

West Berkshire Local Plan Review 2022-2039 (LPR) Examination

West Berkshire Council response to AP63

DM37 Horseracing industry

AP63. Council, in liaison with the Lambourn Trainers Association, to propose modification to policy DM37 and reasoned justification to:

- Ensure it is effective with regard to protecting existing horseracing establishments and facilities, including through consideration of whether the “suitability” and “necessity” tests are justified and appropriate⁴.
- Address the issue of protecting supporting services, facilities and infrastructure.
- Clarify the approach to residential development in the countryside essential to support the horseracing industry, and the relationship with policy DM23 (including the use of planning conditions to ensure such housing is protected for occupation by rural workers).
- Address the issue of assessing the potential impact of development (in a broadly defined geographical area around Lambourn) on the operations of the horseracing industry.

⁴ Bearing in mind that other policies in the Plan, including SP20 and DM35, seek to protect existing business uses without such “suitability” and “necessity” tests.

Council response

The Council and the Lambourn Trainers Association have agreed the following proposed modifications to policy DM37 and its supporting text:

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
	220-221	Policy DM37	<p><i>Amend the first paragraph of the policy as follows:</i></p> <p>‘Proposals for <u>all</u> equestrian development that help to strengthen the rural economy and increase opportunities for people to enjoy the countryside in a sustainable way, will be supported.’</p> <p><i>Amend the third paragraph of the policy as follows:</i></p> <p>‘In all cases, proposals will be expected to demonstrate the adequate provision of land to allow for the proper care of horses, including stabling, grazing and exercise, in accordance with the Equine Industry Welfare Guidelines, and the British Horse Society standards <u>or the British Horseracing Authority as appropriate.</u>’</p> <p><i>Amend the North Wessex Downs AONB Horseracing Industry section of the policy as follows:</i></p>	In response to the Inspector’s Action Point AP63 contained within IN27 .

			<p>‘Whilst conserving environmental quality and countryside character, the horseracing industry in the AONB will be maintained <u>protected</u>, and its sensitive growth will be allowed for. Within this context:</p> <ul style="list-style-type: none"> i. Suitable existing establishments or facilities are expected to be retained and <u>Re-development or conversion of those establishments away from uses essential to the horseracing industry will be subject to the tests of both suitability and necessity outlined in the supporting text to this policy;</u> ii. Permanent fragmentation will be resisted; and iii. Re-development away from uses essential to the horseracing industry will be subject to the tests of suitability and necessity outlined in the supporting text to this policy. Proposals for associated new residential accommodation in the countryside will be permitted <u>in accordance with policy DM23</u> where genuine need is suitably demonstrated through a business case and accommodation cannot be reasonably secured within existing settlements;. iv. <u>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; and</u> v. <u>Proposals for related development such as those providers of goods and services to the industry will be supported and considered in accordance with Policy DM35.</u> 	
221-223	Paragraphs 12.36 12.46 12.50 12.51 12.55		<p><i>Amend the supporting text to policy DM37 as follows:</i></p> <p>‘12.36 Whilst this policy sets out the Council’s approach specifically to equestrian development, <u>it also makes clear that</u> proposals for related development such as those providers of goods and services to the <u>horseracing</u> industry will be considered in accordance with Policy DM35.’</p> <p>‘12.46 The policy aims to allow for <u>the protection and</u> sensitive development and growth of the horseracing industry whilst conserving environmental quality and countryside character....’</p> <p>‘12.50 In terms of interpreting the policy, existing</p>	In response to the Inspector’s Action Point AP63 contained within IN27 .

			<p>establishments or facilities includes land and buildings relating to the horseracing industry, including residential development. <u>The policy makes clear that re-development or conversion of those establishments away from uses essential to the horseracing industry will be subject to the tests of suitability and necessity given the importance of the industry to West Berkshire and the Lambourn Valley in particular. It is considered important to adopt such an approach in order to protect and sensitively grow this specialist industry whilst responding to its unique characteristics.</u></p> <p>‘12.51 The policy aims to allow for <u>the protection and</u> sensitive development and growth of the horseracing industry whilst conserving environmental quality and countryside character. the key factors to consider will be:</p> <ul style="list-style-type: none"> a. — The location of the site relating to the form and character of the settlement; b. The existing range of facilities on the site and their adequacy for the purpose of training and/or breeding horses, or their capability for adaptation to meet such needs; <u>and</u> c. The availability of and access to (including the potential for improved access) suitable gallops and training areas; d. — The impact on local roads including the safety of horses and riders and traffic using the highway; and e. The availability of sources of labour and the accommodation of personnel on site or in the locality. <p>‘12.55 Whilst racing charities <u>and training yard owners</u> provide some subsidised <u>low cost</u> and/or hostel accommodation in the area, it is recognised there is still a specific need for affordable single person accommodation in Lambourn. <u>The policy makes clear that proposals for associated new residential accommodation in the countryside will be permitted in accordance with policy DM23. In accordance with that policy, the occupation of any residential accommodation will be restricted by a planning condition or legal agreement to rural workers involved in the day-to-day operations of the horseracing industry.</u></p>	
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A tracked changed version of the policy and its supporting text is attached at Annex A.

ANNEX A**Policy DM37****Equestrian and Horseracing industry****Equestrian Development**

Proposals for all equestrian development that help to strengthen the rural economy and increase opportunities for people to enjoy the countryside in a sustainable way, will be supported.

Proposals for the development of equestrian facilities, whether domestic or commercial, will be permitted where it satisfies the following criteria:

- a. Is appropriate in terms of siting, scale, massing, character and appearance and level of activity;
- b. Re-uses existing buildings wherever feasible and viable;
- c. Where new buildings are proposed there are no existing buildings within the site or in proximity that might reasonably be used instead of the proposal, and no buildings have been disposed of, or converted to a residential use in the previous 3 years which could have met the needs of the development proposed;
- d. Locates new buildings, stables, yard areas and facilities adjacent to existing buildings provided they respect the amenities and activities of surrounding properties and uses;
- e. Responds positively to the character of the landscape, its historic context and its setting in the wider landscape;
- f. Is well located to existing utilities and transport infrastructure, including vehicular and field access, tracks and bridleways;
- g. Provides new or supplementary landscape features including planting and hard landscape features and boundary treatments, consistent with local character;
- h. Does not have an adverse detrimental impact on the amenity of neighbouring properties and the wider local area by reason of noise, lighting, smell, dust, nutrient pollution, overlooking, or other general disturbance;
- i. Demonstrates appropriate safeguards to prevent the pollution of ground and surface water; and
- j. It would not generate traffic of a type or amount inappropriate for the rural roads, byways or restricted byways affected by the proposal or require improvements to these roads, byways, or restricted byways which could be detrimental to their rural character and/or use by motorised and non-motorised traffic.

In all cases, proposals will be expected to demonstrate the adequate provision of land to allow for the proper care of horses, including stabling, grazing and exercise, in accordance with the Equine Industry Welfare Guidelines, ~~and~~ the British Horse Society standards or the British Horseracing Authority as appropriate.

Particular consideration will be given to the cumulative effects of proposals on the local area and the wider landscape and environment.

North Wessex Downs AONB Horseracing Industry

Whilst conserving environmental quality and countryside character, the horseracing industry in the AONB will be ~~maintained~~ protected, and its sensitive growth will be allowed for. Within this context:

- i. Suitable existing establishments or facilities are expected to be retained and Re-development or conversion of those establishments away from uses essential to the horseracing industry will be subject to the tests of both suitability and necessity outlined in the supporting text to this policy;
- ii. Permanent fragmentation will be resisted; ~~and~~
- iii. ~~Re-development away from uses essential to the horseracing industry will be subject to the tests of suitability and necessity outlined in the supporting text to this policy.~~ Proposals for associated new residential accommodation in the countryside will be permitted in accordance with policy DM23 where genuine need is suitably demonstrated through a business case and accommodation cannot be reasonably secured within existing settlements;
- iv. 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; and
- v. Proposals for related development such as those providers of goods and services to the industry will be supported and considered in accordance with Policy DM35.

Newbury Racecourse

Newbury Racecourse's viability as a major tourist attraction and economic driver will be maintained and future development proposals will have a positive impact upon the ability of the Racecourse to continue operations as normal and potentially expand in the future. Proposals within and adjacent to Newbury Racecourse will be design and community led to secure high quality sustainable development that is sensitive to the environmental quality and historic character of the area.

Supporting text

12.35 Equestrian activities and related development, and the horseracing industry are characteristic features of West Berkshire and are of particular importance to the rural economy.

12.36 The policy recognises the important links between the various aspects of the equestrian industry and the shared facilities and infrastructure that support it, such as veterinary practices, institutions providing social and medical support, specialist retailers and equipment suppliers, farriers and horse transporters, horse feed

merchants, livery yards and riding schools which cater to both commercial and more recreational markets. Whilst this policy sets out the Council's approach specifically to equestrian development, it also makes clear that proposals for related development such as those providers of goods and services to the horseracing industry will be considered in accordance with Policy DM35.

12.37 Within an overall context of development restraint in the countryside the policy encourages proposals that help to strengthen the rural economy and increase opportunities for people to enjoy the countryside in a sustainable way.

12.38 Land used for equestrian activities such as grazing land, stables, field shelters and other equine buildings, gallops and access routes, can all impact on both the visual and physical nature of the environment. It is particularly important that development proposals are in keeping with the character and appearance of the local area and prevent the spread of the built form in the countryside and AONB and this will be expected to be addressed through good quality design.

12.39 Wherever viable, existing buildings should be re-used to avoid additional buildings in the countryside. The location of new buildings like stables, field shelters, and tack storage can easily change the character of an area and should be kept to a minimum. The layout of buildings should seek to contain and enclose yard areas for storage, parking and other activities. The management of manure and waste should take account of the amenities of the neighbouring uses as well as environmental protection requirements.

12.40 Equestrian development such as new barns and manèges should be sensitively lit. Development that would impact on dark night skies such as barns with extensive glazing and roof lights, floodlit manèges and other intrusive lighting may not be permitted. Sites that are well located to the bridleway network can provide good recreational opportunities.

12.41 Private stables and loose boxes can have a detrimental visual impact on the character of the countryside particularly where there is an accumulation of other items such as jumps and equipment such as horse boxes. This visual impact may be further compounded if a field has been divided up into a number of horse paddocks, each with an accumulation of equipment. The cumulative impact of proposals will therefore also be taken into account.

12.42 Proposals for the conversion to residential use of existing disused or redundant buildings in the countryside formerly used for equestrian activities will be considered in accordance with policy DCM25 except where special justification is made in relation to the horseracing industry as set out below.

12.43 New field shelters and stables erected for leisure purposes will not normally be considered suitable for conversion to residential purposes or commercial purposes. If they are no longer required for the accommodation of horses it is expected that the buildings will be removed. Where necessary, planning conditions or planning obligations will be used to control the permission.

12.44 The policy makes clear that proposals for equestrian development will need to

provide appropriate safeguards to prevent the pollution of ground and surface water. Any applications which lie within the Nutrient Neutrality Zone of the River Lambourn or the River Test, as shown on the Policies Map, will need to provide sufficient information, including appropriate nutrient budget calculations, to show how any net increase in phosphorous/nitrogen will be mitigated to achieve nutrient neutrality.

North Wessex Downs AONB Horseracing Industry

12.45 The North Wessex Downs AONB is home to around 10%⁽⁴⁷⁾ of Britain's racehorse trainers and the Lambourn area is a nationally important centre of activity for the horseracing industry second only to Newmarket. The horseracing industry is one of the strongest rural industries in the district, employing over 700 people and contributing £22 million each year to the economy. Substantial investments in recent years, including the upgrading of the public gallops by the Jockey Club Estates and other training yards, has also enhanced Lambourn's status within the industry. The industry has long been a fundamental part of the character of Lambourn and the surrounding villages with the Lambourn Valley sometimes referred to as 'The Valley of the Racehorse'. The traditional gallops landscape and views of racehorses training are valued features of the character of the area.

12.46 The policy aims to allow for the protection and sensitive development and growth of the horseracing industry whilst conserving environmental quality and countryside character. This includes the built and natural form, and social and economic aspects such as the influence of the horseracing industry as part of the local economy which gives Lambourn its unique character. Outside of settlements, preference will be given to proposals that seek to locate within valleys and avoid development on hilltops or ridgelines. Equine buildings on sites which are open, exposed, elevated or sloped are likely to have particular landscape impacts that may make it difficult to achieve sensitive design solutions.

12.47 The policy aims to prevent pressure for redevelopment of existing facilities to other uses, and fragmentation of existing sites. These pressures could lead to the decline of the industry locally, threaten the character and form of settlements, and increase pressure for replacement facilities in environmentally sensitive areas. Protecting training yards from development for alternative uses is particularly important in difficult times for the Industry.

12.48 The variety in yard sizes is an important feature for the industry in this area and this can help support the start-up of new trainers. Throughout a trainer's career they will require different sized yards at different times for a variety of reasons, and a range of yard sizes allows them to move within the same area, retaining access to local gallops, staff and owners. A small yard could range in size from 10 to 40 horses and could work with as few as six boxes. Given the Rules of Racing⁽⁴⁸⁾, it is difficult to sub-divide yards. As such, spare box capacity does not demonstrate an ability to go without certain individual yards which are important for new trainers and for those who are down-sizing their operations.

12.49 Access to gallops is important for yards and opportunities for improving access routes should be fully explored before a yard is considered for re-use or

redevelopment. In considering access to gallops, a trainer would consider safety of the horses and the time taken to get to the gallops which will depend on the number of horses in training, how many riders are used, and how many outings to the gallops are needed. Some trainers will depend upon the gallops provided and maintained by the Jockey Club Estates.

12.50 In terms of interpreting the policy, existing establishments or facilities includes land and buildings relating to the horseracing industry, including residential development. The policy makes clear that re-development or conversion of those establishments away from uses essential to the horseracing industry will be subject to the tests of suitability and necessity given the importance of the industry to West Berkshire and the Lambourn Valley in particular. It is considered important to adopt such an approach in order to protect and sensitively grow this specialist industry whilst responding to its unique characteristics.

12.51 **Suitability test:** In considering the suitability of existing establishments, the key factors to consider will be:

- ~~a. The location of the site relating to the form and character of the settlement;~~
- b. The existing range of facilities on the site and their adequacy for the purpose of training and/or breeding horses, or their capability for adaptation to meet such needs; and
- c. The availability of and access to (including the potential for improved access) suitable gallops and training areas;
- ~~d. The impact on local roads including the safety of horses and riders and traffic using the highway; and~~
- e. ~~The availability of sources of labour and the accommodation of personnel on site or in the locality.~~

12.52 It is not the intention of the policy to retain training and breeding establishments that are no longer appropriate. The Council accepts that it cannot control the closure of businesses where there is little or no support and which are not economically viable. However, it can ensure that race horseracing industry facilities are not displaced by redevelopment or changes to other land uses without first considering the consequences and potential loss to the industry. It can also ensure that applications for re-use or redevelopment should conserve the character and amenities of the settlement, the landscape and rural quality of the surrounding countryside and not materially harm the availability of local employment opportunities.

12.53 **Necessity test:** Proposals for redevelopment or change of use will need to demonstrate the absence of harm to the horseracing industry through the loss of the existing facility. In order to show that there is no longer a demand for the yard or facility in that particular location development proposals will be required to provide:

- A robust assessment which clearly demonstrates the absence of demand for the existing use and the absence of demand for an alternative horseracing industry related use (which should be the first priority);
- An assessment of the existing contribution that the facility makes to the horseracing industry, or in the case of a vacant site, the last known

- contribution;
- In the case of a derelict/vacant site, an assessment of the reasons for dereliction including a history of the previous uses and the attempts made to reuse it for horseracing industry related uses; and
 - A robust marketing plan, to the satisfaction of the Council, as evidence to show that all reasonable attempts have been made to sell or let the site at a realistic price. Its scope should be agreed with the Council in advance but it would be expected to cover a sufficient period, show that the site has been marketed at an appropriate value and has been advertised in publications that are accessible to the horseracing industry.

12.54 Proposals for fragmentation of existing establishments and facilities should not adversely affect the operational use of the site or the industry as a whole. It is important to retain a supply of yards which are of various sizes to allow for market churn, ensuring the facilitation of start-up businesses as well as established businesses. The loss of a facility should therefore not detrimentally alter the critical balance and/or range of yard sizes available in the area.

12.55 It is acknowledged that there is a need in some circumstances to provide accommodation close to hand in order to provide 24 hour supervision as part of licensing requirements, or for the effective running of an establishment. It is the Council's preference for workers to be accommodated within existing nearby villages, so as to contribute to the overall sustainability of settlements and limit development in the countryside. Whilst racing charities and training yard owners provide some ~~subsidised~~ low cost and/or hostel accommodation in the area, it is recognised there is still a specific need for affordable single person accommodation in Lambourn. The policy makes clear that proposals for associated new residential accommodation in the countryside will be permitted in accordance with policy DM23. In accordance with that policy, the occupation of any residential accommodation will be restricted by a planning condition or legal agreement to rural workers involved in the day-to-day operations of the horseracing industry.

Newbury Racecourse

For Newbury Racecourse, the policy aims to ensure that the Racecourse maintains its status as a premier sporting and major events venue. The policy seeks to allow for sensitive development of the Racecourse and surrounding areas which do not have a negative impact upon the ability of the Racecourse to continue operations as normal or restrain appropriate and sustainable expansion opportunities in the future. The consideration of neighbour amenity will be an important issue when considering development proposals in support of events not related to the horseracing industry.