

Central & Eastern Berkshire Authorities

Hearing Position Statement

Main Matter 3 – Whether the Plan makes adequate provision for the steady and adequate supply of aggregate minerals

Word count: 2773

This Hearing Position Statement should be read in conjunction with the Schedule of Proposed Modifications (MD01).

Issue: Whether the approach made in the Plan for the future supply of minerals would deliver a steady and adequate supply and is therefore positively prepared?

3.1 Is Policy M1 sufficiently clear as to how the overall minerals development strategy is to be applied, in particular, does the strategy provide clarity as to the supply of aggregates?

Policy M1 sets out the strategy for a sustainable supply of minerals. It recognises that not all minerals can be supplied within the Plan area and therefore, the Central and Eastern Berkshire Authorities will need to work with other mineral planning areas to maintain supply. However, it also outlines that the Central and Eastern Berkshire Authorities will play their part in delivery of local land-won sand and gravel through Policy M3, maintaining supply of other minerals through Policy M6 and ensuring that sites for sand and gravel are delivered within the Area of Search through Policy M4.

It is also recognised that the Local Plans for the Central and Eastern Berkshire Authorities form part of the wider Development Plan. Therefore, consideration will also need to be given to the delivery of these Plans and any relevant development strategies. Similarly, these Local Plans and strategies will need to take account of the Joint Minerals & Waste Plan. As such, emerging Local Plans being prepared by the Central and Eastern Berkshire Authorities include, where relevant, the need for mineral resource assessments in relation to proposed non-minerals development allocations.

A meeting was held with Oxfordshire County Council on 04.02.2021 to discuss the issues raised in their Regulation 19 response (REP 26).

The issue of ambiguity in Policy M1 was discussed and it was agreed that the wording should be clarified.

Therefore, proposed Modification (AM26) clarifies that aggregate that is not available are those that are not geologically present within the Plan area. It states further that supply of these aggregates will be explored through Statements of Common Ground.

3.2 Is the basis for the calculation of the future demand for sand and gravel clear in relation to how average annual sales over the last 10 years have been applied?

Yes, please refer to the Minerals: Background Study (HS64).

Para. 5.123 (page 62) outlines that the Local Aggregate Assessment (LAA) rate has been applied to determine the future demand for sand and gravel.

Para. 2.4 (page 11) sets out the requirements of the National Planning Policy Framework in preparing a Local Aggregate Assessment which should be based on a rolling average of 10-years sales data and other local information.

Para. 5.120 (page 61) outlines that the LAA rate applied to determine the required sand and gravel provision in the Joint Minerals and Waste Plan is 0.628 million tonnes which was established in the Central and Eastern Berkshire – Local Aggregate Assessment 2019 (which is based on 2018 data) (HS88).

The LAA was prepared in accordance with the Local Aggregate Assessment – Supplementary Guidance prepared by the South East England Aggregate Working Party (SEEAWP) in 2019 (RD02), Section 3, Para. 3.2 (page 4) of the Guidance sets out suggested sources of data for determining future demand. Alongside past sales, it also suggests the consideration of economic forecasts, population and housing projections and major infrastructure projects.

Section 6 (HS88, page 18) of the 2019 (updated April 2020) LAA sets out the considerations for Future Demand including construction projects and economic forecasts. The economic forecasts (page 19) outline what forecast growth was applied to the 2018 sales figures up to the end of the Plan period (2036). These growth rates were modelled alongside the past sales. The LAA concluded (Para. 6.13, page 20) that the economic forecast modelling supported the 10-year average sales figures.

The 2019 LAA was discussed at the SEEAWP meeting on 14.11.2019 (RD04) (see page 3). No questions were raised regarding the sand and

gravel demand figure or concerns raised. The LAA was 'signed' off by the SEEAWP Chair on 29.12.2019 (RD03).

3.3 Is Policy M3 sufficiently flexible to enable the provision of sand and gravel to meet the potential demands of large-scale unforeseen or currently non-committed future development projects?

Yes, Policy M3 (1) highlights that the provision rate of 0.628 million tonnes a year is expected, subject to a change in local circumstances.

Para. 6.57 outlines that a change of local circumstances could impact demand and provides the example of the proposed Heathrow airport expansion.

Therefore, the rate of provision will be monitored annually through the Local Aggregate Assessment and reviewed every three years to determine whether a different rate is required. Oxfordshire County Council raised concerns that high levels of imports from elsewhere could result in lower land-won sales, and this could in turn lead to a lower forecast of demand within the Plan area. Therefore, proposed Modification (AM32) seeks to clarify that import data will be used to monitor the local circumstance and an additional monitoring indicator is proposed (see proposed Modification AM34) to support this approach. However, it is recognised that import data is only available through the National Collation which is published every 4-5 years. The data is also reported on a Berkshire-wide scale and therefore, will not necessarily provide a complete picture for the Central and Eastern Berkshire area.

This is reiterated in the Monitoring Indicators set out in Para. 6.66. However, it is recognised that the indicators currently seek to address where there is a failure to meet the provision rate within 3 years but that the monitoring of sales exceeding the provision rate is set at 5 years. Therefore, proposed Modification (AM33) seeks to amend the (Threshold) For Policy Review from 5 years to 3 years.

3.4 Is the Plan sufficiently clear as to the quantum of contribution that the allocations for sand and gravel working in Policy M4 will make to the provision of a steady and adequate supply of minerals?

Para. 6.69 of the Plan recognised the need for new sites to meet the forecasted demand. Para. 6.70 then references the sites that are set out in Appendix A.

Each of the mineral extraction allocations set out in Appendix A include the expected yield of each site.

It is recognised that for a complete picture of how the allocations will contribute to supply, the total contribution could be included in Para. 6.70. As such, proposed Modification (AM36) includes this information.

3.5 *How is the requirement for an additional 5.447 Mt of sand and gravel to be met?*

Para.6.70 states that new sites will need to be identified to meet the requirement for the additional 5.447 Mt. Para. 6.70 outlines that allocations have been identified and these are set out in Appendix A (and listed in Policy M4). Para. 6.72 explains that despite the allocations there is still a shortfall and that it is expected that appropriate new proposals will be brought forward by industry which will need to meet the criteria set out in Policy M4 (3). A proposed Modification (AM37) has been made to Para. 6.72 to clarify this approach.

(a) *Should Policy M4 indicate the quantum expected to be delivered from each of the allocations?*

The information is provided in Appendix A, but this information can be provided in Policy M4 for greater clarity. This is set out in proposed Modification (AM38).

(b) *For Site MA1, Appendix A of the Plan suggests that 250,000 tonnes will be delivered, whereas the Minerals Background Study suggests 150,000 tonnes will be delivered. Which is the correct figure?*

The initial figure of 250,000 tonnes was provided by the site nominee. However, subsequent information was received to state that it was not felt appropriate in planning terms to remove the mature tree belt from the site that had been planted over 15 years previously. Therefore, this reduced the expected yield to 150,000 tonnes. The Plan will be corrected to reflect the figure in the Minerals Background Study (HS64) (please see proposed Modification MM12).

(c) *The Plan base date for permitted reserves is the 31 December 2018. The Minerals Background Study refers to subsequent permissions for Poyle Quarry (0.8 Mt) and Water Oakley (1.7 Mt). How is it clear to users of the Plan as to what supply is already taken into account in Policy M4, and therefore what is the scale of the shortfall in supply?*

Policy M4 lists in part 1 those sites that are contributing to supply as existing reserves. This includes both Poyle Quarry (d) and Water Oakley (e).

Para. 6.72 states that despite the new allocations, there is still a shortfall in supply and the Minerals Background Study is referenced.

Para. 5.125 (HS64, page 62) of the Minerals Background Study states that there will be a shortfall and Para. 5.126 outlines that will take effect from 2023. The shortfall is demonstrated in Figure 10 (page 63). The detail behind this figure is not provided as it plots each of the existing sites and allocations and takes into account their existing permissions and reserves or expected start dates of the allocations and their depletion rates (based on the annual throughput). The reserve data of existing operations is commercially confidential data.

The total shortfall is 2.5 Mt as outlined in Para. 5.126.

This figure has not been included in the Plan. Whilst this may present a complete picture in terms of figures, it may be misleading to the user of the Plan that one additional site of 2.5 Mt may result in the provision rate being met. However, this would be dependent on when the site would commence and the throughput of the site. Therefore, proposed Modification (AM35) clarifies the shortfall but also includes the relevant caveats.

3.6 Is the identification of an Area of Search a justified approach to maintain a steady and adequate supply of minerals given the context of the shortfall?

Para. 5.127 (page 63) of the Minerals Background Study (HS64) outlines the Planning Practice Guidance which states that mineral planning authorities should plan for a steady and adequate supply in a priority order of: specific sites, preferred areas or an area of search.

Para. 5.130 (page 64) highlights that despite four 'call for sites' to operators, agents and landowners and a proactive search for sites including a review of former allocations, an insufficient number of suitable sites were identified.

Paras. 5.131 to 5.134 further explain that an Area of Search approach will be used to demonstrate potential provision and that this will be supported by Statements of Common Ground with neighbouring mineral planning areas.

It is recognised that whilst this context to the Area of Search approach is outlined in the Minerals Background Study, which is referenced in the Plan, the narrative may be helpful to the user of the development plan. Therefore, proposed Modification (AM37) clarifies the context for the Area of Search.

3.7 *Why has it not been possible to allocate additional sites or consider Preferred Areas?*

Sites that were considered for allocation are set out in the Minerals Proposal Study (HS75). Table 2 (page 13) includes the longlist of sites that were considered. Table 3 (page 16) then lists those that were considered reasonable options. However, some were not considered further as they had either gained planning permission or had been withdrawn following refusal of planning permission. The remainder of the sites were considered for allocation and subject to consultation. Following consultation, further sites were discounted for allocation. Table 5 (page 60) gives the overview of what sites were discounted and the reasons for this.

Subsequently, Savills on behalf of Thames Water (REP 15) and Jayflex (REP 38) have objected to the omission of Ham Island from the Submission Plan. However, no additional information has been presented which would provide evidence that the objection from Historic England could be overcome (see Para. 4.3 to 4.9 of the Heritage Statement, HS72).

Furthermore, Quarry Plan on behalf of Summerleaze (REP 18) have objected to the omission of Bray Quarry Extension which was excluded based on the objections of the Environment Agency (REP 27) as well as South East Water (See Consultation summary report: Addendum (HS50) page 32-33). Quarry Plan have submitted a revised boundary for the extraction site which has been submitted to the Environment Agency and South East Water for comment. The Environment Agency has confirmed that based on the revised boundary, they no longer have soundness issues in relation to the allocation of the site (RD05). A summary of the revised assessments for the site are provided for discussion (see EX08).

Claremont Planning Consultancy on behalf of European Property Ventures (REP 22) responded with information regarding a mixed-use proposal which sought to include prior extraction. The proposal was included as a primarily residential allocation in the Submission version of Royal Borough of Windsor and Maidenhead's Local Plan but was subsequently removed by the Council due to flooding and other concerns and was not reinstated by the Inspector at the Main Modifications stage. The Inspector has not yet issued her Report. On this basis, the site promoter was contacted to clarify whether the site was being sought for inclusion in the Joint Minerals & Waste Plan. This was confirmed on 4.08.2021. Therefore, an assessment of the site has been undertaken and a summary of the assessments for the site are provided for discussion (see EX09). There are concerns around the close proximity of existing residential developments and Churchmead School.

The option of Preferred Areas was considered (see HS89). Whilst it is recognised that Preferred Areas should be a priority over an Area of Search approach, it was agreed that this approach could not be followed for the following reasons:

- Greater level of evidence is required, and insufficient information has been provided by operators/landowners to provide certainty that applications will come forward in the Areas.
- Evidence may be more open to dispute.
- Potential greater level of resistance from communities close to Preferred Areas with greater expectation that applications will come forward.
- Likely to place greater emphasis on existing areas of extraction i.e. RBWM.

It is recognised that this summary was not detailed in the Minerals Background Study (HS64) to support the narrative of why the Area of Search approach was selected. Therefore, proposed Modification (AM37) seeks to summarise this is the Plan.

3.8 Is the approach towards the identification of the Area of Search justified? And what criteria have been used?

The Area of Search is based on criteria which are set out in the Minerals Background Study (HS64, Page 65). Para. 5.137 sets out the basis for the Area of Search which is the presence of soft sand and sand and gravel resources. Para. 5.138 outlines the designated areas within the NPPF where development should be avoided to be sustainable. Para. 5.139 to 5.143 provide further explanation of the criteria including why some designations have not been included such as National Parks and Areas of Outstanding Natural Beauty and 'settings' which are not specifically defined. Other factors have been excluded such as built-up areas, historic landfills, and pockets of resources less than 3 hectares as these are not considered viable.

It is expected that proposals will not be brought forward outside of the Area of Search due to lack of suitable geology and factors which would limit the likelihood of gaining planning permission.

Woolf Bond Planning on behalf of Bellway Homes (REP 24) suggest that in addition to developed areas, committed development areas should be excluded including a buffer of at least 100m. The Area of Search already excluded built up areas. In locations where non-minerals development is committed, the mineral is safeguarded and is still present and therefore, could still come forward as a prior extraction proposal. Therefore, the resources should be shown in the Areas of Search.

A standard buffer of 100m is not practicable as it would unnecessarily sterilise safeguarded mineral and is not supported by Planning Practice Guidance which recommends that proposals should be considered on a site-specific basis (Paragraph: 018 Reference ID: 27-018-20140306).

3.9 Paragraph 6.74 of the Plan suggests that the Area of Search will change as land uses change and new designations are made or amended. How would this provide any user of the development plan with the certainty required when reading the development plan or looking at the policies map?

The policies map will be a guide for users of the development plan of where allocations are located but will not necessarily contain all the relevant context for policy implementation at the time planning permission is sought. This is because further development will take place, land uses will change, and designations will be established or amended over time.

In order for the user of the development plan to understand how the policies map may change over time, it is recognised that the Plan would benefit from outlining the criteria on which it is based (see proposed Modification AM39).

3.10 Is criterion 3 of Policy M4 justified to allow suitable sites to come forward in order to meet the shortfall? Is the use of the term "appropriate locations" sufficiently clear?

It is recognised that there is insufficient reserves and allocations to meet the required demand during the Plan period. Criterion 3 of Policy 4 outlines the circumstances in which new sites would be supported. The term 'appropriate locations' is clarified in para. 6.75 (page 81). This clarifies that an appropriate location would be one that does not conflict with the other policies in the Plan but also meets criterion 3. Criterion 3 states that a new site will be supported where the site is within the Area of Search, which is where the resources are located, and that the site is required to meet demand (as demonstrated by the landbank), and/or to maximise opportunities at existing sites (to encourage suitable extensions to reduce the need for new developments), or where particular circumstances arise. These circumstances have been included to recognise specific local issues: the exploitation of soft sand where it occurs, to reduce demand on other mineral planning authority areas; the prevention of sterilisation which would reduce available resources; and the proposal is for a specific local requirement. The term 'specific local requirement' is clarified in para. 6.83.

3.11 *Are the allocations MA1 and MA2 justified? In Appendix A, Development Considerations are set out for the allocations MA1 and MA2 respectively. Paragraph 6.73 implies that these Development Considerations need to be addressed. Consequently, what is the status of the Development Considerations and if they are intended to be applied, should they be explicitly referred to within Policy M4?*

Yes, allocations MA1 and MA2 are justified as they contribute towards the forecasted demand up to 2036. Each of the mineral proposals were subject to assessment and appraisal as set out in the Minerals Proposal Study (HS75). The methodology is set out in Section 3 (page 8). Both allocation MA1 and MA2 were not considered to have overriding issues to discount them from allocation.

A number of concerns were raised by respondents to the proposed allocations (see REP 10, REP 25 and REP 27). However, these are specifically addressed by the Development Considerations set out in Appendix A (page 121).

The Development Considerations set out in Appendix A are known site specific issues which would need to be suitably addressed as part of any planning application to enable permission to be granted.

It is considered that the supporting text is given equal weighting to the policies and therefore, the implementation of the policy outlined in Para. 6.73 does not need to be explicitly referred to within Policy M4.