



MATTER 7 EXAMINATION STATEMENT

**CLAREMONT PLANNING ON BEHALF OF
EUROPEAN PROPERTY VENTURES**

DEVELOPMENT MANAGEMENT

**CENTRAL & EASTERN BERKSHIRE
JOINT MINERALS AND WASTE LOCAL
PLAN**



This Statement for Matter 7 – Development Management will seek to address the Inspector’s Questions identified below:

Issue: Whether the Development Management policies are justified, effective and consistent with national policy?

Policy DM5 (Protection of the Countryside)

- 7.4. Is the policy consistent with the National Planning Policy Framework 2021?
- 7.5. Is criterion 1 of the policy effective with regard to what mineral and waste proposals would be supported?
- 7.6. As mineral extraction is most likely to occur in the countryside what purpose does the reference to ‘time-limited’ seek to achieve?

Policy DM6 (Green Belt)

- 7.9. How does the policy recognise the temporary nature of mineral extraction?
- 7.12. How does criterion 2 relate to national policy? Should a distinction be made between the requirements of criterion 2 and very special circumstances to outweigh harm to the Green Belt?

Policy DM10 (Flood Risk)

- 7.25. Is the Policy DM10 consistent with national policy?
- 7.26. Should the policy differentiate between minerals and waste development, given the wording in the Planning Practice Guidance (reference ID: 7-018-20140306)?



Matter 7 – Development Management

- 1.1 Claremont Planning Consultancy Ltd (Claremont Planning) represents European Property Ventures (EPV) Limited in respect of Land to the North of Churchmead School, Riding Court Road, Datchet. Representations were submitted previously confirming EPV's support of the emerging Central and East Berkshire Minerals & Waste Plan ('MWP') and promoting the site as available for sand and gravel extraction.

Issue: Whether the Development Management policies are justified, effective and consistent with national policy?

Policy DM5 (Protection of the Countryside)

- 7.4. *Is the policy consistent with the National Planning Policy Framework 2021?*
- 7.5. *Is criterion 1 of the policy effective with regard to what mineral and waste proposals would be supported?*
- 7.6. *As mineral extraction is most likely to occur in the countryside what purpose does the reference to 'time-limited' seek to achieve?*
- 1.2 As set out in representations to the Regulation 19 consultation, Policy DM5 as currently drafted is overly restrictive. This is particularly the case in respect of the reference to 'time-limited', as it is considered that improperly using such temporal restrictions could adversely affect attempts to extract all the resource from a site. As a result, much needed mineral resources could be sterilised by subsequent development after the time limitation for extraction had expired. The policy should provide sufficient flexibility, acknowledging that extraction is often demand-responsive and can fluctuate over-time.
- 1.3 It is considered therefore that the restrictions posed in criterion 1 are overly restrictive and inconsistent with the provisions of national policy. Criteria (f) of Paragraph 210 in the Framework establishes that policies should set out requirements to ensure that operations '*do not have unacceptable adverse impacts on the natural and historic environment or human health*', however it is considered that Policy DM5 goes beyond this and effectively restricts windfall opportunities for minerals extraction, except for in highly limited circumstances. This is not considered appropriate given the failure within the MWP to identify sufficient sites in respect of sand and gravel.
- 1.4 Instead, the policy should reflect the need to ensure that proposals for such developments in the open countryside will only be permitted where it has been demonstrated that it will not give rise to unacceptable adverse impacts in accordance with the requirements of the Framework. This is needed to ensure that the Plan does not pose unnecessary restrictions on new opportunities to minerals extraction that would contribute to meeting supply shortfalls and ensure that the Plan is sound and consistent with the Framework.



Policy DM6 (Green Belt)

- 7.9. *How does the policy recognise the temporary nature of mineral extraction?*
- 7.12. *How does criterion 2 relate to national policy? Should a distinction be made between the requirements of criterion 2 and very special circumstances to outweigh harm to the Green Belt?*
- 1.5 The Framework provides at Paragraph 150, that mineral extraction represents a form of development that is not inappropriate in the Green Belt, providing it preserves its openness and does not conflict with the purposes of including land within it. As such not all mineral extraction development within the Green Belt should be considered to require very special circumstances for justification purposes. Therefore, as with agricultural development within the Green Belt the impact of mineral extraction upon the perceived impact of the openness is in most instances acceptable.
- 1.6 Even where it is considered that mineral extraction may harm openness, the Framework establishes that inappropriate development can be approved in 'very special circumstances', where the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations. Due to the nature of minerals extraction, being that the materials have to be removed where they are in situ, it is not always possible that impacts on the Green Belt can be avoided, and there are other considerations that can outweigh the potential for harm on the Green Belt. The safeguarding of land for mineral extraction within the Green Belt does however maintain that mineral extraction is appropriate development and does not conflict with the purposes of the Green Belt.
- 1.7 Although the Framework does not explicitly reference the temporary nature of mineral extraction, this is a relevant consideration that should be given due weight when assessing proposals. Whilst minerals development may sometimes result in adverse visual impacts during extraction, safeguards can be put in place through the planning process to ensure that appropriate restoration is undertaken following extraction of resources. In such instances the permanent purposes and function of Green Belt is not harmed.
- 1.8 The policy should therefore recognise that although temporary harm to openness may arise through mineral workings, this should not preclude any extraction of minerals taking place on land within the Green Belt. This will ensure that the Plan is consistent with national policy and the provisions of the Framework and provides an appropriate strategy to meet the demands for minerals during the plan period.

Policy DM10 (Flood Risk)

- 7.25. *Is the Policy DM10 consistent with national policy?*
- 7.26. *Should the policy differentiate between minerals and waste development, given the wording in the Planning Practice Guidance [reference ID: 7-018-20140306]?*
- 1.9 Policy DM10 is not considered to be wholly consistent with national policy. In particular, it states that the sequential test and exception test should be applied where required, with the most vulnerable development directed to the areas at lowest risk of flooding. However, within this policy it fails to recognise that in the case of sand and gravel working, this activity



is defined as 'water-compatible development' in Paragraph 66 the PPG (Table 2: Flood Risk Vulnerability Classification), and so would not be required to pass the sequential test or exception test. Furthermore, the PPG also recognises that mineral deposits 'have to be worked where they are' and are often located in areas at risk of flooding. As a result, it is not always possible to prioritise locations that are sequentially preferable and in any event, providing that the development does not increase flood risk elsewhere, and is designed, worked and restored with due regard given to flood risk issues, these matters should not preclude minerals extraction development in such locations.

- 1.10 In order to be sound, and specifically to be consistent with the provisions of national planning policy, this policy should be modified to state that criteria (a) only applies to waste development, and is not relevant to proposals for sand and gravel working.

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