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# Central & Eastern Berkshire Joint Minerals and Waste Plan Public Examination

Response to Inspector's Matters, Issues and Questions  
On behalf of  
Taylor Wimpey, CEG and Syngenta  
**Rep 23**

**Main Matter 5**  
**Protecting mineral resources,  
infrastructure and facilities**

September 2021



**Central & Eastern Berkshire  
Joint Minerals and Waste Plan  
Public Examination**

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Main Matter 5:**

**Protecting mineral resources, infrastructure and facilities**

**Barton Willmore LLP on behalf of Taylor Wimpey, CEG and Syngenta**

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## **0.0 INTRODUCTION**

- 0.1 Barton Willmore LLP has been instructed by Taylor Wimpey Major Projects, CEG and Syngenta to submit this written Hearing Statement (“HS”) in response to the Inspector’s Matters, Issues and Questions for Examination. This statement expands upon the representations submitted on behalf of our clients in response to the relevant Regulation 19 consultations on the emerging Central & Eastern Berkshire Joint Minerals and Waste Plan.
- 0.2 This statement is made on behalf of CEG, Taylor Wimpey, the development partners of Syngenta, the promoters of Land at Jealott’s Hill, which is proposed in the Bracknell Forest Draft Local Plan for allocated for a mixed-use development based on Garden Village principles with associated housing, employment and social and physical infrastructure. Jealott’s Hill contains two small areas of land shown on the key diagram in the Reg 19 Submission Plan forming part of the Sand and Gravel Area of Search and Safeguarded Sand and Gravel Resources.
- 0.3 Whilst efforts are made not to duplicate the content of previous representations, this HS draws on previous responses where necessary.

## **RESPONSE TO INSPECTOR'S QUESTIONS - MAIN MATTER 5**

### **Protecting mineral resources, infrastructure and facilities**

#### **Q5.2 Is the extent of the Minerals and Waste Safeguarding Area justified on the basis of evidence and consistency with National Policy?**

1.1 The extent of the Safeguarding Area shown on the Proposals Map is not justified on the basis of evidence. Our clients are promoting a sustainable new community based on garden village principles at Jealott's Hill, through the emerging Bracknell Forest Council Local Plan. The case for the proposals for the site is set out within submissions to the Bracknell Forest Local Plan and are based on clear exceptional circumstances to release the land from the Green Belt. Jealott's Hill contains two small areas of land shown on the key diagram in the Reg 19 Submission Plan forming part of the Sand and Gravel Area of Search and Safeguarded Sand and Gravel Resources.

1.2 Paragraph 6.44 of the Submission Plan confirms that:

**"Safeguarding does not necessarily mean that other forms of development should not take place where sand and gravel deposits occur. However, developers will need to demonstrate, through the preparation of a Mineral Resource Assessment, that the sand and gravel deposit has no commercial value, or that they have fully explored the use of the underlying sand and gravel in preparing development proposals."**

1.3 Moreover, The Safeguarding Study (June 2018) (HS37) affirms:

**"2.6 The approach to safeguarding has to be realistic in order to be deliverable and effective. Mineral deposits that are unlikely to be exploited in the foreseeable future may not need to be safeguarded."**

1.4 In order to evaluate the potential mineral resource available within the Jealott's Hill site area, our clients appointed RPS to prepare a Mineral Resource Assessment (MRA - April 2019) (Appendix 1 to our Reg 19 representations) and a further report following comments made by Bracknell Forest Council in July 2020 (Appendix 2 to our Reg 19 representations) to review of the potential quantum and quality of mineral resource available based upon the available evidence.

- 1.5 Accordingly, RPS's assessment identifies that the available mineral resource is not significant and being a mixture of sand, gravel and fines the quality of the mineral resource is not a high-quality resource. Further, RPS is clear that extracting the mineral resource may be uneconomic due to the limited quantum and poor quality of and gravel available and the potentially high processing and sorting costs. The mineral resource is, therefore, of limited economic value and unlikely to be of commercial interests, especially after the Buffer Zones have been applied.
- 1.6 RPS also engaged a number of mineral operators to establish if the mineral reserves at the site are likely to be commercially viable. The feedback received from Hansons and Grundons has provided some useful insights into the likely viability of the mineral, they confirmed that the mineral reserve, as currently defined, is not considered to be a viable option as a 'stand-alone' extraction site.
- 1.7 In respect to Policy M2 (Safeguarding Sand and Gravel Resources), specifically part 3c of the policy, it is considered inappropriate to extract minerals resource from Jealott's Hill and the Proposal Map should be changed to exclude the land at Jealott's Hill from the Safeguarded Area on the basis that the retention of the land in this designation is not justified or effective in terms of soundness, given the evidence provided that it does not represent a viable economic opportunity. On the basis of the evidence provided the site does not represent a specific mineral resource of local or national importance as required by Paragraph 210c of the NPPF (2021).

**Q5.4 Is an appropriate balance struck between the needs of competing development with the need to protect and conserve the mineral resource?**

- 2.1 No, an appropriate balance is not struck. Whilst recognising that draft Policy M2 provides that non minerals development in an MSA may be permitted, as set out above, the draft MSA as depicted on the Proposals Map does not have regard to the needs of competing development.
- 2.2 Paragraph 6.44 recognises that the draft policy (as reflected by part 3c of the draft wording for Policy M2) includes provision to allow "specific projects of demonstrable overriding importance in the Central & Eastern Berkshire Authorities' Local Plans to proceed," where proposals are already known and identified. However, this is not reflected in the Proposals Map: which places no regard to the emerging draft Local Plan for Bracknell Forest, specifically in this case with regard to land at Jealott's Hill: identified for allocation for a mixed-use development based on Garden Village principles with associated housing, employment and social and physical infrastructure. Moreover, the

evidence submitted at the Regulation 19 stage on behalf of our clients' interest which confirms that minerals present does not represent a viable economic opportunity.

- 2.3 As a consequence of this the Proposals Map (and the MSA and Area of Search) are unrealistic (and therefore neither effective nor deliverable) in their inclusion of Jealott's Hill as part of the MSA and Area of Search. Therefore, as Bracknell Forest's emerging Reg 19 draft Local Plan identified Jealott's Hill for strategic economic and residential development, the Minerals and Waste Proposals Map should be amended to reflect the priority to other policies in wider Local Plans: especially so in the case where the evidence undertaken in an MRA (submitted with our Reg 19 representation) highlights that such resource which is present does not represent a viable mineral opportunity.
- 2.4 Therefore, where there is a strategic policy (as with Bracknell Forest's submission stage Local Plan) which sets out an overall strategy relating to the pattern and scale of development to reflect the strategic priorities of an area then the different parts of the emerging Development Plan should be aligned now in terms of their evidence base and provide a joined-up approach to strategic policies.

**Q5.5 Does the Plan provide justification as to what should be included within a Mineral Resource Assessment?**

- 3.1 No, the plan as drafted is unclear with regard to the requirements of a Mineral Resources Assessment as there is no definition in the plan with regard to the scope of such an assessment to address the requirements of the draft policy. An MRA provides an assessment in terms of likely quantity and quality of mineral reserves and likely constraints on mineral extraction. The policy should contain a specification of what must be included to ensure that the policy is effective to amplify the information in Paragraph 6.41. As set out above, where the Minerals and Waste Authority has the benefit of an MRA for a particular location, which indicates that such a resource is unlikely to represent a viable economic opportunity, this should inform the draft MSA.