

**Land bounded by Hoad Way and M4
and High Street, Theale
(*Appeal Ref APP/W03040/W/25/3360702*)**

Appellant's Opening Statement

Introduction

1. This appeal by CP Logistics UK Reading Propco Ltd (“**Panattoni**”) relates to the refusal by West Berkshire Council (“**the Council**”) of its full application to construct 2 logistics buildings within Class E/B2/B8 on land off Hoad Way, Theale (“**the Appeal Site**”).

The Appeal Site

2. The Appeal Site comprise 5.4 ha of land on the edge, but outside, the settlement boundary of Theale. It is bounded to the north-east by the busy M4 motorway (on the other side of which is the Pincents Kiln Industrial Park comprising large-scale retail stores and other uses). To the south-east of the Appeal Site is Junction 12 of the M4 and to the south is the A4 Bath Road (which connects to Junction 12 and separates the Appeal Site from the existing Arlington and Theale Business/Industrial Parks further to the south). To the west is the settlement of Theale and to the north-west is a residential estate.
3. To the north-east of the Appeal Site and on the west side of the M4 is an area of land known as White Hart Meadow. Part of White Hart Meadow comprises a small area of the North Wessex Downs National Landscape which incongruously extends across the M4 motorway. The Council has granted planning permission for a 160-bed hotel on White Hart Meadow and also allocated it as a housing site (Policy RSA13) in the very recently adopted Local Plan Review 2023 – 2041 (“**the LPR**”).

4. The Appeal Site comprises an area of rough grassland but is not in active agricultural use. Existing development on the Appeal Site includes an electricity pylon with power cables passing over the Appeal Site. It is agreed that the character of the Appeal site is heavily influenced by the surrounding road infrastructure which is both audible and visible across the Appeal Site – see para. 2.17 Landscape SoCG. In its Reasons for Refusal, the Council describes it as forming part of the “*semi-rural setting*” to the eastern end of Theale.

Panattoni

5. Panattoni is a very substantial and experienced developer/operator of I&L floorspace. Since 2017, it has delivered 20.3 million sq ft of I&L floorspace with a further 4.7 million sq ft in its pipeline. Worldwide, it has developed more than 625 million sq ft of I&L floorspace. With £750 million of expenditure committed to expanding its portfolio in 2024 Panattoni has invested over £3 billion into the UK. It provides 1000’s of jobs and 100’s of £millions to the economy.
6. The Appeal Site has been carefully chosen by Panattoni with all its experience for its excellent attributes as an I&L site. If the appeal is allowed, the proposed development will be constructed and deliver grade A space by January 2027 to help meet the need for such space in the District (and wider area). Panattoni has already been approached by potential occupiers who have only been deterred because of the slow planning process. It is exactly this kind of development the Government wishes to encourage to improve the UK’s economic growth.

The Development Plan

7. Although the Council refused the application as being contrary to certain policies in the West Berkshire Core Strategy 2006-2026, that plan has been superseded by the very recently adopted LPR and it is against the policies in

the LPR that the proposed development needs to be assessed. There is no relevant neighbourhood plan.

8. The proposed development has also to be considered in the context of the December 2024 NPPF and the various ministerial and other government statements stressing the importance of growing the national economy and creating jobs. Thus para. 85 NPPF states that significant weight should be given to “*the need to support economic growth and productivity*”.

Issues

9. As agreed at the CMC on 23rd April 2025, the main outstanding issues arising from the Council reasons for refusal of the application to be determined at the Public Inquiry are:-
 - (1) the principle of the proposal and employment land supply;
 - (2) the effect of the proposal on the conservation area; and
 - (3) the effect of the proposal on the character and appearance of the area.
10. In addition, it will be necessary to consider the planning merits of the proposed development within the context of the overall planning balance.

Issue 1 – (a) principle of the proposed development; and (b) employment land supply

11. Issue (1) is concerned with two linked but discrete matters: (a) the principle of the proposed development on the Appeal Site; and (b) the employment land supply.

Issue 1(a) – principle of the proposed development

12. Theale lies with the Eastern Area as defined by the LPR. Notably, the LPR recognizes that the Eastern Area has significant constraints including the National Landscape and extensive areas of floodplain. The Atomic Weapons Establishments at Aldermarston and Burghfield have extensive Detailed

Emergency Planning Zones (“**DEPZs**”) that limit development. There are limited opportunities to redevelop brownfield sites – see para. 4.14 & Fig. 3 Key Diagram LPR. The Eastern Area is important for business development – Policy SP1 LPR.

13. Within the Eastern Area, Theale is identified as a Rural Service Centre by Policy SP3 LPR. As a Rural Service Centre, it is recognized to have a good range of key services, to serve a wide catchment area and to contain reasonable accessibility/regular public transport to a number of destinations Table 1 LPR. Theale has a railway station (within 900m of the Appeal Site) providing regular services to Newbury, Reading and London Paddington; and a half-hourly bus service every day to Reading Town Centre, Calcot, Thatcham and Newbury. Calcot, on the other side of the M4 to Theale, is identified as an Urban Area by the same policy.
14. Policy SP17 LPR sets out the Council’s approach to employment land and provides that (emphasis added):-

“Through the LPR the Council will seek to facilitate the growth and forecasted change of business development over the plan period through site allocations and by promoting the supply of office and industrial space across the District to meet the identified needs. For the plan period 2023 to 2041 there is a requirement across the District for a minimum of 57,531sqm (NIA) of office space and minimum of 98,196sqm (GIA) (24.5ha) of industrial space.”

15. Policy SP17 LPR expressly provides that proposals for business development (including industrial and storage & distribution) will be supported where they are located on sites identified in SP17a-e including “*within the countryside provided the proposal is in accordance with other policies within the plan, in particular policy DM35*”. Policy SP17 also expressly encourages a “*range of types and sizes of employment sites and premises... throughout the District*” and imposes a general requirement that it should be “*of a high quality design and in keeping with the surrounding environment*”.

16. Policy DM35 LPR also expressly encourages development that contributes to sustaining a prosperous rural economy subject to meeting the criteria in DM35a – i. The Statement of Common Ground does not identify DM35 as a policy which the Council considers the proposed development to be contrary to – see para. 5.19 SoCG [CD/7]. This is unsurprising because it is agreed, amongst other things, that:-
- (1) the Appeal Site is well-positioned with the existing highway, with direct proximity to Junction 12 M4 and the Bath Road – see para. 6.6 SoCG;
 - (2) there are footways from the Appeal Site providing access to the good range of shops, services and facilities in Theale – see paras. 6.7 & 6.8 SoCG;
 - (3) the Appeal Site is accessible by public transport with bus stops within 200m and the train station 900m from the Appeal Site and is sustainably located – see paras. 6.9 & 6.10 SoCG;
 - (4) the proposed development will not have any adverse impact on highway capacity or safety – see paras. 6.16 & 6.20 SoCG;
 - (5) the Appeal Site is not in an isolated location – see para. 6.12 SoCG;
 - (6) although the Appeal Site is outside of the settlement boundary, Policy SP1 LPR does not preclude development outside of settlement boundaries – see para. 6.13 SoCG;
 - (7) there is no objection on flood risk grounds, the proposed development meets the requirements of para. 181 NPPF and has passed the sequential test – see paras. 6.22 – 6.28 SoCG;
 - (8) there is no requirement to provide biodiversity net gain but it will compensate for any residual loss of habitat and there is no objection on ecology grounds by the Council – see paras. 6.30 – 6.33; and
 - (9) the proposed development will not have any detrimental impact on the amenity of local residents from noise, air quality or otherwise – see paras. 6.36 & 6.40.

17. Indeed, the only issue the Council has stated it disagrees with as regards Policy DM35 is whether the proposed development will contribute to the “rural economy” – see para. 7.5 SoCG.

Issue 1(b) – supply of employment land

18. The term “employment land” encompasses both office and industrial/logistics land. This appeal is only concerned with industrial/logistics land (often referred to as “**I&L**”).
19. The Council has allocated six sites to “*facilitate the growth and forecasted change in industrial land over the plan period to 2041*”. Between them, the allocated sites only provide for approximately 68,790 sqm of floorspace against a need for a minimum for 98,196 sqm of industrial land, leaving a shortfall of circa. 29,000 sqm. However, because Site ESA2 has already been granted planning permission, there is an element of double counting and the shortfall, on the Council’s own case, is at least 40,000 sqm – see paras. 2.1 – 2.6 Pestell’s PoE. As described by the LPR Examiner, “... *it is clear that there is a significant shortfall between the amount of employment land that the Plan identifies and the amount of land needed*”.
20. It is also agreed that that (1) there are no other sites within the LPR that would meet the identified shortfall; and (2) the Council did not promote any other sustainable site through the LPR that could meet the identified shortfall – see paras. 2.9 & 2.10 of the Employment SoCG. The Council has no solution to how the shortfall can be met other than to undertake an “*early review*” of the LPR. No timescale is put on that. The Council accepts that the proposed development would contribute towards meeting the need for industrial land. Indeed, it gives significant weight to that fact – see para. 5.3 Kirk’s PoE.
21. The fact that there is an agreed shortfall of industrial land against Council’s own estimate of need in the LPR makes the dispute between the Appellant and

the Council as to how the need for industrial land should be quantified and what the true need figure is somewhat academic. The issue arising from the Council's assertion in Reason for Refusal 1, i.e. that it has a supply of employment sites "for the next 10 years", is whether the sites the Council is relying on are likely to deliver in the short term the industrial floorspace the Council accepts needs to be provided. It is for this reason that the issue agreed by the parties at the CMC is the supply of employment land and is where the focus of the Inquiry should be. It also underlines the speciousness of the Council's protests about the Appellant's evidence on supply.

Issue (2) – the effect of the proposal on the Conservation Area

22. The Appeal Site falls within the setting of the Theale High Street and Blossom Lane Conservation Area ("**the Conservation Area**") and a very small area of the eastern part of the Appeal Site also falls within the Conservation Area.
23. The setting of conservation areas is not statutorily protected.
24. The Council's Reasons for Refusal assert that the proposed development will have a negative impact on the setting of the Conservation Area and result in the loss of legibility to the eastern part of the Conservation Area. It accepts that the alleged harm will be less than substantial but within that scale assesses the harm to be "*Moderate/High*". The Appellant has acknowledged that there will be some harm to the significance of the Conservation Area but assesses that harm to be in the 'middle' of the less than substantial harm spectrum. Thus, the difference between the Council and the Appellant in terms of the harm to the Conservation Area is small. In any event it is outweighed by the substantial public benefits.
25. In coming to their respective positions on the level of harm, the Council and Appellant have agreed that:-

- (1) the Appellant's Heritage Statement correctly assessed the significance of the Conservation Area and its setting, including the Appeal Site's contribution to the Conservation Area's significance – see para. 2.18 Heritage SoCG;
- (2) the impact on the significance of the Conservation Area is caused by the change to the Appeal Site as part of the Conservation Area's setting – para. 2.20 Heritage SoCG;
- (3) the proposed works on that small part of the Appeal Site within the Conservation Area will preserve the character and appearance of the Conservation Area – see para. 2.21 Heritage SoCG; and
- (4) the traffic movements associated with the proposed development passing through the Conservation Area will preserve the Conservation Area's character and appearance – see para. 2.22 Heritage SoCG.

Issue 3 - the effect of the proposal on the character and appearance of the area

26. There are two aspects to this issue: (a) the effect on the character and appearance of Theale; and (b) the impact on the landscape, including the National Landscape, and visual receptors.

Issue 3(a) – the effect on the character and appearance of Theale

27. Theale and its surroundings are much changed by modern development comprising mixed business, including business/industrial parks, the M4 motorway infrastructure and modern housing such that the surrounding historic field-pattern has been lost. The addition of the proposed development on the Appeal Site will not alter that position.
28. A particular concern of the Council's is that developing the Appeal site will adversely affect the separate identities of Theale from Calcot and degrade the approach as a 'gateway' into Theale. That is incorrect. It is agreed that Calcot, on the other side of the M4, is not visible from the Appeal Site (para. 2.18

Landscape SoCG). Moreover, the Appeal Site is clearly associated with Theale and not Calcot. That position will not change and the M4 motorway and associated planting will continue to provide physical and visual separation between the two settlements.

Issue 3(b) – the impact on the landscape, including the National Landscape, and visual receptors

29. It is agreed that the Appeal Site:-

- (1) is not covered by any landscape designation – para. 2.5 Landscape SoCG;
- (2) is not a valued landscape for the purposes of the NPPF – see para. 3.3 Landscape SoCG; and
- (3) has a Medium-Ordinary landscape value, a Medium susceptibility to change and a Medium landscape sensitivity – see para. 2.21 Landscape SoCG.

30. It is further agreed that the Appellant’s LVIA accords with the approach set out in GLVIA 3 and that the receptors (landscape and visual) represent the key receptors – see paras. 3.2 and 3.4 Landscape SoCG. The visualisations produced by the Appellant at Appendix 2 to the Landscape SoCG comply with the technical guidance – see para. 3.8 Landscape SoCG. The differences between the parties in terms of the landscape and visual effects are set out in the table at Appendix 1 to the Landscape SoCG, notably it agreed that “*the impacts on the wider countryside away from the Appeal Site would be very limited*” – see para. 3.5 Landscape SoCG.

31. As regards the National Landscape, it is Panattoni’s position that there will be minor adverse landscape effects in Year 1 reducing to a negligible effect by Year 15 and that there will be no adverse visual effects on the National Landscape at Years 1 or 15. This reflects the fact that there are no public viewpoints of the Appeal Site from the National Landscape and it an agreed position that “*most of [the National Landscape] lies to the east of the M4 but a narrow*

slither extends to the west of the M4 and falls c.20m to the north of the Site at its closest point. This part of the National Landscape is not publicly accessible, and the structure of the landscape is different to, and separated from, the pattern of undulating irregular fields, woodland belts and parkland seen in the wider parts of the National Landscape to the northeast and northwest of Theale’ – see para. 2.6 Landscape SoCG.

Planning balance

32. Panattoni’s position is that the proposed development is in accordance with the LPR read as a whole. It will contribute towards meeting an identified need in a location that is accepted to be suitable for I&L development and in circumstances where the allocated sites in the LPR are unable to do so. It is sustainable development with limited adverse impacts on heritage assets and the landscape. The economic benefits in terms of jobs and investment are exactly what the Government wishes to encourage and are very substantial. Even if the proposed development was contrary to the LPR read as a whole, there are material considerations which very clearly indicate that the appeal should be allowed and that planning permission should be granted.

Dated 17th June 2025

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