

Central & Eastern Berkshire Authorities  
Hearing Position Statement  
**Main Matter 8 – Monitoring and Review**

Word count: 836

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

**Issue:** Whether the monitoring arrangements will be effective.

*8.1 How will the demand for chalk and clay be monitored?*

Whilst it is recognised that chalk and clay are not aggregates, quarries that are permitted for chalk or clay extraction will be monitored in line with the Aggregate Monitoring survey which takes place annually and informs the Local Aggregate Assessment. This requests sales and reserves data.

The information will be reported in the Monitoring Report for Plan which will be prepared annually. Information on sales and reserves is commercially sensitive and therefore, can only be reported where there is more than three operators or where specific permission to report the data is given by the operator. However, the monitoring report can outline whether there has been an increase in sales without the sales figures, if necessary.

*8.2 Is the approach to the minerals and waste monitoring in the Plan effective?*

Yes. Each of the policies is given one or more monitoring indicators that are considered measurable and reflective of the policy objectives. Trigger points can trigger a review of the policy or indicate in any future review of the Plan whether the policy needs to be assessed for its effectiveness.

8.3 *Does the monitoring process for minerals and waste provide for co-operation and participation and are the appropriate participants involved?*

The Central & Eastern Berkshire Authorities have cooperated in the preparation of the Plan, through regional minerals and waste groups, as well as sub-regional and bilateral Statements of Common Ground and it is firmly expected this involvement and fulfilling the 'duty to cooperate' will continue. They will continue to work jointly to monitor the Plan on an annual basis.

Paras 6.25 and 6.26 highlight that the Central & Eastern Berkshire Authorities will work jointly to maintain the supply of minerals by working with relevant mineral planning authorities, signing relevant Statements of Common Ground and undertaking the 'duty to cooperate'. This is further mentioned with relation to soft sand and crushed rock in para 6.58 and regarding safeguarding of minerals sites in 6.141

With regards to waste this cooperation is outlined in paras 7.19 and 7.20. The monitoring data will require information being provided by each of the Authorities and in some cases, from a third party, such as the Environment Agency. However, this data is readily available.

8.4 *Does the monitoring process for minerals and waste provide for flexibility? What contingency measures are in place in the event of non-delivery or lower delivery of new/extended sites?*

The Plan does not allocate sufficient sites to cover the predicted need either in terms of minerals or in terms of waste. While this reduces certainty for operators and communities, it is the result of an absence of suitable sites proposed through extensive searches and 'Call for Sites' exercises. Therefore, the Plan provides criteria in Policy M4 and Policy W4 that should clarify what sites, under which circumstances, would be considered appropriate and supported by policy (subject to the other policies in the Plan). This means that in the event of the allocated sites not coming forward, the Plan enables other sites to come forward, thereby providing flexibility.

Whether any sites actually come forward is not within the ability of the Plan to control, therefore no further contingency measures are considered possible to address this issue.

The proposed monitoring indicators and triggers show when a policy review should be undertaken, however this does not mean that the policy itself will be found to be ineffective. The planned five-year review of the

Plan (set out in para 1.20 and 1.21) will need to consider this issue in greater detail.

*8.5 Are suitable arrangements in place for reviews of the minerals and waste sections (either separately or as part of the wider plan) at appropriate sites?*

Arrangements are in place, as part of the envisaged annual monitoring of the Plan, to consider how each policy in the Plan is performing. The requirement to review the Plan is set out in para. 1.20 and 1.21. This outlines the requirement that the Plan will be reviewed at least every five years. Some of the monitoring indicators include a breach of either three or even two years in relation to the trigger for review. However, these are to recognise trends and therefore, it is not envisaged that these would necessarily require an early review of the Plan but would indicate that the effectiveness of the policy should be assessed at the point in time the Plan is subject to a review.

Any future review of the Plan would take into account relevant guidance at the time, such as the Toolkit from the Planning Advisory Service.

*8.6 Should the Plan include an appendix (or a cross reference to another document) to set out principles of the site monitoring and enforcement?*

Para. 5.4 states that the relevant planning authority will 'Monitor all minerals and waste development proportionate to its potential risk and take appropriate compliance measures, including enforcement action when unauthorised development takes place'. Further clarification of this approach is set out in proposed Modification (AM18) in the supporting text of DM9.

National Planning Policy (NPPF, 2021, Para. 59) states that Local Authorities "should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area", therefore the principles of site monitoring and enforcement are considered to be outside the scope of the Plan and potentially within the remit of each individual Central and Eastern Berkshire Authority to develop. For example, Wokingham Borough Council and the Royal Borough of Windsor & Maidenhead have individual enforcement policies (<https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?alId=367635> and <https://www.rbwm.gov.uk/media/1445/download/>, respectively). A clarification is proposed to add this information to the Plan (through proposed Modification AM1).