

Central & Eastern Berkshire Authorities

Hearing Position Statement

Main Matter 5 – Protecting mineral resources, infrastructure and facilities

Word count: 2148

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

Issue: Whether the plan adequately balances the needs of competing development?

5.1 Is Policy M2 justified in referring to waste through the identification of a Minerals and Waste Safeguarding Area? How does this relate to Policy W2 that deals with the safeguarding of waste management facilities?

The requirement to safeguard mineral resources and infrastructure is set out in the National Planning Policy Framework (Para. 210 (c) and (e)). The National Planning Policy for Waste requires that local planning authorities should consider the likely impact of proposed non-waste development on existing waste management facilities (Para. 8). These requirements have been combined into the Minerals and Waste Safeguarding Area for ease of use by the user of the development plan.

Whilst Policy W2 does not explicitly refer to the Minerals & Waste Safeguarding Area, Para. 7.30 sets out that this is where the extents of the safeguarding are shown.

The National Planning Policy Framework specifically references the need for a Mineral Safeguarding Area (Para. 210 c). However, if Policy M2 referred to a Mineral Safeguarding Area only, it is considered that this may create ambiguity if references were made elsewhere in the Plan to a Minerals and Waste Safeguarding Area. So, the identified Mineral Safeguarding Area has been included in the Minerals and Waste Safeguarding Area.

5.2 Is the extent of the Minerals and Waste Safeguarding Area justified on the basis of evidence and consistency with National Policy?

The Minerals and Waste Safeguarding Area is based on data supplied by the British Geological Survey (BGS) on known locations of sand and gravel, which, as referenced in para 2.10, is a mineral of more than local importance for Central and Eastern Berkshire. This is in line with para 210 (c) of the NPPF. Section 3 (page 7) of the Minerals and Waste Safeguarding Study (HS74) provides more detail on policy context and Section 5 on the evidence.

Woolf Bond Planning on behalf of Bellway Homes (REP 24) has stated that some of the land identified in the Mineral and Waste Safeguarding Area has been extracted and therefore, the resource is no longer present. Local information is welcomed to ensure the Area is up to date at publication and therefore proposed Modification (MM17) seeks to update the Policies Map with the relevant resource.

Barton Willmore on behalf of Taylor Wimpey Major Projects and CEG (REP 23) has stated that the Jealott's Hill site should be excluded from the Safeguarding Area as they considered that prior extraction from this site to be inappropriate. However, the matter of whether prior extraction is appropriate or not should be based on a Mineral Resource Assessment (as highlighted by para. 6.41). The judgement will be made by the relevant Mineral Planning Authority based on the information provided. This matter is currently on-going between the developer and the Mineral Planning Authority and therefore, it is not considered appropriate to exclude a site without a sound judgement being made and due to the fact that the safeguarded mineral is present and has not yet been sterilised. The matter of whether extraction at Jealott's Hill is appropriate or not, is not one for discussion as part of the Examination of the Plan but between the developer and the Mineral Planning Authority based on the content of the Minerals Resource Assessment.

5.3 Is Policy M2 justified and sufficiently clear? The policy refers to safeguarding resources, however, the supporting text in paragraphs 6.46 and 6.47 appear to refer to mineral sites also being safeguarded under this policy, is this the intention? and if so, how does this relate to Policy M8 that safeguards minerals infrastructure? Do these two policies together adequately and effectively set out how existing mineral sites can be prevented from potential sterilisation arising from adjacent non-minerals development?

Policy M2 safeguards mineral resources whereas policy M8 safeguards the actual infrastructure for the processing, transportation and distribution of minerals. Existing sites have been considered as a resource as outlined in para 210 (c) of the NPPF and included in policy M2 alongside future or proposed sites. However, it is recognised that the term 'sites' in this

context only refers to quarries and therefore, proposed Modification (AM30) seeks to clarify this.

Policy M8 focuses on the infrastructure as outlined in para 210 (e) of the NPPF, namely for the transportation of minerals such as wharves and rail depots, along with processing plants. Not all existing mineral sites have processing facilities and so it was considered important to include existing and future workings in policy M2 to ensure safeguarding.

5.4 Is an appropriate balance struck between the needs of competing development with the need to protect and conserve the mineral resource?

Policy M2 seeks to protect the mineral resource from any form of development or encroachment in line with NPPF para. 210 (c). In the event that the need for development outweighs the safeguarding, the safeguarding policies do allow for development to take place but seeks to ensure that opportunities for maximising the potential for prior extraction are considered fully (Recommendation 9 (page 25) of Minerals and Waste Safeguarding Study (HS74)).

5.5 Does the Plan provide justification as to what should be included within a Mineral Resource Assessment?

Paragraph 6.41 sets out the requirements of a Mineral Resource Assessment: assessment of the commercial value of the mineral, the type, depth and quality of the mineral, as well as an assessment of the practicality of extraction.

This is in line with Mineral Safeguarding Guidance published by the Mineral Products Association and Planning Officers Society (April 2019) (RD06). It is recognised that signposting to this guidance will be beneficial to the user of the development plan and therefore, proposed Modification (AM27) includes this reference. It also considered that further detail from the guidance could be added and therefore, proposed Modification (AM28) seeks to provide more detail.

5.6 Is the difference, use and application of Mineral Safeguarding Areas and Mineral Consultation Areas justified?

The Minerals and Waste Safeguarding study (HS74) contains more detail on both the Minerals & Waste Safeguarding Area which forms the Mineral Safeguarding Area (MSA) for the Plan and Mineral Consultation Area (MCA).

The MSA conforms with Planning Practice Guidance (Mineral Guidance Paragraph: 220 Reference ID: 27-220-20140306 Minerals - GOV.UK (www.gov.uk) as it is 'an area designated by a Mineral Planning Authority

which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development and is produced using BGS data on minerals.

The MCA uses the MSA area as a base but applies buffers to the mineral and sites to form a new geographical area for consultation purposes.

This is in line with para 210 (c) of the NPPF which requires the defining of both Mineral Safeguarding Areas and Mineral Consultation Areas. Whilst this is primarily in two tier areas, due to the nature of the plan area with a working group of authorities, it would be beneficial to have the MCA in addition to the MSA where cross-boundary work takes place to ensure a joined-up approach.

Whilst it is recognised that a MCA is generally a tool in two-tier areas, in this instance, the Minerals and Waste Consultation Area outlined in the Plan is considered a useful tool to ensure that the Central & Eastern Berkshire Authorities consult each other on relevant proposals which could impact on their administrative boundary as well as neighbouring Authorities. An example of this would be a proposal in the Royal Borough of Windsor & Maidenhead which could impact Air Quality Management Areas in neighbouring Slough Borough Council (as raised in their Regulation 19 representation (LATE REP 1)).

5.7 Paragraph 6.40 to Policy M2 refers to a site size threshold, above which prior extraction is to be considered. How has this threshold been derived? Is this threshold justified? Should it be included within the policy? How would it address potential piecemeal development and unnecessary sterilisation?

Para 5.6 of Minerals and Waste Safeguarding Study (HS74) details how the viable site threshold has been derived. It is based on industry knowledge and recommendations. In neighbouring Hampshire, a threshold of 3 hectares (ha) is considered by operators to be viable whereas in Essex a larger site size of 5 ha is considered viable. Because the material/markets of Berkshire align more with Hampshire, the figure of 3ha has been used.

It is not considered that the threshold needs to be outlined in Policy M2 as the threshold is relevant to the implementation of the Policy and this is clearly outlined in Para. 6.40.

It is recognised that piecemeal development can lead to sterilisation of greater areas and therefore, Para. 6.40 outlines that proposals will be monitored to ensure that this is considered in the judgements by the relevant Mineral Planning Authority. This is particularly relevant where large development sites are separated into parcels for different

developers. Therefore, highlighting the need for Mineral Resource Assessments in relevant Local Plans for non-minerals development is important and has been taken into consideration by the Central & Eastern Berkshire Authorities in the preparation of their Plans.

5.8 Should 'buffers' be defined around existing mineral working sites, and what is the justification for the respective 250 metres and 50 metres stated?

British Geological Survey Guidance (RD07) suggests 'that the boundaries of Mineral Safeguarding Areas may be extended beyond the lateral extent of a mineral resource to avoid sterilisation by adjacent development' and gives examples in Leicestershire of 200m for sand and gravel sites.

Recommendation 3 of the Safeguarding study explains that in order to maintain existing capacity as a minimum, all existing minerals and waste infrastructure objectives should be safeguarded against potential incompatible development. Appropriate buffers will be applied to ensure encroachment is not an issue. A buffer of 250 metres is recommended for existing sand and gravel quarries and a buffer of 50 metres should be applied for all other mineral sites based on the case studies contained within the BGS Guidance. The approach was consulted on through various consultation stages and no issues raised.

MPA POS Safeguarding Guidance (RD06) suggests that buffers applied are generally between 100m and 500m (and commonly 100-250m) around MSAs or mineral infrastructure sites. This suggests that the buffers proposed are within industry standards.

Buffers applied will extend beyond the individual MPAs administrative boundary for the purpose of informing developers and adjoining authorities of the presence of safeguarded minerals that any development may impact upon.

5.9 How does Policy M2 include provision for temporary developments as suggested in paragraph 6.44? Does the Plan define 'specific projects of demonstrable overriding importance' as referenced in paragraph 6.44?

As a temporary development, land is presumed to return to its original state following the temporary period. In this circumstance, part 3 (b) of policy M2 would apply in that 'the mineral will not be sterilised' because it is only a temporary development. Therefore, proposed Modification (MM9) seeks to clarify this point.

Specific projects of demonstrable overriding importance are those that are required to ensure the delivery of Local Plans or nationally significant infrastructure projects. However, it will have to be demonstrated that

prior extraction has been fully considered. It is recognised that the clarification of this point would be helpful to the user of the development plan and therefore, proposed Modification (AM29) seeks to clarify this point.

5.10 How do the Authorities envisage updating the list of safeguarded sites set out in Appendix E? 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?

It is envisaged that the list of safeguarded sites set out in Appendix E would be reviewed and updated regularly in the monitoring of the Plan. This would be made available as an appendix until such time that it can sign-post an on-line list.

To assist the user of the development plan, the method of updating the list in Appendix E is proposed as Modifications (AM30, AM42 and AM43).

5.11 Are the monitoring arrangements for Policy M2 and the chosen threshold effective in ensuring sand and gravel resources are safeguarded?

The Monitoring Indicator and Threshold set out for Policy M2 are seeking to monitor how much safeguarded resource in terms of area is sterilised each year. The Threshold for review will be a year-on-year increase. However, it is recognised that the monitoring indicator may benefit from clarification and that in some cases, sterilisation may occur following an element of prior extraction. Knowing whether prior extraction has taken place or not would be beneficial in monitoring the effectiveness of the Policy which seeks to encourage prior extraction, where relevant. Therefore, proposed Modification (AM31) seeks to address this.

5.12 Is the allocation TA1 at Monkey Island Wharf justified having regard to environmental considerations and its relationship to the likely sources of supply of aggregates and markets?

Yes, allocation TA1 is justified as it contributes towards a steady and adequate supply of minerals and encourages sustainable movement of minerals. 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). Allocation TA1 was not considered to have overriding issues to discount it from allocation.

However, the Environment Agency raised an objection at Regulation 19 to the proposed allocation (REP 27). A meeting was held with the Environment Agency on 15.07.2021 where the concerns were discussed. It was agreed that further development considerations would be drafted

which would need to be addressed as part of any planning application. A revised set of Development Considerations was sent to the Environment Agency on 4.08.2021 and these are set out proposed Modifications (MM14). A view on whether these adequately address the concerns raised by the Environment Agency is awaited.

Allocation TA1 is proposed to initially receive material from an extraction site in Buckinghamshire (subject to approval) but it is intended that the site can then receive material from within the Plan area and reduce traffic impacts.

The Environment Agency also queried the tidal nature of the Thames and how this would impact freight movements (REP 27). The information contained within Para. 6.126 was taken from the sources referenced. However, as this information is not considered relevant, proposed Modification (AM41) seeks to remove this information.

5.13 In Appendix A, Development Considerations are set out for the allocation TA1. Paragraph 6.128 implies that the 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 M7?

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. 6.128 does not need to be explicitly referred to within Policy M7.

5.14 Is Policy M7 and its supporting text positively prepared and are the circumstances that relate to 'appropriate locations' justified?

Yes, Policy M7 seeks to support sustainable transportation of minerals to reduce traffic impacts which has benefits for climate change and local communities. Currently all movements of mineral are by road, but the Plan area has a good rail and water network.

The term 'appropriate locations' is clarified in para. 6.129 (page 91). This clarifies that an appropriate location would be one that does not conflict with the other policies in the Plan but also meets criterion 1 (b). The criterion seeks to ensure suitable connectivity and prevent wharfs or rail depots being developed in isolated locations.