

# Central and Eastern Berkshire



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## Joint Minerals and Waste Plan: Proposed Main Modifications Consultation

### Introduction

Local Planning Authorities have a statutory responsibility to prepare and maintain an up-to-date Local Plan. Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (collectively referred to as the 'Central & Eastern Berkshire Authorities') are working in partnership to produce a Joint Minerals and Waste Plan which will guide minerals and waste decision-making in the Plan area for the period up to 2036.

This response form allows you to provide your views on the Proposed Main Modifications to the submitted version of the Joint Minerals and Waste Plan for Central and Eastern Berkshire. The Main Modifications are supported by a number of documents. However, please note that comments on other parts of the Plan (not covered by the Main Modifications) is not required and will not be taken into consideration.

This consultation is open for six weeks, beginning **28 February 2022 until 5pm on 11 April 2022**. If you have any queries, or require this form in an alternative format, please contact [berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk)

When you have completed this questionnaire, you can return it by post to:

**JCEB Consultation  
Strategic Planning, ETE  
Hampshire County Council  
The Castle  
Winchester  
Hampshire  
SO23 8UD**

Or by email to [berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk)

## About this consultation

### Privacy notice

The Strategic Planning Team at Hampshire County Council is collecting information about you on behalf of the Central & Eastern Berkshire Authorities (Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council) in order to consult on Central & Eastern Berkshire Authorities' proposed minerals and waste planning policy.

We will collect your name, postal address and any other contact information you provide as well as details of your representation. A name and postal address must be provided for the comments to be accepted. Anonymous or confidential representations without the required personal information cannot be accepted. We will accept representations to consultations and use the information to draft planning policy documents. Your personal data will only be used for the purposes of preparing the Joint Minerals & Waste Plan (JMWP).

The legal basis for our use of this information is compliance of a legal obligation to which the Berkshire Authorities are subject. This is in relation to the Town and County Planning Act 1990 (as amended). All representations received will be available to view publicly in accordance with the Local Government Act (1985) for the purposes of preparing planning policy documents until adoption.

Your personal information will be shared with the Central & Eastern Berkshire Authorities as well as the Secretary of State (and appointed Planning Inspector) at the point a policy document (such as the JMWP) is submitted to government for public examination. Your representation will be submitted through and processed by Snap Surveys acting as a processor on behalf of Hampshire County Council.

On adoption of the policy document, all representations will be removed from the website. Electronic and paper file copies of representations will be kept by the Central & Eastern Berkshire Authorities for at least three years in line with the relevant corporate retention period. All representation received will be handled and made publicly available, Strategic Planning's Privacy Statement provides more information on how we manage personal data alongside the Corporate Privacy Statement.

You have some legal rights in respect of the personal information we collect from you. Please see our website Data Protection page for further details. You can contact Hampshire County Council's Data Protection Officer at [data.protection@hants.gov.uk](mailto:data.protection@hants.gov.uk). If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

## Background

The Joint Minerals and Waste Plan will build upon the formerly adopted minerals and waste plans for the Berkshire area. It will improve, update and strengthen the policies and provide details of strategic sites that are proposed to deliver the vision.

The first stage of the consultation ran between June and July 2017 to engage the community to understand the issues for managing minerals and waste for the next 20 years. It gathered evidence to inform the options for the plan policies and site allocations and was used to prepare the Draft Joint Minerals and Waste Plan. The Draft Plan was subject to consultation between August and October in 2018. Two further Regulation 18 Consultations were carried out following the Draft Plan consultation and they related to specific issues. The first (June to August 2019) was a site-specific consultation on the Bray Quarry Extension site. The following consultation took place in February / March 2020, and included two nominated sites, an Area of Search approach and a newly proposed Policy (DM15).

The Proposed Submission Plan consultation ran between September and October 2020. Following this consultation, the Submission Plan, the evidence base and all representations received were submitted to the Secretary of State for independent examination.

The examination hearings were held at the Royal Borough of Windsor and Maidenhead Offices between 28th and 30th September 2021, with a further reserve hearing taking place online on 12th October 2021.

The Joint Minerals and Waste Plan Proposed Main Modification document can be downloaded at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). It is recommended that you refer to this document as you respond to this consultation.

# Joint Minerals and Waste Plan: Proposed Main Modifications Consultation response form

We would like to hear from you in respect of your views on the 'soundness' and legal compliance of the Proposed Main Modifications. For definitions of the Tests of Soundness, please refer to page four of the Joint Minerals and Waste Plan Submission Plan document which can be found by visiting [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

Please note that comments on the previous versions of the Plan and on the other supporting documents is not required and will not be taken into consideration.

This consultation response form is split into two sections:

Section one: About you

Section two: Main Modification Comments

## Section one: About you

Is this your own personal response, or are you responding on behalf of an organisation or group? *Tick the box that applies*

- This is a personal response  
 This response is on behalf of an organisation or group

If this response is on behalf of an organisation or group, please answer the rest of the questions on this page.

If this response is a personal response, please move to 'Section one: About you (continued)' on the next page.

If this response is on behalf of an organisation or group, please tell us a little more about yourself and the organisation you are responding on behalf of:

**Please note: anonymous or confidential representations cannot be accepted**

|  |  |
|--|--|
| The name of your organisation or group     | <u>European Property Ventures Limited</u>  |
| The address of your organisation or group  | <u>c/o Claremont Planning Consultancy, Somerset House, 37<br/>Temple Street, Birmingham B2 5DP</u> |
| Your name                                  | <u>Eleanor Lovett</u>  |
| Your position in the organisation or group | <u>Principal Planner</u>   |
| Contact email address                      | <u>[REDACTED]</u>  |

If this response is on behalf of an organisation or group, please now go to the next part of this consultation document; '*Section two: Main Modification Comments*'.

## Section one: About you (continued)

If this is a personal response, your name and postal address must be provided for your comments to be accepted. Please include these below.

**Please note: anonymous or confidential representations cannot be accepted.**

Your name \_\_\_\_\_

Your postal address \_\_\_\_\_

Your postcode \_\_\_\_\_

Your email address (optional) \_\_\_\_\_

We would like to know a bit more about you to help us understand the views of different groups. You do not need to answer these questions if you do not wish to.

**What was your age on your last birthday?** *Tick the box that applies*

- |  |                                   |                                     |
|--|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Under 16          | <input type="checkbox"/> 16 to 24 | <input type="checkbox"/> 25 to 34   |
| <input type="checkbox"/> 35 to 44          | <input type="checkbox"/> 45 to 54 | <input type="checkbox"/> 55 to 64   |
| <input type="checkbox"/> 65 to 74          | <input type="checkbox"/> 75 to 84 | <input type="checkbox"/> 85 or over |
| <input type="checkbox"/> Prefer not to say |                                   |                                     |

**How would you describe your gender?** *Tick the box that applies*

- |                                 |  |
|---------------------------------|--|
| <input type="checkbox"/> Female | <input type="checkbox"/> Male              |
| <input type="checkbox"/> Other  | <input type="checkbox"/> Prefer not to say |

For 'other', please describe: \_\_\_\_\_  
\_\_\_\_\_

## Section two: Main Modification Comments

This section allows you to provide comments on any of the Proposed Main Modifications (MM1 – MM82) to the Joint Minerals and Waste Plan. The Proposed Main Modification document can be downloaded at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). It is recommended that you refer to this document as you respond to this consultation.

Should you wish to comment on multiple Main Modifications, please copy and paste the below comments section (or print out another copy of this page) making sure to note which Main Modification your comments are in reference to.

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**Please confirm which Main Modification you are providing comment on (MM1 – MM82):** MM13

**Please provide your comments on the above-named Main Modification below:**

MM13 proposes modifications to Policy DM6 in the Joint Minerals and Waste Plan, seeking to clarify that mineral extraction is not inappropriate development in the Green Belt. However, the modifications don't appear to fully comply with the tests set out in the National Planning Policy Framework, despite our representations identifying this issue previously.

Paragraph 150 of the Framework (2021 version) states that providing it preserves openness and does not conflict with the purposes of including land within the Green Belt, certain forms of development are not inappropriate including a) mineral extraction. Policy DM6 should therefore make clear that the starting point when assessing proposals for mineral extraction in the Green Belt should be that they are not inappropriate development, subject to ensuring that it preserves the openness and does not conflict with the purposes of including land within the Green Belt. As mineral extraction is typically carried out over a limited period of time, it should also be recognised that whilst development may impact on openness, this will be temporary and appropriate requirements for restoration can be secured through the planning permission for mineral extraction, securing long-term enhancements to sites.

It is therefore suggested that Policy DM6 should be modified further in order to ensure complete consistency with the provisions of the Framework. This will ensure that planning applications for minerals extraction are assessed correctly in accordance with national policy and not subject to additional restrictions.

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**Please confirm which Main Modification you are providing comment on (MM1 – MM82):** MM19

**Please provide your comments on the above-named Main Modification below:**

MM19 identifies modifications to Policy DM16, relating to flood risk. This policy, even in its modified form, still fails to appropriately identify sand and gravel working as water compatible forms of development, despite bringing this to the authorities and Inspectors' attention previously.

This matter is clearly outlined in the Planning Practice Guidance, in Table 2: Flood Risk Vulnerability Classification, which identifies types of development that are 'water-compatible', including sand and gravel working. Accordingly, the Planning Practice Guidance also states that it should be recognised that mineral deposits have to be worked where they are, acknowledging that sand and gravel deposits are often found in areas of flood risk. However, the Planning Practice Guidance does confirm that mineral working should not increase flood risk elsewhere and needs to be designed, worked and restored accordingly, which should be recognised within the modified policy.

It is therefore considered that Policy DM10 should be modified further, to identify that in the case of sand and gravel extraction, it is not necessary to apply the sequential approach or exception test and therefore criteria (a) of Policy DM10 need not be applied to such proposals. This is important to ensure that the policy accords with national policy and guidance in this regard.

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**Please confirm which Main Modification you are providing comment on (MM1 – MM82): MM41**

**Please provide your comments on the above-named Main Modification below:**

MM 41 relates to Policy M4 and the associated supporting text, and identifies modifications to clarify the extent of the shortfalls in terms of supply and provide clarification on the approach taken to allowing additional new proposals to come forward.

The supporting text confirms that the Plan, even in its modified form, does not identify enough allocations to meet the required supply for the remainder of the plan period, and instead there will be a shortfall of 2.5Mt. This is despite Claremont Planning on behalf of European Property Ventures promoting land to the north of Churchmead School, Riding Court Road, Datchet as an additional source of sand and gravel. The site is adjacent to an existing sand and gravel extraction site currently operated as Cemex, and the Joint Minerals and Waste Plan establishes that the site is located within an 'Area of Search for Sand and Gravel'. Representations have been submitted at various stages of the preparation and examination of the Plan to identify how the site at Datchet could contribute towards meeting the identified shortfall. These representations have highlighted the opportunity to extract additional resources to meet the shortfall, without having any impact on the roads in Datchet and without the need for new significant infrastructure requirements on site through utilising existing infrastructure on the adjacent Cemex site. The authorities' also undertook an assessment of the site, provided in Examination Document EX09, which identified no concerns that could not be appropriately mitigated through a planning application.

Despite confirmation of the availability and suitability of the site, it has not been allocated through the Examination process for the Plan, which could have helped to address the shortfall. Whilst the site could come forward outside of the plan process through an application to meet the identified needs for sand and gravel, the Plan provided an opportunity to act positively and allocate the site. The Plan should seek to allocate sufficient sites to meet the needs across the plan period, and failing to allocate this site demonstrates that the authority has not exploited all opportunities and considered all alternatives fully, and so is not compliant with the Framework's tests of soundness in regards to plan-making.

As such, it is considered that Policy M4 should be modified to allocate the site at Datchet to provide an additional source of sand and gravel, to ensure that the Plan can be found sound.

## **End of questionnaire**

Thank you for taking the time to complete this questionnaire.

This consultation will be open until **5pm on 11 April 2022**, after which results will be analysed and used to inform further work on the Plan, as well as passed on to the Planning Inspectors. These will be published alongside respondents' names (but no other personal details) in a Consultation Summary Report – Main Modifications.

✓ **If you would like the Central & Eastern Berkshire Authorities to contact you with further information on planning matters in your area then please tick here.**

Please return this response form by post to:

**JCEB Consultation  
Strategic Planning, ETE  
Hampshire County Council  
The Castle  
Winchester  
Hampshire  
SO23 8UD**

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