The Planning Inspectorate

Report to West Berkshire Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the West Berkshire Minerals and Waste Local Plan

The Plan was submitted for examination on 29 July 2021

The examination hearings were held between 1 and 3 February 2022

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Contents

Abbreviations

AONB	Area of Outstanding Natural Beauty
AoS	Area of Search
EA	Environment Agency
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
LWA	Local Waste Assessment
MM	Main Modification
MWLP	Minerals and Waste Local Plan
NPPF	National Planning Policy Framework 2021
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEEAWP	South East England Aggregate Working Party
SEWPAG	South East Waste Planning Advisory Group
tpa	tonnes per annum
WBC	West Berkshire Council

Summary

This report concludes that the West Berkshire Minerals and Waste Local Plan (MWLP – the Plan) provides an appropriate basis for minerals and waste planning within the District, provided that a number of main modifications [MMs] are made to it. West Berkshire Council (WBC) has specifically requested that I recommend any MMs necessary to enable the MWLP to be adopted.

Following the hearings, the Council prepared a schedule of proposed Main Modifications and carried out sustainability appraisal and habitats regulations assessment upon them. The MMs, were subject to public consultation over a six-week period. I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. I have recommended the inclusion of the MMs in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to the public consultation on the MMs and associated post-hearing documentation.

The Main Modifications are summarised as follows:

- Express references in the Vision and Objectives to climate change and the requirement to provide for a steady and adequate supply of aggregates (MMs2-5).
- Explanation of the annual mineral survey in relation to Local Aggregate Assessments and future Plan review (MM6).
- Clarification of the role of secondary aggregates (MM1)
- Clarification of the role of aggregate imports from Oxfordshire (MMs18-19).
- Clarification of the process of consideration of the exception test for major development in the North Wessex Downs AONB (MMs13-17).
- Clarification of waste monitoring by type (MMs7-11, MM43).
- Addition to Policy 9 to refer to safeguarding mineral processing and infrastructure sites (MM26).
- Clarification of the approach to safeguarding waste management and development sites (MM27).
- Express reference to equine waste in Policy 6 on specialist waste facilities (MM24).
- Reference to water quality with respect to hydraulic fracturing and deletion of reference to the setting of the North Wessex Downs AONB in Policy 12 on energy minerals (MM28).
- Inclusion of reference to inert landfills in Policy 14 on reworking old landfill sites (MM29).
- Deletion of reference to the setting of the North Wessex Downs AONB from Policy 19 on protected landscapes (MMs31-32).
- Specific reference to range of identified environmental assets protected by Policy 20 on biodiversity and geodiversity (MMs33-41).
- Removal of qualification 'where appropriate' for the application of the sequential test for flood risk under Policy 25 on climate change (MM42).
- Removal of policy presumptions for or against mineral and waste development in favour of criterion-based assessment (MM12, MMs20-23, MM25, MM30, MMs44-45).

Introduction

1. This Report contains my assessment of the West Berkshire Minerals and Waste Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the preparation of the MWLP has complied with the Duty to Co-operate. It then considers whether it is compliant with the relevant legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF), at paragraph 35, makes clear that, in order to be sound, a Local Plan must be positively prepared, justified, effective and consistent with national policy, as primarily expressed in the National Planning Policy Framework of July 2021.

2. The starting point for the Examination is the assumption that the Minerals and Waste Planning Authority has submitted what it considers to be a sound plan. The West Berkshire MWLP, submitted in July 2021 is the basis for my Examination. It is the same document as was published for consultation in January 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, WBC requested that I recommend any Main Modifications [MMs] necessary to rectify matters that make the MWLP unsound and thus incapable of being adopted. My Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM*** and are set out in full in the Appendix.

4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulations Assessment upon them. The MM schedule and associated post-hearing documentation was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this Report. I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the MMs as published or undermines the participatory processes and sustainability or Habitats Regulations assessments.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the MWLP Policies Map that accompanied the submitted MWLP requires no alteration consequent upon the recommended MMs.

Context

6. As the MWLP itself explains, it deals only with the two matters of minerals planning and waste planning for the entire District of West Berkshire for the period to 2037. It is intended on adoption to replace all saved policies of the Replacement Minerals Plan for Berkshire with alterations of 1997 and 2001 and the Waste Local Plan for Berkshire of 1998.

7. West Berkshire comprises part of the Thames valley and extends to some 700 square kilometres of which around 90 per cent is considered to be of rural character. The main towns are Newbury and Thatcham.

8. The main mineral deposits within the District are sand and gravel construction aggregates, comprising soft sand and sharp sand and gravel. Much of the northern area of West Berkshire, where the main deposits of soft sand have historically been worked, lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Mineral aggregates are both imported to and exported from the District, including by rail.

9. West Berkshire produces and manages waste of most types, both importing and exporting waste. The amount of waste processed in West Berkshire exceeds the total amount arising there, principally due to significant construction and demolition waste management capacity within the District.

Public Sector Equality Duty

10. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010 regarding eliminating discrimination, advancing equality of opportunity and fostering good relations with respect to the nine characteristics protected by the Equality Act, including age, disability and race.

11. WBC undertook an Equality Impact Assessment of the MWLP. This concluded that the MWLP would not result in any impact on equalities. It is not considered that the impacts of the MWLP on persons with the nine protected characteristics will differ in any way from any other interested party.

12. I find no reason to question these conclusions, having discovered no aspect of any of the provisions or site allocations of the MWLP that would affect any person who shares any of the nine protected characteristics any more than a person who does not share them.

Assessment of Duty to Co-operate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the preparation of the MWLP.

14. WBC provided a Duty to Co-operate Statement accompanied by a range of appendices and annexes including position statements and statements of common ground (SOCGs) with co-operating authorities on soft sand, landfill and inert waste, including a SOCG on strategic cross-boundary issues between WBC and Oxfordshire County Council, Somerset Council, Buckinghamshire Council, Hampshire County Council and Slough Borough Council. This SOCG covers issues of soft sand and crushed rock supply, landfill and energy recovery.

15. The bodies consulted included those prescribed by Regulation with an interest in the MWLP and the outcomes of the co-operation with other authorities are detailed in the Statement of Consultation.

16. It is evident that the preparation of the MWLP was influenced as a result of the consultations which took place under the Duty to Co-operate, including at the Preferred Options stage. For example, separate needs for sharp sand and soft sand were identified and the aim for net self-sufficiency in waste management was emphasised.

17. With respect to aggregates, there has been continuous engagement with the South East England Aggregate Working Party (SEEAWP) over eight iterations of the annual West Berkshire Local Aggregates Assessment (LAA), culminating in the SEEAWP considering the LAA of 2020 with only minor comments. The only substantive response was from neighbouring Oxfordshire County Council over concern regarding the quantities of aggregates exported to West Berkshire from Oxfordshire and diminishing reserves there. Further response will depend on annual monitoring but meanwhile the MWLP, as submitted, addresses declining reserves by way of site allocations. The suitability and adequacy or otherwise of such allocations is a matter for my assessment of soundness below. Engagement with the Marine Management Organisation, as a prescribed body, has confirmed that the potential for sea-dredged aggregates to contribute to the supply is limited, but the need to safeguard railhead facilities for such marine aggregate imports as do take place is recognised.

18. With respect to crushed rock, there are no winnable reserves in West Berkshire and it is clear that it has long been accepted that West Berkshire relies chiefly on crushed rock imports by rail from Somerset which enjoys a substantial landbank with capacity to provide the necessary supplies. Whilst the sustainability of continued transport of crushed rock into West Berkshire is

questioned, there is nothing in current national policy to override the need for such aggregate in West Berkshire, as assessed in the LAA.

19. With respect to waste, WBC is active within the voluntary, technical South East Waste Planning Advisory Group (SEWPAG) along with other waste planning authorities, the Environment Agency and industry stakeholders. SEWPAG has established thresholds to define strategic cross-boundary waste movements. Whilst the MWLP aims for self-sufficiency in waste management, it is common ground with other waste planning authorities that West Berkshire has limited landfill and waste recovery capacity. Non-hazardous and some inert waste is exported to landfill sites with relatively long operating lives in neighbouring Oxfordshire and Buckinghamshire whilst non-inert waste is exported for energy recovery to established, permanent facilities with adequate capacity in Hampshire and Slough.

20. With respect to nuclear waste, Aldermaston Atomic Weapons Establishment has confirmed that low level radioactive waste is transferred to a commercial repository in Cumbria under a contract sufficient to accommodate its management over the period of the MWLP.

21. I am satisfied overall that, where necessary, WBC has engaged constructively, actively and on an on-going basis with prescribed bodies and that the Duty to Co-operate has therefore been met in the preparation of the MWLP.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

22. The MWLP has been prepared broadly in accordance with the updated **Local Development Scheme** of October 2022. The revised December 2022 date for adoption appears achievable.

Statement of Community Involvement

23. Consultation on the MWLP and the MMs was carried out in compliance with the **Statement of Community Involvement** of January 2020, as confirmed in the submitted Statement of Consultation.

24. Where complaint arose that there had been a breach of Regualtion19 due to non-availability of ecological information that subsequently formed part of the evidence base, this was explained with reference to a notice on the WBC website that access to this information was available but by request, in the interest of biosecurity.

Sustainability Appraisal and Habitats Regulations Assessment

25. WBC carried out a **Sustainability Appraisal** (SA) of the MWLP including consideration of reasonable alternatives to its strategic approach, policies and site allocations. The findings of the SA were published along with the MWLP and other submission documents under Regulation 19. The SA was updated to assess the Main Modifications and also the advice issued by Natural England in March 2022 regarding nutrient level pollution of certain river basin catchments, including that of the River Lambourn within West Berkshire.

26. Some concern was expressed that the SA did not apply specific selection criteria on carbon footprint or accessibility to its individual site assessments, having regard to climate change and transport sustainability. However, adaption to climate change and the consideration of sustainable transport options are inherent within site selection objectives 8 and 10 of the SA. Other environmental impacts potentially exacerbated by climate change are assessed under objectives 1 on biodiversity, 2 regarding water quality and 3 on flood risk. Whether the outcomes of the site selection process are justified and whether the site development principles are appropriate and adequate are questions of soundness under Issue 3 below. Climate change is also further considered below in terms of both legal compliance and soundness.

27. The **Habitats Regulations Assessment** (HRA) of November 2020 concluded that an Appropriate Assessment was not necessary. In summary, the outcomes of the screening were that the policy approach, the safeguarded and allocated sites of the MWLP and the implementation of the Plan, including in combination with other plans or projects, were unlikely to result in a significant impact on the integrity of any European or Ramsar site. The HRA was updated in March 2022 to take into account the proposed MMs and also the Natural England advice on nutrient levels in the River Lambourn catchment. The updated HRA also concluded that the policies and development of the allocated and safeguarded mineral and waste sites of the plan are unlikely to result in significant impact on any European or Ramsar site, including the River Lambourn SAC. Natural England confirmed its agreement with that conclusion and there is no evidence to the examination that would lead me to any different view .

Climate Change

28. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the WBC area contribute to the mitigation of, and adaptation to, climate change. Within the MWLP, Policy 25 states this aim and provides for mitigation measures where required. Other policies deal with planning effects potentially related to climate change. Including Policy 20 on biodiversity, Policy 22 on transport and Policy 24 on flooding.

29. Several concerns regarding climate change are considered in relation to the Vision and Objectives and site selection with respect to soundness under Issues 1 and 3 below.

Other Requirements

30. The MWLP complies with all other relevant legal requirements, including in the **2004 Act (as amended)** and **the 2012 Regulations**. As noted in connection with the context of the MWLP above, by expressly replacing current minerals and waste policy, the MWLP, on adoption, will maintain requisite consistency with the development plan.

31. The **Development Plan**, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the WBC area.

Assessment of Soundness

Main Issues

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified seven main issues upon which the soundness of the MWLP depends. This Report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Vision and Objectives

Is the MWLP based on an appropriate Vision and appropriate Objectives taking into account national policy, legislation and guidance governing Climate Change and contributions to the supplies of aggregates from outside the District?

33. The stated Vision of the MWLP is to facilitate the planned delivery of mineral resources and waste management for West Berkshire in the most sustainable way.

34. The Vision is followed by eight Minerals and nine Waste Strategic Objectives.

35. The Minerals Objectives together encourage the most appropriate use of mineral resources in line with the national principles of sustainable development, providing for stocks of permitted reserves in appropriate locations having regard to the need to avoid harm to interests of acknowledged importance, including the North Wessex Downs AONB. Reserves and processing and handling facilities are to be safeguarded, the use of recycled

aggregates encouraged and mineral sites progressively restored at the earliest opportunity.

36. The Waste Objectives together seek to minimise waste at source and enhance waste management via the waste hierarchy, minimise waste transport distances, and safeguard waste processing facilities, ensuring appropriate protection and enhancement of the environment.

37. There is no criticism of the Vision and Objectives in themselves, save in respect of the heightened emphasis of national policy regarding the need to adapt to climate change.

38. WBC declared a climate emergency in July 2019 and has produced an Environmental Strategy with the central aim of achieving carbon neutrality by 2030, save only that indirect emissions beyond WBC control are excluded. The Delivery Plan for the Environmental Strategy does not mention minerals and waste plan preparation but does refer to the Local Plan and staff training.

39. In general, a range of provisions in the MWLP broadly reflect adaption to climate change and it is clear from the terms of the SA and the other documentation of the evidence base that the consideration of climate change has been inherent in plan preparation by WBC.

40. Yet nowhere in the Vision or Objectives of the MWLP, as submitted, is climate change expressly mentioned. To be fully justified and therefore sound, the Vision should include the reference to climate change provided by **MM2**. For the same reason, Minerals Objective M8 and Waste Objective W8, on protection of the environment, should also include express references to climate change. These changes are brought about by **MM3** and **MM5** to Objectives M8 and W8 respectively.

41. One further change is required to Minerals Objective M4 on the maintenance of aggregate landbanks. For complete accuracy and justification it is necessary to add reference to taking into account potential future contributions from West Berkshire towards aggregate supplies in other areas. The LAA shows that this takes place as a matter of fact and the additional text is consistent with the provision of the NPPF that all areas must provide for steady and adequate supplies. That is not to say that undue priority is given to additional supplies from West Berkshire where this would fail to comply with all other relevant policies of the MWLP, properly taken as whole. This change is provided by **MM4**.

Conclusion on Issue 1 – Vision and Objectives

42. Notwithstanding that, with the identified MMs in place, the Vision and Objectives of the MWLP can properly be regarded as appropriate and sound, taking into account national policy, legislation and guidance governing climate change and contributions to the supplies of aggregates from outside the District.

43. However, the ultimate test of the soundness of the Plan overall is whether the Vision and Objectives are borne out by the policy provisions and site allocations discussed in the remaining issues below.

Issue 2 – Construction Aggregate Requirements – Policy 2

Is the approach of the MWLP to the definition of numerical aggregate requirements appropriate and are the separate requirements and landbanks for soft sand and sharp sand gravel justified and supported by robust evidence?

Approach

Source data

44. Annual Minerals Surveys on the sales, movement, consumption and permitted reserves of aggregate minerals county by county are undertaken by the British Geological Survey on behalf of the Government, roughly every four years. The 2020 LAA that informed the aggregate requirements of the submission version of the MWLP took account of the 2014 Annual Minerals Survey (AM2014) results for the whole of Berkshire and apportioned them to the West Berkshire District by percentage of population.

45. The next and latest Annual Minerals Survey, AM2019, was not published until August 2021, after the MWLP was submitted for examination. It is therefore reasonable that the submitted version was based on the AM2014 figures. In any event, there is no direct comparison between the AM2014 figures for the whole of Berkshire and the LAA figures specifically for West Berkshire alone. I make further reference below to recent data and market trend.

Landbanks

46. National policy[1] makes clear that WBC should provide for a seven year landbank of sand and gravel aggregate sites, preferably from indigenous reserves in areas of the District outside the AONB, which is accorded the highest status of protection and where mineral extraction is classed as major development subject to exceptional justification at the application stage.

[1] NPPF 210b, 211a, 213fh

Separate landbanks are to be calculated and maintained for aggregate minerals of specific type or quality having a distinct and separate market. National policy is also clear that provision for a steady and adequate supply is to be informed by the annual LAA forecast based on a rolling average of sales over 10 years, or three years where there is an upward trend supporting an increase.

47. Historically, a single sand and gravel landbank was maintained for West Berkshire but in recent years commercial confidentiality restrictions have been eased to allow for separate soft sand and sharp sand and gravel landbanks to be calculated. The question arises whether the markets for soft sand and sharp sand are sufficiently distinct with respect to type, quality and end use to justify maintaining separate landbanks, with resulting implications for the location and harmful impact of mineral workings.

48. Geologically, the so-called soft sands of West Berkshire, comprising fine, well-rounded grains, are sourced from relatively deep bedrock formations largely inside the AONB, whilst coarser sharp sand and gravel is won from shallower deposits less likely to be within the AONB. The broad distinction is that soft sand, or building sand, can be used for any concrete and mortar end use but sharp sand is unsuitable for building mortars and plasters.

49. It is evident that the nature and quality of sands can vary significantly within the deposit and also that the practical end use of soft sand in particular cannot be predicted accurately, with unknown quantities being taken up for non-building uses. Moreover, there is decreasing use of building mortars produced from dry-screened or untreated bedrock sands close to source. Furthermore, whilst estimates vary, the most authoritative evidence is that some 80% of brick and block laying mortars are factory-produced, albeit that specific end use does not represent the entire market for factory-produced mortars and plasters. It is also evident that some building mortars can be produced on-site from materials other than naturally occurring local sands.

50. Nevertheless, the annual LAAs have been able to identify that there is a distinguishable demand for bedrock or so-called soft sand from reserves in West Berkshire, separate from that for sharp sand. Even though the proportion of this soft sand that in practice reaches non-building end uses is unquantified, it is reasonable to conclude that much of that supplied is in local demand for building mortar that cannot be satisfactorily produced from sharp sand. A combined landbank does not allow for the separate provision necessary to meet this demand from indigenous reserves where practical.

51. This subject has been controversial across a number of mineral planning areas, which are often underlain by different geologies leading to varying conclusions. Central and East Berkshire have no separate soft sand landbank, whereas Kent, Oxfordshire and West Sussex do. On the evidence to this Examination, I

am satisfied that this is not matter of principal to be applied across the country but a matter for determination on local circumstances.

52. In this case, I consider there to be sufficient justification for WBC to maintain separate soft and sharp sand landbanks based on specific type and quality of deposit and distinct and separate markets, in terms of national policy. The quantum requirements on which those landbanks should be calculated are a further matter to be explored below.

Past sales data

53. WBC is required by national policy[2] to plan for a steady and adequate supply of aggregate minerals by preparing an annual LAA based on rolling 10 year average sales records and other relevant local information and supply options.

54. The LAA considers factors of population change, household growth, national economic and construction forecasts as well as local circumstances, such as demand for tile-making sands from industrial plants within the District. In summary, with regard to future demand for sands and gravel, the LAA finds that demand for aggregates in West Berkshire is likely to be driven by a variety of local and wider factors, with existing industrial processes continuing to inflate the level of internal demand for aggregates. Aside from the temporary effects of Brexit and the Covid pandemic of 2020-22, the LAA considers overall that there are no clear identifiable factors to result in a significant alteration to the level of need for construction aggregates in the foreseeable future compared with the past 10 years.

55. The LAA duly notes the particular environmental constraints of the AONB. That is where the majority of soft sand deposits lie and have been worked historically but where exceptional justification is required for further mineral working because mineral extraction is classed as major development. This does not represent an absolute constraint warranting a departure from a planned requirement based on the 10 year sales average. However, the LAA correctly indicates that this local consideration potentially affects the availability of aggregate supplies whilst, at the same time, national policy provides that mineral supplies should be sourced indigenously.

56. The LAA notes a significant decline in the number of aggregate-producing mineral sites and available reserves in West Berkshire in recent years. This has suppressed sales in relation to anticipated local demand, resulting in an increase in imports, from Oxfordshire especially. It is noted that despite an overall increase in total aggregate consumption between 2009 to 2014 with crushed rock, marine sand and gravel and recycled aggregate figures all rising,

[2] NPPF 213a

the proportion of land-won sand and gravel decreased from 44% to 5% of the total. These factors lead to consideration of whether the average sales figures in the immediate past 10 years are, in practice, an appropriate basis for calculating future landbank requirements.

57. The 2020 LAA indicates that the latest annual sales figure for 2019, the latest then available, was 156,233 tonnes for all sand and gravel, comprising 128,581 tonnes of sharp sand and gravel and 27,652 tonnes of soft sand. The overall figure had fallen significantly compared with the previous nine years and was roughly equal to no more than estimated consumption within West Berkshire, with little contribution to wider demand.

58. The LAA has been subject to scrutiny within the SEEAWP, without dissent, and has duly followed national policy and guidance in forecasting future aggregate demand based initially on 10 years previous sales data but, importantly, taking account of relevant local information and supply options.

59. Taken with the depletion in sites and reserves within the District, the recent reduction in sales provides justification for the MWLP, as submitted, basing its separate soft sand and sharp sand and gravel aggregate requirement figures on the average ten year sales figures for 2017, as reported in the 2018 LAA, namely 43,730tpa for soft sand and 189,233tpa for sharp sand and gravel.

Soft Sand Requirement

60. However, the numerical requirement of 43,700tpa for soft sand based on the ten years sales reported by the 2018 LAA is vigorously criticised by concerned local Representors whose views deserve due consideration.

61. It is pointed out that the NPPF, together with the National Planning Practice Guidance (PPG), provides for basing future aggregate demand and requirements on the last three years sales as an alternative to the prior ten-year period, where this is more reflective of recent trends. The last three years trend shows a figure of only 13,459tpa, less than one third of the ten year figure to 2018, on which the MWLP requirement is based.

62. Criticism is also directed at the 2020 LAA in its estimates, at Appendix C, of likely annual soft sand consumption. These are based on various methodologies of projected demands for construction materials and on population data. Estimates range from below 5,000tpa by apportionment of national consumption of building sand to nearly 32,000tpa derived from planned housing delivery in West Berkshire, with District population as a proportion of national population as an alternative multiplier resulting in a figure between 14,475tpa and 17,400tpa.

63. Understandably, although the higher consumption estimate figure exceeds the 2018 LAA soft sand sales 27,652tpa, these results can be seen broadly to support a lower requirement figure.

64. However, reliance upon the more recent three year average sales is specifically aimed at circumstances where an increase over latest trends is anticipated. Furthermore, the several methodologies for estimating consumption appear fraught with uncertain assumptions regarding input data. These assumptions give rise to such widely varying outcomes that the results must be regarded with considerable caution.

65. In the circumstances, whilst the lower range consumption estimates militate to a degree against reliance upon the higher 2017 sales totals, the WBC calculation in accordance with the methodology promulgated by national policy is to be preferred.

66. Accordingly, I find that the requirement of the submitted MWLP for soft sand is justified and supported by robust evidence.

Sharp Sand Requirement

67. The same considerations apply with respect to the sharp sand and gravel requirement and I find that the total sharp sand and gravel requirement set down in Policy 2 of the MWLP as submitted of 840,000 tonnes, net of current permitted reserves and based upon an annual figure of 189,233tpa, is justified.

68. Concern over the quantum of sharp sand and gravel for which the MWLP provides are more directly relevant to questions of supply, addressed under Issue 3 below.

Recent data and market trend

69. As noted above, latest Annual Minerals Survey, AM2019, was published in August 2021, after the MWLP was submitted for examination. However, it is appropriate for the purposes of examination that the stated aggregate requirements of the submitted MWLP be sense checked against the AM2019 results for any significant disparities that might indicate a need for further consideration before adoption.

70. Comparison of the AM2014 and AM2019 figures shows that consumption in Berkshire, as a whole, of both land-won and all other sand and gravel, increased between 2014 and 2019, although sales dropped. Estimated consumption in West Berkshire based on a proportion of population increased. This bears out the conclusion of the 2018 LAA that, although sales have decreased in recent years due to a decline in permitted reserves, demand and

consumption have increased. The increase in consumption is seen to have been sustained by an increase in imports.

71. It follows from these upward-trending figures that the approach in the 2018 LAA to maintain the provision rate from 2017 is justified in order to fulfil the national policy aim to source mineral supplies indigenously rather than relying on imports.

72. For the MWLP to be effective in this regard, **MM6** is necessary to add a supporting text paragraph to Policy 2 explaining the annual survey process and how it will be taken into account in future annual LAAs and ultimately in future reviews of the MWLP.

Secondary and recycled aggregates

73. The aggregate requirement figures of the 2020 LAA take into account past sales of secondary and recycled aggregates and the MWLP generally encourages their use to contribute to the supply requirements of the District and reduce the use of primary land-won reserves. The practical usage of secondary and also marine materials can be monitored but their future availability is difficult to predict so that a numerical target would be impractical.

74. For the Background information in section 2 of the MWLP to be accurate and justified, **MM1** to text paragraph 2.9 is necessary, deleting reference to the amounts of historic sales of recycled aggregates in excess of those of primary materials and so remove any false impression that recycled material is in greater demand than primary aggregates, as distinct from being preferred when appropriate and available.

Conclusion on Issue 2 - Construction Aggregate Requirements

75. I find that the approach of the MWLP to the definition of numerical aggregate requirements is appropriate and that the separate requirements and landbanks for soft sand and sharp sand gravel are justified and supported by robust evidence. I conclude overall that, this respect, the MWLP is sound, subject only to the two MMs identified.

Issue 3 – Construction Aggregate Supplies and Allocated Sites. Policy 4, Policy 30, Policy 31

Are the Soft Sand and Sharp Sand and Gravel Site Allocations of the MWLP soundly based upon a robust site selection and assessment process and subject to appropriate development principles?

Background

76. The strategy of the MWLP is expressed in its Vision and Objectives, considered in Issue 1 above. This encourages the most appropriate use of mineral resources in line with national policy for their provision as well as for sustainable development and requires a balance between the need for minerals with their planning impacts on interests of acknowledged importance where they occur, including within the North Wessex Downs AONB.

77. A total requirement of 4.2 million tonnes of sand and gravel is identified for the Plan period to 2037, with current net shortfalls to be met by the MWLP of 790,000 tonnes of soft sand and 840,000 tonnes of sharp sand and gravel in order to contribute to the requisite 7-year sand and gravel landbanks.

Site Selection and Overall Supplies

Process

78. It was necessary to identify potential mineral sites with reference to a range of criteria reflecting their practical availability and the wide-ranging planning constraints upon them.

79. The preparation of the MWLP therefore utilised a five-stage site selection methodology applying 'traffic light' codings (Red, R/A, Amber, A/G, Green) to a range of key assessment features for each site considered. A comprehensive set of 16 planning topic areas were covered, including biodiversity, landscape, amenity, flood risk, water protection, highways and restoration.

80. Following an initial call for sites, from a schedule of 19 aggregate sites, four were reasonably withdrawn at an early stage as practically unavailable and 12 sharp sand and three soft sand sites were taken forward for detailed assessment and SA as reasonable alternatives, excluding any already with planning permission.

81. The selection process was informed by public and statutory consultation responses as well as detailed specialist technical evidence. The latter included general and site-specific assessments of flood risk, groundwater, landscape and visual impact. The results were summarised under the several topic headings

and colour codings, according to the degree of impact, from very substantial and unlikely to be mitigated (Red) to no significant effect (Green).

82. The SA shows that all the aggregate minerals sites assessed would have largely neutral or negative impacts over the short to medium term, returning to neutral in the long-term after restoration, with some environmental or social benefits. Several sites that would be likely to cause significant impact on the landscape were excluded.

Sharp Sand Sites

83. Seven sharp sand sites were considered acceptable in landscape terms with mitigation, MW004 Boot Farm, MW007 Cowpond Piece, MW008 Firlands, MW012 Wasing Lower Farm, MW013 Manor Farm, MW016 Waterside Farm and MW015 Tidney Bed. The SA indicates that other potential short to medium negative impacts could be mitigated.

84. Further ecological work indicated that Cowpond Piece (MW007) would result in a significant negative impact on environmental sustainability. The deliverability of Boot Farm (MW004), Manor Farm (MW013), Wasing Lower Farm (MW012) and Firlands (MW008) is in doubt. Boot Farm and Manor Farm were withdrawn by the landowner.

85. The Wasing Lower Farm site was proposed as an extension to an existing permitted quarry. No work has started on the site and there is uncertainty over its deliverability within the Plan period.

86. There are concerns over access arrangements at Firlands with implications for its deliverability.

87. The single remaining site, Tidney Bed (MW015) is therefore proposed for allocation on consideration that there are no significant constraints to its development that cannot be mitigated, with net gains following restoration. This allocation is considered further below.

Soft Sand Sites

88. Three soft sand sites were initially promoted for allocation, 60 Acre Field (MW002), Long Lane (MW011) and Chieveley Services (MW005). Long Lane was not considered suitable in landscape terms nor in highways terms, as a safe and adequate highway access cannot be achieved.

89. Both 60 Acre Field and the Chieveley Services sites are located within the AONB. However, in light of the separate identified need and requirement for soft

sand to be won in the District, an allocation was regarded as necessary, subject to the test of exceptional circumstances for major development in the AONB, where the landscape is a critical consideration.

90. The landscape assessment indicates that, with mitigation, the Chieveley Services site could be suitable for development but that 60 Acre Field site is not acceptable in landscape terms. The Chieveley Services site was therefore allocated. This allocation is considered further below.

91. The Chieveley Services is expected to yield no more than 670,000 tonnes of soft sand. Clearly, this would not alone meet the calculated annual requirement for soft sand of 790,000 tonnes. However, it was not considered appropriate to allocate a further site, which would result in significant harm to environmental sustainability in terms of landscape impact. Accordingly, the Area of Search (AoS) for soft sand was identified, whilst it was accepted and agreed under the DtC that the Council would otherwise continue to rely on imported material if no further indigenous sources were identified. The AoS is considered further below.

Criticism of the Selection Outcomes

92. The site selection process is broadly criticised in terms that the entire process should be revisited, with the carbon footprint and transport options of each reasonable alternative site evaluated, in light of the most recent national policy re-emphasis on adaption to climate change. At the Issues and Options stage of Plan preparation, it was stated that road transport of minerals was to be avoided, in favour of the use of conveyors on extensions to existing sites, for example. Yet both allocated minerals sites in the Plan, as submitted, would rely exclusively on road transport.

93. I find above, in connection with the Legal Compliance and Vision and Objectives of the MWLP, that consideration of climate change has long been inherent in the preparation of the Plan. Although the profile of climate change policy has recently been raised, I consider that to require a further iteration of the site selection procedure on that basis would be a disproportionate reaction. Moreover, there is no definitive evidence that the outcomes of the site selection process would have been any different even if more explicit climate change and sustainable transportation criteria had been built into the assessment, once the potential environmental impacts of mineral working were balanced against national policy to maintain supplies.

94. Furthermore, although the allocation of a site in the Plan must be seen as a portent of its ultimate development, an allocation is far from a planning approval, for which a detailed application must be submitted and critically assessed. Policy 25 of the Plan clearly provides that mineral applications must demonstrate how they will minimise their impact on the causes of climate

change. That is consistent with the NPPF which also states that a sufficient supply of minerals is essential. I note evidence of some disparity between mineral planning authorities in the level of detail assessed regarding such as transport mode and proximity of potential sites to markets. However, on the evidence in the present case, it appears to me that the comparators used are appropriate and that it would not be practical at this stage to undertake calculation of the carbon footprint of a future development for which full details are as yet unknown.

95. The judgements made between alternative sites within the selection process are also questioned with reference, in particular, to the Tidney Bed site, as the sole sharp sand allocation out of the twelve sites assessed. Here, the assessment of the degree of impact on views of the site and its access from within the adjacent AONB is held to be underestimated when elevated viewpoints are considered, including from an adjacent road bridge. Such locations provide passing impressions of the site compared with a broader view of the effect of the site on the setting of the AONB. Taking into account potential mitigation by advance landscape planting and earth bunding, I consider that the assessment of visual impact is to be regarded justified.

96. The need for road access from the A4 Bath Road is also highlighted compared with the more rural alternative sites such as Lower Wasing. A balance of judgement is required between the traffic impact of a mineral site remote from the main road network and the potential for conflicting vehicle movements on the busier A4, with a commensurately higher accident record. However, there is potential for indirect access, such as from Ufton Lane to the southwest, avoiding a new entrance on the main road, and any detailed proposal would be subject to Policy 22 to secure safe and appropriate access.

97. Overall, I consider that the necessarily subjective judgements inherent in the site selection process were well informed by robust technical evidence and are logical and reasonable.

98. It follows that the allocations made by Policy 4 on the location of construction aggregate sites are justified. However, for Policy 4 and its supporting text paragraph 4.47 to be consistent with national policy and sound, **MM12** and **MM20** are necessary to remove the presumption in favour of the allocated sites only in certain circumstances and replace it with a balanced, criterion-based approach, omitting the qualification 'only' which is superfluous, especially given any proposal is also still subject to all other relevant policy constraints of the Plan as a whole.

Area of Search and other alternative sources of Soft Sand

99. Owing to the shortfall in soft sand supplies within West Berkshire, Policy 4 also supports sites located within a designated AoS for alternative indigenous sources of supply before reliance upon imports of soft sand from Oxfordshire. For clarity and effectiveness, paragraphs 4.41 and 4.44 of the supporting text requires clarification by **MMs18-19** to make reference to the agreed availability of soft sand imports from Oxfordshire if local sources prove insufficient.

100. The AoS extends to the known reserves of the Reading Beds outside urban or protected areas. It is not necessary, and would introduce undue uncertainty, to widen the AoS beyond these areas of known reserves.

101. Policy 4 appropriately favours aggregate extraction for borrow pits or extraction prior to, or as part of non-mineral development that would sterilize a reserve, subject to other protective policies, and includes more open criteria favouring extraction required to maintain the requirement provisions of Policy 2.

102. These general provisions of Policy 4 introduce a suitable degree of flexibility to offset the dependence of the MWLP on a single soft sand allocation but are subject of objection that they too readily invite applications for other than the specific allocated sites. However, I consider that the cross-reference to the quantitative requirements of Policy 2 and a further broad criterion of compliance with all other relevant policies introduces a sufficient check on unwarranted windfall mineral development.

Tidney Bed – Policy 30

Development Principles

103. Policy 30 sets down a comprehensive set of development principles for any sand and gravel extraction from the land. These include a requirement for a detailed landscape and visual impact assessment to determine the practical extent of extraction within the allocation boundary, with temporary screen bunding, phased, progressive restoration and permanent advance tree planting to minimise visual impact. Access would be subject to a detailed transport assessment. Ecological mitigation measures would be established by a detailed habitat and ecological assessment including calculation of baseline biodiversity value. Soil handling would be controlled according to agricultural land classification.

Heritage

104. There is no doubt that any mineral development at Tidney Bed would clearly be noticeable from the Tyle Mill Conservation Area, with its several listed buildings,

where there is potential for noise and dust pollution. Heritage and amenity impacts would be subject to further detailed assessment to establish mitigation measures.

Flood risk and hydrology

105. The north east end of the allocation is outside but close to a protected source of groundwater which could limit the detailed extent of excavation. Whilst sand extraction itself is compatible with wet working, a project-specific flood risk assessment would be required with any application to ensure that the local drainage and groundwater protection would not be compromised.

Afteruse

106. There is objection to any prospect that the restored Tidney Bed land could be developed commercially, adding to built development along the A4 Bath Road corridor. However, such development would still be subject to normal planning policy and control and is evidently not the option preferred by the landowner.

Inert fill and restoration

107. The proper and timely restoration of the Tidney Bed site depends upon the availability of inert waste material to backfill the void created by the removal of the mineral. The chief source of such material is recovery of construction and demolition waste of which the Local Waste Assessment identifies at least 218,000 tonnes being generated in the District per year to 2018. The LWA further shows that from 2014 to 2018 between about 103,000tpa and 174,000tpa of that material was deposited in landfill or restoration sites, roughly 140,000tpa on average. This figure excludes both waste recovered as recycled aggregate in West Berkshire and imports from outside the District contributing to landfill to existing mineral extraction voids. It also omits any contribution from specific major construction schemes. Potential production at Tidney Bed is 100,000tpa. On this best available data and making the reasonable assumption that the densities of extracted and deposited materials are similar, it is to be anticipated that overall there will be a sufficient flow of inert material to fulfil the development principle of timely progressive restoration of the Tidney site to existing ground levels. A further sufficient amount would be available for the other allocated site at Chieveley Services.

Level of supply, alternatives sources and Area of Search

108. It is of local concern that, whilst the Tidney Bed sharp sand site is allocated in the submitted MWLP, it would only require the permitted but unimplemented Lower Wasing site, with its potential extension, to commence, in order to meet

the Plan requirement and make up the shortfall in supply. This creates an impression of unnecessary oversupply at the expense of planning impact in a location in the setting of the AONB, between its southern boundary and the Tyle Mill Conservation Area.

109. However, it is national policy that the MWLP must be deliverable and the best commercial evidence available is that practical commencement of production from Lower Wasing remains uncertain. Moreover, the number of operational sources of sharp sand in the District has dramatically reduced in recent years, whilst there is nothing in planning policy to suggest that planned requirements for mineral aggregates represent maximum levels or ceilings. Thus, as the site selection process is to be regarded as robust, the acceptability of the Tidney Bed allocation turns not on the availability of Lower Wasing but on the degree to which the effects of sand extraction from Tidney Bed would be controlled in planning terms.

110. It is suggested that the MWLP should include an AoS for sharp sand, equivalent to that for soft sand. However, this is not necessary given the overall sufficiency of supply due to the Tidney Bed allocation, well in excess of the Plan requirement of 840,000 tonnes.

Tidney Bed site overview

111. I consider overall that, with the proper application of the development principles of Policy 30 to any future proposal to extract sharp sand and gravel from the Tidney Bed site, the effects of such development could be mitigated to an acceptable level in terms of prevailing planning policy.

Chieveley Services – Policy 31

Development Principles

112. Policy 31 sets down a comprehensive set of development principles for any soft sand extraction from the land. These include a requirement for a detailed landscape and visual impact assessment to determine the practical extent of extraction within the allocation boundary, with temporary screen bunding, phased, progressive restoration and permanent advance tree planting to minimise visual impact.

113. Access would be subject to a detailed transport assessment and two rights of way over the site would require diversion and subsequent reinstatement and others adjacent to the site would require visual buffers during the works.

114. Ecological mitigation measures would be established by a detailed habitat and ecological assessment including calculation of baseline biodiversity value. Soil

handling would be controlled according to agricultural land classification. A heritage assessment would provide consideration of archaeological and built heritage assets in the surrounding area, including Lanolee House and Pens Cottage over 500m away to the southwest. Noise and dust surveys would be required to specify mitigation measures to protect the adjacent motorway services area and other sensitive property.

115. On a question of whether the development principles should expressly require enhancements to the landscape, rights of way or biodiversity, this is not necessary, even within the AONB, because any application is subject to the development plan as a whole. In particular, Policies 18 and 19 respectively require enhancement of the landscape and natural beauty of the AONB and Policy 20 cites the requirement for a minimum 10% biodiversity net gain. Policy 23 on rights of way seeks opportunities to secure improved access.

Major development in the AONB

116. It is inescapable that the extraction of soft sand from the AONB would constitute major development requiring exceptional justification to be assessed at the planning application stage, notwithstanding that the site would be allocated in the development plan. That sequential process is established by the judgment in the *Advearse*[3] case.

117. Therefore, to minimise uncertainty of the ultimate delivery of the Chieveley site, WBC undertook an exceptional circumstances test which confirmed a pressing need for local soft sand and determined that its extraction from the Chieveley Services site is potentially justified without significant adverse impact on the environment, landscape or recreation, given the alternative is increased importation from Oxfordshire in the absence of other indigenous sites coming forward.

118. For the MWLP to be effective and sound in respect of major development in the AONB, the text narrative requires clarification at paragraphs 4.40 and 4.42-43 to clarify the legal and policy constraint on major development and reference the potential alternative sources of soft sand, subject to compliance with all other policies of the Plan. That includes Policy 19 on protected landscapes, such as that of the AONB. The necessary changes are made by **MMs13-17**.

119. I consider overall that the delivery of the Chieveley Services site as major development in the AONB is thus as assured as can be expected at this stage of plan making.

[3] *[2020] EWCH 807 (Admin) Advearse et al v Dorset CC et al*

Inert fill and restoration

120. The proper and timely restoration of the Chieveley Services site is particularly important to limit the degree and duration of adverse landscape impact upon the AONB. This in turn depends upon the availability of inert waste material to backfill the void created by the removal of the mineral. The chief source of such material is recovery of construction and demolition waste of which the Local Waste Assessment identifies at least 218,000 tonnes being generated in the District per year to 2018. The LWA further shows that from 2014 to 2018 between about 103,000tpa and 174,000tpa of that material was deposited in landfill or recovery sites, roughly 140,000tpa on average. As noted above in relation to Policy 30 and the Tidney Bed site allocation, this figure excludes local recycled aggregate as well as imports and any contribution from specific major construction schemes. Potential soft sand production at the Chieveley site is 40,000tpa.

121. On this best available data and making the reasonable assumption that the densities of extracted and deposited materials are similar, it is to be anticipated that, overall, there will be a sufficient flow of inert material to fulfil the development principle of timely progressive restoration of the Chieveley site to existing ground levels, with a further sufficient amount being available for the other allocated site at Tidney Bed.

Practical yield

122. The Chieveley Services site is allocated for the extraction of between 400,000 and 670,000 tonnes of soft sand, the lower figure accounting for necessary landscape buffer mounding reducing the effective working area. Even so, the likely practical yield of the site is further questioned with respect to potential geological variations in the depth and quality of the bedrock reserve. It is always possible that such variations could become evident in practice, reducing the yield even below the stated range, despite the site investigation results on which the site promoter and WBC rely. At the same time, the MWLP proves a degree of flexibility to cover a supply shortfall should this occur.

Planning history

123. Two previous proposals for soft sand extraction at Chieveley were dismissed at appeal in 1988 and 2012 on grounds that exceptional justification did not exist for such major development in the AONB. However, the circumstances were different from the present situation in that one proposal was for an extension to the former Old Kiln Farm site and the evidence on the balance of need and supply was influenced by other available sources which do not currently exist. In any event the soundness of this Plan must be assessed on current evidence and circumstances.

Chieveley Services site overview

124. I consider overall that, with the identified changes in place, and subject to the proper application of the development principles of Policy 31 to any future proposal to extract soft sand from the Chieveley Services site, the effects of such development are likely to be mitigated to an acceptable level in terms of prevailing planning policy, notwithstanding that any such proposal would amount to major development required to be assessed as justifiable as an exception within the AONB.

Conclusion on Issue 3 - Construction Aggregate Supplies and Allocated Sites

125. For the reasons explained above, with the MMs identified, the Soft Sand and Sharp Sand and Gravel Site Allocations of the MWLP are evidently soundly based upon a robust site selection and assessment process and are subject to appropriate development principles.

Issue 4 – Net Self-sufficiency in Waste Management – Policy 3

Does Policy 3 make sufficient and effective provision to ensure net waste self-sufficiency, taking account of waste movement outside the District, and with respect to spare capacity and individual waste types?

Movement outside the District and Spare Capacity

126. It is accepted that there will be movements of waste across administrative boundaries and Policy 3 does not restrict waste movements either to or from the District and so does not hinder net self-sufficiency being achieved in this respect.

127. The Local Waste Assessment (LWA) confirms that West Berkshire is able to achieve net self-sufficiency with substantial spare capacity or headroom of 31% over projected annual arisings from all types of waste of 933,714 tonnes. This is confirmed by the SEWPAG.

128. As the majority of waste imports are from waste plan areas contributing to the SEWPAG and also net self-sufficient in waste management capacity, there is no requirement for WBC to plan for unmet needs of other waste planning authorities.

Waste Types

129. There is nothing in national policy to require each waste planning authority to provide for managing the full range of waste arising within its plan area, given economies of scale and the operation of the market transcending administrative

boundaries. There is a lack of non-hazardous landfill and recovery capacity in West Berkshire but this is more than offset by surplus capacity for other waste streams. The SEWPAG recognises that some waste types will not be managed within West Berkshire because of difficulty in delivering sufficient recovery or disposal capacity; also there is a general move away from waste management by landfill. A flexible approach is necessary, coupled with rigorous monitoring of the degree of self-sufficiency achieved in practice.

130. Accordingly, to be effective, Policy 3 requires to specify that monitoring will be conducted not merely in terms of overall waste quantity but with reference to waste type, given the wide variety of processing methods. This stipulation is introduced by **MM7**. Further necessary explanation is provided in the supporting text to Policy 3 by **MMs8-11**. An equivalent change to the Monitoring Framework itself is considered under issue 7 below. Any further attempt to predict quantity by type would not be practical.

Conclusion on Issue 4 – Net Self-sufficiency in Waste Management.

131. I conclude that, with those MMs in place, the MWLP is sound with respect to its objective to achieve net self-sufficiency in waste management.

Issue 5 – Minerals and Waste Safeguarding

Policy 9 – Minerals Safeguarding

Does Policy 9 make effective provision to safeguard mineral deposits and mineral processing and handling infrastructure?

132. Policy 9 provides for safeguarding mineral deposits of value from sterilisation by limiting development within defined Mineral Safeguarding Areas (MSAs) subject to a range of criteria related to such as degree of need for the mineral and potential for extraction prior to other permanent development taking place.

133. The MSAs are depicted in the Plan and on the Policies Map, including the online Interactive Policies Map providing local detail. As a unitary authority, WBC is not required to define Mineral Consultation Areas in addition.

134. The single concern of soundness is that, as submitted, Policy 9 itself does not explicitly safeguard mineral processing facilities or infrastructure sites. The supporting text does name and tabulate both mineral reserves or extraction sites and minerals infrastructure sites to be safeguarded. However, the omission of specific mention of minerals infrastructure from the wording of Policy 9 is sufficiently important to render it unsound in terms of its effectiveness. This is rectified by **MM26** to Policy 9.

Policy 10 – Waste safeguarding

Does Policy 10 make effective provision to safeguard waste processing facilities?

135. There is no requirement for new waste site allocations in the MWLP but Policy 10 provides for safeguarding nominated sites of waste management development by limiting other permanent development within their vicinity. Non-waste development that might result in the loss of permanent waste management capacity is subject to a range of criteria, including whether there is a continuing need for the facility and the availability of alternative processing capacity. The safeguarded waste sites are depicted on the Policies Map, including the online Interactive Policies Map providing local detail.

136. The provisions of Policy 10 are essentially uncontroversial. However, its supporting text lacks explanation of the approach taken. This is provided by **MM27** to paragraph 4.90, citing national policy that existing businesses should not have unreasonable restrictions place upon them by an agent of change such as encroachment or other non-waste development. This change is necessary to justify Policy 10 and make it sound.

Conclusion on Issue 5 – Minerals and Waste Safeguarding.

137. I conclude that, with those MMs, the MWLP is sound with respect to minerals and waste safeguarding.

Issue 6 – Other Strategic Policies

Policy 5 – General Waste Management Facilities

Are the terms of Policy 5 appropriate with respect to the exceptional circumstances required for waste proposals outside specified favoured areas or on greenfield sites, taking account of their environmental impacts?

138. The MWLP makes no site allocations for waste facilities on evidence of an adequate supply over the Plan period and this position is unchallenged.

139. Following consultation under the DtC and previous stages of consultation, Policy 5 nominates an appropriate typology of potential waste sites including existing permitted waste and industrial sites, previously developed land, aggregate quarries and inert landfill sites.

140. Otherwise, Policy 5 only contemplates new waste facilities which comply with all other policies of the Plan and take account of the proximity of the waste source, potential co-location and environmental impacts. This affords due protection to greenfield sites and the AONB.

141. However, Policy 5, as submitted, expressly presumes in favour of waste management facilities in specified classes of location other than in exceptional circumstances. To maintain a balanced approach consistent with national policy, **MM21** to Policy 5 itself and **MMs22-23** and **MMs44-45** to its supporting text are necessary for soundness, removing the presumption and rewording Policy 5 in terms of criteria for compliance rather than a presumption in favour with exceptions.

Policy 6 – Specialist Waste Facilities

Does Policy 6 make sufficient and appropriate provision for the specialist treatment of equine waste?

142. The treatment of equine waste in West Berkshire is largely unregulated. There is a single safeguarded equine waste composting facility at Park Farm.

143. The volume of equine waste generated per year, according to the Local Waste Assessment (LWA) is 52,800 tonnes. This vastly exceeds the estimated treatment capacity of 4,000 tpa known to WBC on the best information available.

144. Nevertheless, it is evident that equine waste is mainly dealt with outside the formal planning system and there are no known planning issues arising as a result.

145. However, the supporting text to Policy 6 rightly acknowledges the potential need for new formal specialist, including equine, waste management facilities in appropriate locations. It is accepted that these might even need to be in the rural AONB, subject to overriding justification.

146. Policy 6 sets suitable criteria for such new facilities covering location, need and environmental impact but itself omits specific reference to equine waste. Therefore, for Policy 6 to be properly effective and sound, **MM24** is necessary to include specific reference equine waste within the policy wording.

Policy 7 - Landfill

Does Policy 7 make appropriate provision for landfill, including over old landfill sites to maintain ground levels?

147. It can be foreseen that old landfill sites may be subject to subsidence requiring overfilling with inert material to restore ground levels and gradients and maintain free rainwater run-off and drainage.

148. Policy 7 provides for waste landfill to restore mineral extraction voids. Whilst relatively restrictive in its criteria, and resistant to landraising in particular, Policy 7 does provide for exceptions where permanent deposit of inert material is essential in relation to other development. These criteria appear appropriately to control the use of landfilling in the context of the waste hierarchy where landfilling is not favoured and its volume in the UK, and in West Berkshire specifically, has substantially reduced in recent years.

149. However, Policy 7, as submitted, expressly presumes in favour of landfilling but only to mineral voids, as against specified exceptions. To maintain a balanced approach consistent with national policy, **MM25** is necessary for soundness, removing the presumption from Policy 7 and rewording it in terms of criteria for compliance rather than a presumption in favour with exceptions.

Policy 12 – Energy Minerals

Does Policy 12 make appropriate provision for Energy Mineral exploration and production?

150. There is no dispute that Policy 12 makes essentially appropriate provision for the exploration for and commercial production of energy minerals such as oil and gas. Such development is made subject to compliance with a range of environmental criteria. These include a prohibition of exploration or production in the AONB other than exceptionally, albeit a reference to sites outside but within the setting of the AONB is strictly inconsistent with the related national policy test at paragraph 177 of the NPPF. However, paragraph 176 of the NPPF provides that development proposals within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts. The same wording should be repeated in Policy 12. In addition, where any consideration is given to hydraulic fracturing, a reference to water quality should be inserted. These necessary changes to the wording of Policy 12 are brought about by **MM28**.

Policy 14 – Reworking Old Inert Landfill Sites

Should the scope of Policy 14 be extended to include reworking Non-Hazardous landfill sites?

151. Policy 14 responds to commercial initiatives to recover valuable material from inert landfill sites but the question arises whether this initiative should extend to the recovery of known valuable materials from general but non-hazardous landfills.

152. The supporting text is explicit that such reworking and recovery should be limited to inert landfills due to the greater potential environmental impacts of

reworking non-inert landfills. The related cost implications of such operations makes them less likely to be proposed, despite the potentially higher value of their content. Overall, the approach of the MWLP in this connection appears to strike an appropriate balance.

153. However, for Policy 14 to be effective and sound, **MM29** is necessary to include a direct reference to inert landfills omitted from the policy wording as submitted.

Policy 15 – Permanent Construction Aggregate Infrastructure

Should Policy 15 be extended to cover Permanent Waste Infrastructure?

154. There are no allocations in the MWLP for permanent waste infrastructure which, in any event, would be covered by Policies 5 and 6 which provide for General and Specialist Waste Management Facilities. Policy 15 therefore does not need to cover new waste facilities.

155. However, Policy 15, as submitted, contains a presumption in favour of permanent construction aggregate infrastructure on favoured existing permitted mineral processing or handling sites or in Class B2 or B8 industrial development areas. For clarity, this does not include sites approved only for mineral extraction and there is no presumption in Policy 15 that such sites would attract safeguarding for permanent mineral or waste processing. To maintain a balanced approach consistent with national policy, **MM30** is necessary for soundness, removing the presumption from Policy 15 and rewording it in terms of criteria for compliance.

Conclusion on Issue 6 – Other Strategic Policies.

156. I conclude that, with the identified MMs in place, the MWLP is sound with respect to its other strategic policies.

Issue 7 – Development Management Policies and Monitoring Framework

157. Several Policies and the Monitoring Framework of the Plan require further agreed and consequential MMs for the reasons explained below.

Policy 19 – Protected Landscapes

158. **MMs31-32** are necessary for compliance with national policy by removing from Policy 19 on Protected Landscapes inappropriate reference to the setting of the North Wessex Downs AONB within the exception test for major development within the AONB as set by paragraph 177 of the NPPF. This reference is transferred to a new sentence of the Policy text to distinguish the lower level

provision of NPPF paragraph 176 that development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts on the AONB.

Policy 20 – Biodiversity and Geodiversity

159. WBC agreed with the Environment Agency (EA) a range of changes to the supporting text of Policy 20 to expand upon the range of environmental assets identified within the MWLP, such as the Rivers Kent and Lambourn Special Areas of Conservation, and the measures for their protection in accordance with the Conservation of Species and Habitats Regulations. These include buffer zones to minerals and waste facilities. These changes are uncontroversial and all are necessary for the effectiveness and soundness of the MWLP. The changes are implemented by **MMs33-41**.

Policy 25 – Climate Change

160. WBC also agreed with the EA one further change to Policy 25, removing the unnecessary and potentially misleading qualification that the sequential test for flood risk be applied where appropriate. The fact that mineral extraction is water-compatible would be taken into account in applying the test. The proposed change is necessary for effectiveness and soundness and is brought about by **MM42**.

Monitoring Framework

161. Chapter 7 of the MWLP comprises a Monitoring Framework as a basis for assessing the effectiveness of the policies of the Plan against a range of measurable indicators and triggers for review.

162. One necessary change for the effectiveness of the Monitoring Framework was identified during the Examination. **MM43** inserts a reference to waste management type into the indicator for Policy 3 on Net Self-sufficiency in Waste Management, providing an appropriate distinction between the various means of waste management available.

Conclusion on Issue 7 – Development Management and Monitoring.

163. I conclude that, with the identified MMs, the MWLP is sound with respect to its development management policies and monitoring framework.

Overall Conclusion and Recommendation

164. The West Berkshire Minerals and Waste Plan has a number of deficiencies in respect of soundness, for the reasons explained in the main issues set out above. Accordingly, in terms of Section 20(7A) of the 2004 Act, I recommend non-adoption of the Plan as submitted.

165. West Berkshire Council has requested that I recommend Main Modifications to make the Plan sound and capable of adoption. I conclude that the Duty to Cooperate has been met and that, with the recommended Main Modifications set out in the Appendix to this Report, the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

B J Sims

Inspector

This Report is accompanied by an Appendix containing the recommended Main Modifications.