to flow capacity (that measures demand relative to maximum capacity) of these junctions at peak times would remain between approximately 10 – 25%. Thus, indicating that the junctions would operate in an efficient manner, with a high level of capacity remaining.
32. Overall, the appellant's technical highways evidence suggests that the proposed development's traffic generation is likely to be imperceptible from baseline flows, and is well within a typical daily variation in traffic flow, such that it would not cause a severe residual impact on the local highway network. Meanwhile, the submitted evidence, including vehicle tracking information, also demonstrates that both the layout of the site and nearby roads can accommodate the size and volume of vehicles associated with the proposed development.
33. These findings have not been directly challenged by the Local Highway Authority, and I have no robust basis to reach an alternative conclusion. The Council's concern instead stems from uncertainty over the potential use of the restricted service road and its possible implications in connection with the proposed development.
34. The restricted service road is part of the strategic road network that National Highways is responsible for maintaining. Beyond the appeal site, a traffic regulation order (TRO) is in place, that allows only authorised vehicles access along the highway through to/from Membury Services and the M4 motorway beyond. There are however no physical barriers restricting access to authorised vehicles only, while main parties agree that the TRO is not currently being enforced by National Highways.
35. The use of the restricted service road by unauthorised vehicles is an offence. Nevertheless, despite signage setting out restrictions, in the absence of enforcement, it appears highly likely that unauthorised vehicles are utilising the restricted service road as a shortcut to the services and/or the M4 motorway beyond. Should National Highways or the Police enforce against the unlawful use of the restricted service road in the future, there is potential for additional traffic to be reallocated back onto the wider highway network, notably, the B4000, alongside traffic generated from the proposed development. National Highways do not object to the appeal proposal and has also not set out any intentions to begin enforcing the TRO along the restricted service road.
36. Notwithstanding the above, the appellant has undertaken traffic counts of vehicles along the restricted service road. This involved a seven-day Automatic Traffic

Count (ACT) in December 2024, to understand the level of traffic that utilises the route to/from the services and potentially beyond to the M4.

37. The ACT data demonstrates that across the week surveyed, slightly over 1,000 vehicles used the restricted service road on a daily basis. Approximately, 11% of which were HGVs. This roughly equates to 42 vehicles per hour (two-way) on average, albeit given the adjacent commercial use, most of this was found to be concentrated around an 18-hour period. The average figures were broadly consistent with a much shorter survey period undertaken by the Council in July 2025.
38. The above counts illustrate the total number of vehicles utilising the restricted service road during the relevant periods, not necessarily all of which will be unauthorised. The appellant's survey data also does not demonstrate the eventual route taken by vehicles recorded. Still, I find the appellant's contention that if the TRO was to be enforced, it would not lead to all relevant vehicle trips being added to the B4000 to be a reasonable view.
39. In any case, the evidence indicates that the level of traffic (including HGVs) utilising the restricted service road is relatively minor. From the available evidence, I am persuaded that even if traffic were to be prevented from utilising the restricted service road, there is sufficient capacity within the wider highway network to safely accommodate this and the proposed development.
40. The Council and Local Highway authority have not raised concerns in respect of traffic/highway safety implications associated with another restricted service road at Membury Services (eastbound). I have no evidence to find that this will have any significant implications on the appeal proposal.
41. Notwithstanding, the appellant's review of PIA's within the vicinity of the site, reference has also been made by PFA Consulting to the analysis of accident data using COBALT, indicating that the nearby B4000 is a high accident road. The purpose of COBALT software is to undertake an analysis of the impact of accidents as part of the economic appraisal for a road scheme. COBALT assesses the safety aspects of a road scheme based on a comparison of accidents by severity and associated costs, across an identified network for the 'without-scheme' and 'with-scheme' forecasts. However, whilst PFA have presented the 'without-scheme' scenario for the links and main junctions between the Ermin Street/Ramsbury Road Junction and the A338/B4000 Junction, no corresponding 'with-scheme' forecasts have been provided. No suitable test of impact can therefore be derived from this evidence.
42. Anecdotal evidence has also been provided by interested parties suggesting that there have been further unreported road accidents within the local vicinity of the site. Nevertheless, I find the use of verifiable PIA data from the appellant to follow best practice and allows for a fair reflection of the road's safety to be derived. Nor would a greater level of accidents within the surrounding vicinity necessarily demonstrate that the appeal scheme would harmfully exacerbate existing conditions.
43. Although the Local Highway Authority expresses growing concern about increasing traffic on the B4000 through Lambourn Woodlands, particularly in relation to HGV movements, the evidence before me indicates that the proposed development would have a negligible effect on existing baseline conditions. The

evidence also demonstrates that sufficient capacity exists to accommodate the vehicle movements associated with the proposal, even when taking into account committed and potential future development, as well as possible changes to the use or operation of the restricted service road.

44. I am therefore satisfied that the appeal scheme would not give rise to any significant adverse effects on the highway network, whether in terms of capacity or safety. Accordingly, the development would not result in harm to highway safety. In respect of this main issue, I find no conflict with Policy DM42 of the Local Plan Review or Policy 22 of the MWLP⁸.

Local Racehorse Industry

45. Lambourn is known as 'the Valley of the Racehorse' and is an internationally recognised centre of excellence for racehorse training. The horse racing industry (HRI) is of longstanding historic, cultural, and economic importance to the Lambourn Valley. The extensive evidence and representations before me demonstrate that it is a central component of the area's identity and a key driver of the local economy. This reflects not only the concentration of trainers and stud farms, but also the range of associated supply chains and businesses that rely upon, or benefit from, the industry's activities. Indeed, it is cautiously estimated that the HRI is accountable for over 750 full time jobs and more than £22 million to the local economy⁹.
46. The significance of the HRI to the local area is recognised in Policy DM37 of the recently adopted Local Plan Review. This policy is directed specifically at the equestrian and horseracing sector and provides a framework for its protection and continued support through a range of measures. Of relevance to the appeal scheme is criterion iv of Policy DM37 that states:

"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"
47. The appeal scheme is accompanied by an Air Quality Assessment (the AQA) that has been prepared in line with the guidance for dust emissions established through the Planning Practice Guidance and the Framework. The submitted report provides a detailed assessment of the potential air quality effects arising from the proposed development, focusing on dust emissions and associated concentrations of PM₁₀ and PM_{2.5}. For clarity, PM₁₀ refers to particulate matter with a diameter of 10 micrometres or less, typically generated by activities such as construction, vehicle movements, and industrial processes. PM_{2.5} refers to finer particles of 2.5 micrometres or less, commonly produced by combustion processes. PM₁₀ and PM_{2.5} are important indicators of air quality because their small size allows them to be inhaled into the respiratory system. Accordingly, PM levels serve as a key indicator when assessing air quality implications of new development.

⁸ At the hearing these policies were agreed between main parties as being the most important policies in respect of this main issue, in light of the Local Plan Review superseding a previous Core Strategy Policy identified on the Council's decision notice.

⁹ SQW's Horse Racing in Lambourn Valley – The Industry's Economic and Social Impacts Report 2019 – albeit more recent (and higher) but unsubstantiated figures have also been indicated by interested parties.

48. The AQA draws upon local meteorological and air-quality datasets, identifies receptors most sensitive to dust, presents results of monitoring undertaken at nearby locations, and assesses potential emission sources associated with the proposed development and the likelihood of dust events occurring. It also outlines a range of mitigation measures intended to minimise the risk of adverse effects.
49. PM₁₀ and PM_{2.5} levels in the vicinity of the site are already influenced by emissions arising from traffic on the M4 and activities at the Membury Industrial Estate. While acknowledging that the proposed development could give rise to dust emissions, the AQA concludes that the implementation of appropriate dust-control measures would be sufficient to prevent any material effects on the surrounding area. These measures include the design of the plant system, use of on-site dust-suppression equipment, controlled material-handling processes and the location and design of storage bays.
50. The appellant also submits that such best-practice measures, widely employed at mineral extraction and asphalt sites across the United Kingdom, demonstrate their effectiveness in minimising dust. Furthermore, at the hearing it was explained that the plant's operation would be regulated by an environmental permit issued by West Berkshire Council's Environmental Health Department. The permit would impose conditions governing emissions and noise and require the plant to operate in a manner that avoids unacceptable risks to human health.
51. The AQA also notes that most dust generated by mineral-processing activities comprises particles greater than 30 µm, which typically settle within approximately 100 metres of the source. Particles between 10 and 30 µm may travel between 250 and 400 metres, while the smallest particles—those below 10 µm and representing only a small component of emissions—may travel up to around 1 kilometre. Meanwhile, a dust event would be expected to occur only in the event of a failure of dust-control measures.
52. In summary, the AQA finds that the impact on air quality from potential dust emissions to nearby sensitive receptors, including residential uses and a commercial use at the nearby Membury Services, is expected to be 'negligible' or 'not significant'. While the proposed asphalt plant is found to satisfy UK Air Quality Objectives for PM₁₀ and PM_{2.5}.
53. The AQA findings have led to the scheme being deemed to comply with the Council's air quality objectives by the Council's Environmental Health Team. While neither the Environment Agency or Natural England object to the proposed development.
54. Although the AQA submitted with the application is over four years old, its authors have reviewed it in response to PINS' request for further information during the EIA Screening process. The review takes account of current policy, site conditions and the development context, and confirms that the original findings remain valid.
55. On the evidence before me, I see no reason to disagree with the AQA's conclusion that the operation of the proposed asphalt plant is unlikely to result in any significant deterioration in local air quality.
56. Interested parties—including racehorse trainers, stud owners, a specialist equine veterinary surgeon, and the Jockey Club Estates—argue that the submitted AQA considers only human health. They contend that particles emissions from the

proposed asphalt plant could adversely affect the respiratory health of racehorses, whether through direct inhalation or indirectly via contamination of feed. Particular concern has been raised regarding the lack of assessment of finer particulates ($\leq \text{PM}_{2.5}$), together with potential dust releases from material handling, on-site storage, and the transport of materials.

57. The development relates to a collection-style asphalt plant with an output limited to 25,000 tonnes per annum (tpa). Evidence before me indicates that the Institute of Air Quality Management considers a throughput below 200,000tpa to represent a low dust-raising potential. In addition, the proposal is not expected to generate significant vehicle movements.
58. The appeal site itself is located a considerable distance from the nearest identified commercial training facilities/studs discussed at the hearing, whilst they are also separated from the site by intervening development such as the M4 motorway or other industrial uses. At the hearing, interested parties suggested that the quoted distances relate to main yards rather than outdoor training areas, but did not provide specific evidence. They also referred to agricultural land used for growing horse feed being located closer to the site, again without precise detail. Based on the evidence before me and my own observations, most facilities associated with the Lambourn HRI are located a considerable distance from the appeal site, well beyond the range at which even small particle emissions would be expected to travel.
59. I accept that equine physiology differs from that of humans and that respiratory health is critical to elite racehorse performance. However, no policy requirement has been outlined that would necessitate air-quality evidence tailored specifically to equine health. Furthermore, I have not been provided with sufficiently detailed information regarding the scope, methodology, evidential thresholds, or the identity of any suitably qualified body capable of undertaking or independently verifying such an assessment.
60. Interested parties have referred to various scientific studies said to demonstrate links between air pollutants and adverse equine respiratory outcomes or reduced racehorse performance. I have not though been provided with the full details of these studies. For example, there is no information before me regarding the control measures employed, sample sizes, the statistical significance of the findings, any acknowledged limitations, or whether the results were consistent with, or contradicted by, other research in the field. In the absence of such detail, I afford this material limited weight.
61. While a theoretical relationship may exist between particulate emissions and equine respiratory health, I am not persuaded on the evidence before me that such theoretical risks would translate into harm in the context of this proposal. The measures adopted by the HRI to manage air quality—such as waxed gallops or influencing nearby agricultural practices—do not alter my findings given the differences in context to the appeal scheme.
62. Accordingly, there is no suitably compelling evidence before me to find that the appeal proposal would have adverse effects on the health or performance of racehorses. Nevertheless, even if the proposal would not harm equine health, the perception of harm is still capable of undermining Lambourn's HRI. For example, perceptions of environmental risk may lead to reputational damage to Lambourn

as a centre of excellence and resultant decline through the area becoming unattractive to owners or trainers.

63. The appeal site lies beside the heavily trafficked M4 motorway and in close proximity to existing industrial operations within the Membury Industrial Estate, which is itself planned for expansion. The proposed development would therefore be perceived in the context of these established uses. Owing to its scale, the local topography, and surrounding built and vegetated features, only very limited and distant views of the plant would be available from training grounds, studs or public vantage points, and even these would likely be read alongside other industrial activity.
64. Fuel combustion and transport are already significant contributors to PM levels in the UK. The existing motorway and nearby industrial uses already influence local air quality and likely perceptions of it. The HRI has continued to operate successfully in Lambourn despite these influences. Although these existing influences may be known to the HRI, I still consider them to demonstrate that elite horseracing practices can function effectively nearby to environments where air quality perceptions may be suboptimal.
65. The thoroughbred industry in Lambourn is long-established. Given the extensive land requirements, the concentration of specialist facilities and expertise, and deep-rooted historical ties, I consider it unlikely that the HRI is a highly mobile industry. While some ultra-high-net-worth owners who use Lambourn-based trainers may have the means to relocate their horses with relative ease, such decisions are nevertheless unlikely to be made lightly or without compelling justification.
66. Additionally, interested parties have repeatedly emphasised that Lambourn is second only to Newmarket as a national centre for elite racehorse training. The appellant, however, draws attention to the presence of a longstanding asphalt plant on the edge of Newmarket, located close to several horseracing studs, and notes that its existence did not give rise to concern from the Jockey Club when commenting on a nearby planning proposal for a racehorse training facility¹⁰. The circumstances of that case and the precise spatial relationship between the plant and Newmarket's training and breeding establishments are not directly comparable to the proposal before me. The example nevertheless indicates that asphalt plants can operate in proximity to a major horseracing centre without adversely affecting perceptions of the area's suitability to host the HRI, or resulting in evident harm to its vitality and viability.
67. Overall, I do not doubt the sincerity of the concerns raised by interested parties, but I do not find them to be supported by significant merit. Nor am I persuaded that any perceived harm arising from the development would result in the adverse outcomes suggested by interested parties or the Council, including negatively impacting on the long term vitality and/or viability of Lambourn's HRI as a whole.
68. Accordingly, on the evidence before me, I find that the proposed development would not materially harm the local racehorse industry. The scheme therefore complies with Local Plan Review Policy DM37¹¹.

¹⁰ At Meddler Stud, Bury Road, Kentford, Newmarket

¹¹ At the hearing this policy was agreed between main parties as being the most important policy in respect of this main issue, in light of the Local Plan Review superseding previous Core Strategy Policies and a Saved Policy of the West Berkshire District Local Plan that were identified on the Council's decision notice

Other Matters

69. I do not have the full background details of the Whitewall decision¹² that has been put before me. Nevertheless, it is clear from the decision that the scheme considered there differed materially to the current proposal. This includes the precise planning policy contexts, the scale of the asphalt plants, the site circumstances, and the reasons for refusal/dismissal.
70. Notably, the Inspector in the Whitewall case found that the asphalt plant would generate visible emissions close to the nearby town. That scheme also involved a significantly higher proportion of HGV movements, with the cumulative effects of additional traffic deemed unacceptable and likely to alter the character of the road serving several nearby training yards. The Inspector also concluded that such effects could reasonably be perceived by racehorse owners as grounds to relocate. While my conclusions differ, the contextual differences between the two schemes justify an alternative view in this instance.
71. Reference has also been made to other national and international decisions where industrial processes have been refused near equine facilities; however, the very limited details supplied prevent any meaningful comparison with the present appeal.
72. The appeal site lies within the North Wessex Downs National Landscape¹³ (the National Landscape). The statutory purposes of National Landscapes include conserving and enhancing the natural beauty of the area of outstanding beauty. The Levelling-Up and Regenerations Act 2023 (the LURA) amended the duty on relevant authorities in respect of their functions to “seek to further” the statutory purposes of Protected Landscapes.
73. The National Landscape is protected for its natural beauty, including its landform, geology, biodiversity, landscape features, and patterns of human settlement. The site lies within the Landscape Character Area 2C ‘Lambourn Wooded Downs’ (the LCA) as identified within the North Wessex Downs AONB Integrated Landscape Character Assessment (2002). Key characteristics of the LCA relate to its rural character, including the strong rolling chalk plateau landform, mosaic of woodland/mixed arable and pasture farmland as well as field and settlement patterns.
74. I do not find the appeal scheme to constitute major development in the National Landscape, as per paragraph 190 and footnote 67 of the Framework, or as echoed under Policy SP2 of the Local Plan Review. As such, the appellant is not required to demonstrate its need, that there are more suitable site for the proposal or exceptional circumstances as to why it should be allowed in the public interest.
75. Despite being located within the National Landscape, the site’s degraded condition, long-established industrial character, and its setting among commercial uses and the M4 mean that it does not reflect the key characteristics of the wider protected landscape or make a positive contribution to it. Additionally, the containment of the site provided by the surrounding industrial development, as well as a high level of vegetation cover and surrounding undulating landform, means that the proposed plant will not be unduly prominent nor detract from the

¹² Appeal Reference: APP/P2745/A/15/3002825 - Whitewall Quarry, Whitewall Corner Hill, Norton, Malton, North Yorkshire YO17 9EH (Decision Date 25 August 2015).

¹³ Formerly referred to as the North Wessex Downs Area of Outstanding Natural Beauty.

surrounding landscape. This is consistent with the findings of the appellant's LVIA and the Council's Landscape Officer.

76. Indeed, the detailed LVIA leads me to find that the proposal will not result in harm to the character and appearance of the area or the National Landscape. The proposed on-site landscaping would also provide minor localised enhancement. I am therefore satisfied that the proposal accords with the requirements of Policy SP2 of the Local Plan Review and the duty under the LURA.
77. The LVIA also identifies a small number of heritage assets within the study area. However, given the substantial separation distances, the limited intervisibility, the absence of any clear historical associations, and the site's established industrial and commercial context, the proposal would not adversely affect the setting or significance of designated heritage assets.
78. There is no robust evidence that the proposal would harm tourism. Conditions restricting operational and delivery hours would also prevent conflict with public events held on Bank Holidays.
79. The ecological appraisal, supplemented by a 2024 update, identifies on-site habitats as being of negligible value, with limited potential for protected or notable species, reflecting that the site is largely unmade ground.
80. Although the scheme predates the mandatory biodiversity net gain (BNG) requirement¹⁴, Policy 20 of the MWLP seeks to conserve and enhance biodiversity and sets an expectation that new developments should provide BNG. The appellant has submitted a BNG metric and supporting information that demonstrates a >10% BNG could be achieved at the site. I am satisfied that this could be suitably secured through a pre-commencement condition requiring the approval of a landscape ecology management plan.
81. The site lies outside the River Lambourn SAC nutrient neutral zone but within the impact risk zone of the Cleeve Hill SSSI. Natural England raises no objection and confirms that the proposed development would not have any significant adverse impacts upon statutorily protected nature conservation sites or landscapes. I have no suitable reasons to reach an alternative view. Additionally, no objections to the scheme have been received from the Council's ecology team, or the Environment Agency, whilst the plant would also need to comply with a separate environmental permitting process.
82. In light of the above, and with no robust evidence to the contrary, I find that the proposal would not harm biodiversity. Meanwhile, no suitable evidence has been provided to demonstrate the proposal would lead to a conflict with the Animal Welfare Act.
83. The nearest residential property is set slightly over 100m from the appeal site. It is physically separated by the M4 and located alongside other industrial/commercial uses. A noise assessment prepared in accordance with BS 4142 '*Methods for rating and assessing industrial and commercial sound*' concludes that the development would not give rise to significant adverse noise impacts. Again, although somewhat dated, the noise assessment has been reviewed in light of current policy and site conditions, and its authors detail that the conclusions

¹⁴ As per Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

remain valid. With operational hours controlled by condition, I am satisfied there would be no unacceptable harm to neighbouring living conditions in respect of noise arising from the proposed operations at the site.

84. Given my earlier conclusions on the AQA, and subject to conditions that would secure adherence to the submitted details, the proposal would not harm neighbouring amenity in respect of air quality.
85. Odour emissions from asphalt production are typically associated with the release of volatile organic compounds (VOC), primarily arising from the heating, storage, and transfer of bitumen. Evidence has been provided that the plant incorporates modern, industry-standard design measures that significantly reduce VOC generation and release, whilst no compelling evidence has been provided to indicate that significant odour effects would arise.
86. Due to the negligible increase in traffic compared to existing baseline conditions, I am also satisfied that the proposal would not cause harm to the character of the area through increased traffic. It would also not materially harm the living conditions of residents in the surrounding area, including through noise and smells associated with increased vehicle movements.
87. All development inevitably results in some degree of environmental impact. No suitably detailed evidence has though been presented to find that the proposal would result in undue environmental harm or result in the significant effects claimed by interested parties.
88. I therefore find that the proposed development would also comply with Policy DM5 of the Local Plan Review and Policy 26 of the MWLP, which together seek to protect public health, the environment and the amenity of occupants of neighbouring land.
89. The appeal site lies within Flood Zone 1 (low risk of flooding). The proposed drainage strategy for the site has been demonstrated to be capable of collecting treating and safely disposing of all surface and foul water within the confines of the site through utilising a combination of interceptors, soakaways, septic tanks, and drainage fields. Subject to verification and construction-phase controls that can be secured via conditions, I therefore find that the proposal would not increase flood risk or harm water quality.
90. The site lies outside, but adjacent to, the DEA. The proposed use though would be commensurate with the surrounding industrial estate. Given this relationship, the site's planning history, and my findings above, I consider it a suitable location for the proposal. Whilst through the use of previously developed land of lower environmental value, the proposal would align with the spatial strategy outlined under Policy SP1 of the Local Plan Review.
91. There is no policy requirement to demonstrate demand or need for the scheme. Even if the proposed plant is capable of greater output, the appeal is assessed on the proposal submitted, including the stated production limit, which can be secured by condition. No suitable evidence has been provided to substantiate claims that the proposed output would be economically unviable. Any future application(s) seeking expansion of operations would need to be judged on their own merits.

92. The other matters raised in relation to the appeal, individually or cumulatively, do not overcome my above views in respect of the proposal.

Conditions

93. Main parties provided a list of agreed conditions in the event of the appeal being allowed and planning permission being granted. Where necessary, I have made minor amendments to the wording of conditions, in the interests of precision and to accord with the tests of planning conditions as outlined in the Framework. Apart from the standard condition setting out the timescale for commencement of development, the following conditions are also reasonable and necessary:

Pre-Commencement Conditions

- Details of surface water management during the construction process (in the interests of flood risk and water quality)
- Construction Environmental Management Plan (in the interests of biodiversity)
- Landscape and Ecological Management Plan (in the interests of biodiversity)

Prior to Development Above Ground Level or Prior to Operational Use of the Development

- Details of surface treatments (in the interests of the character and appearance of the area)
- Verification of the installed drainage system (in the interest of flood risk and water quality)
- Details of storage of potential pollutants (in the interests of water and soil quality)

Other/ Compliance Conditions

- Compliance with approved plans/drawings (for clarity and certainty)
- Requirement for an updated ecological survey in the event that the development is delayed (in the interests of bio-diversity)
- Restriction on the installation of external lighting (in the interests of biodiversity)
- Requirement for heavy good vehicles carrying aggregates to be sheeted (in the interest of highway safety and the local environment)
- Maintenance of written record of HGV movements (in the interests of highway safety)
- Restrictions on operating and delivery hours (in the interests of the living condition of neighbouring residents)
- Maintenance of records of asphalt exports/receipt of waste (to allow verification as to whether the terms of the permission are being adhered to)

- Restriction on annual asphalt exports from the site (to comply with the terms of the permission and in the interest of highway safety)
 - Restriction on stockpile heights (in the interest of the character and appearance of the site and surrounding area)
 - Implementation of landscaping works (in the interest of the character and appearance of the site and surrounding area)
94. The pre-commencement conditions are necessary because the details must be agreed before any construction takes place, to ensure that works do not otherwise compromise flood risk or biodiversity.
95. It has not been necessary, to attach suggested draft conditions in relation to the materials to be used in the development, provision of biodiversity enhancements, or the maximum height of the plant, as these matters are suitably covered by other conditions to be attached to the permission.
96. Conditions seeking to restrict the use of reversing alarms, the maintenance of vehicles at the site, permitted development rights under Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or requiring the display of the planning permission at the site are not reasonable or necessary to make the development acceptable. A condition restricting when works to vegetation at the site can take place (to protect nesting birds) is not needed as this is appropriately controlled via other legislative requirements.
97. The appellant has set out that as part of the permitting process for the asphalt plant, annual monitoring is required including compliance with relevant air-quality standards. At the hearing, the appellant put forward an additional condition requiring a dust management plan with real-time emissions monitoring. This would allow the Council to request data at any time to confirm ongoing compliance with the air-quality standards set out in the appeal submission. It would also establish protocols for responding to any departures from the plant's stated operating parameters. The appellant stated that this condition was intended to address the concerns raised by interested parties regarding potential air-quality impacts.
98. However, the proposed dust management plan would not serve as a mechanism for securing further evidence in relation to equine health. Rather, it would provide more frequent monitoring than is already required through the plant's separate permitting regime. Despite the Council's reservations about its capacity to interpret any additional data, discussions at the hearing did not persuade me that the suggested condition would achieve its intended aim of alleviating the fears or perceptions of interested parties. Moreover, as I have not found those perceptions to justify refusal of the appeal, such a condition is not necessary.
99. It would also be unreasonable to impose a condition preventing use of the restricted service road. Any unauthorised use would breach existing Traffic Regulation Orders, which are enforceable by the relevant authority. Planning conditions should not duplicate controls already secured through other legislation.

Conclusion

100. For the reasons given above, I find the appeal scheme to comply with the development plan, and there are no material considerations that individually or cumulatively, indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings/documents:
 - Location Plan of Land at Membury, Prepared by Chartland for Putnam Properties;
 - Existing Levels, Prepared by Geomatics, Dated December 2020, Reference SU00485 – SHT01;
 - Block Plan Rev B, Proposed Asphalt Plant Membury Industrial Estate, Prepared by Chartland for Putnam Properties
 - Plan and Elevations Rev A, Proposed Asphalt Plant Membury Industrial Estate, Prepared by Chartland for Putnam Properties
 - Mitigation Strategy, Drawing No. WHL-1181-05 Dated Jan 24, Prepared by WH Landscape Consultancy Ltd for Putnam Properties.
 - Planting Plan V.2, General Notes and Management Prescriptions for Soft Landscaping.
 - Membury Airfield Industrial Estate Asphalt Batching Site, Drainage Layout, Prepared by Ghyston Engineering Ltd, Reference GHY-CTL-01-DWG-10 RevE
 - Membury Airfield Industrial Estate Asphalt Batching Site, Drainage layout, Prepared by Ghyston Engineering Ltd, Reference GHY-CTL-01-DWG-11 RevB,
- 3) No development shall take place until details of how surface water will be managed and contained within the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 4) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) Details of methods outlined in section 5.3 of the Ecological Assessment by Aluco Ecology Ltd. (January 2021)
 - b) Risk assessment of potentially damaging construction activities
 - c) Identification of “biodiversity protection zones”
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - e) The location and timing of sensitive works to avoid harm to biodiversity features

- f) The times during construction when specialist ecologists need to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- i) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be implemented and adhered to throughout the construction period in accordance with the approved details.

- 5) No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP will be implemented in accordance with the approved details.

- 6) No development above ground level shall take place until details of the treatment of the surfaces of the structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 7) The proposed development shall not be brought into use until a verification report demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof) has been submitted to and approved in writing by the Local Planning Authority. The report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SUDs measures thereafter.

- 8) The proposed development shall not be brought into use until a scheme of storage for any chemical, oil, fuel, lubricant and/or any other potential pollutants has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved scheme of storage.
- 9) If the development hereby approved does not commence within 12 months from the date of this permission, a review of the submitted ecological report (Aluco Ecology Ltd. January 2021) shall be undertaken and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. Thereafter, works will be carried out in accordance with the new approved ecological measures and timetable.

- 10) No external lighting shall be installed at the site other than in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.
- 11) No heavy good vehicles carrying aggregates shall enter or exit the site unsheeted.
- 12) A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles. Such records shall contain the vehicles' registration, operating company's identity, and the time/date of the movement. The written record will be maintained on a rolling basis, retained for a period of not less than 12 months. The records shall be made available for inspection by the Local Planning Authority on request.
- 13) No operation in connection with the production of asphalt shall be undertaken on the site except between the following hours:
0700 - 1800 Mondays to Fridays
0700 - 1300 Saturdays
and no such operations or work shall be carried out on Sundays, Public or Bank Holidays.
- 14) Deliveries by HGV to the site will only be carried out between the following hours:
1000 - 1600 Mondays to Fridays
and no deliveries shall be carried out on weekends, Public or Bank Holidays.
- 15) From the commencement of asphalt production/processing at the site, the operator shall maintain records of the monthly exportations of asphalt and receipt of waste. Such records shall be maintained on a rolling basis and

retained for a period of not less than 12 months. The records shall be made available for inspection by the Local Planning Authority on request.

- 16) The total amount of asphalt leaving the site shall not exceed a level of 25,000 tonnes per annum. The operator shall maintain records of the annual quantum of asphalt exported from the site, as well as the details of weekend collections. The records shall be submitted to the Local Planning Authority on an annual basis, and/or made available for inspection by the Local Planning Authority on request.
- 17) The stockpile heights of materials awaiting processing located in the aggregate storage area, as identified on the approved Block Plan Rev B, shall not exceed 5m.
- 18) All landscape works shall be completed in accordance with the Mitigation Strategy, WH landscape Drwg No WHL-1181-05 dated January 2024.

The approved landscaping plan shall be implemented within the first planting season following completion of development.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

APPEARANCES

FOR THE APPELLANT:

Tim Taylor (Khift Ltd) – Planning Lawyer/Advocate

Andrew Turvill (Artland Ltd) – Planning Agent

James Parker (Hub Transport Planning Ltd) – Transport Planner

FOR THE LOCAL PLANNING AUTHORITY:

Michael Butler (Principal Planning Officer)

Paul Goddard (Principal Development Control Engineer, Transport and Countryside)

Simon Till (Team Manager, Development and Planning)

Rachael Lancaster (Place Team Leader)

INTERESTED PARTIES:

Lucy Snowden (Board Member Lambourn Trainers Association)

Yvonne Jacques (Owner Carisbrooke Stud)

Will Riggall (Head of Operations, Jockey Club Estates)

Barbara Yallop (Representing a local Livery/Eventing Business – Dixons Farm)

Dr Pat Sells (Arrowdown Equine Vets)

Martin Grassick (Director Carisbrooke Stud)

Liam Headd (The Racing Post, Lambourn Correspondent)

Anthony King (Chair of the Woodlanders Protection Group)

Bridget Jones (Lambourn Parish Council)

Councillor Howard Woollaston (Ward Councillor West Berkshire Council)

Piers Yeld (Woodlanders Protection Group)

Richard Cosker (RCC Town Planning Consultancy)

Graham Eves (PFA Consulting)

Lucy Drake (Interested Party)

Christian Noll (Local Resident)

Fintan Michael Hearty (Representative of a group of Local Racehorse Owners)

DOCUMENTS

‘Dust Management Plan’ (Suggested draft planning condition from the Appellant)