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15th February 2021

Dear Minerals and Waste Planning Team,

West Berkshire Minerals and Waste Local Plan – Proposed Submission November 2020

Thank you for consulting Oxfordshire County Council on the above document.

We acknowledge that there are two draft Officer level Statements of Common Ground between Oxfordshire and West Berkshire: one in relation to Soft Sand; and one in relation to movements of Non-Hazardous Waste. However, as a neighbouring Minerals and Waste Authority, we do have a number of comments to make on the Plan, mainly in relation to the Strategic Policies. We also wish to make comment on a number of the other Development Management Policies and Monitoring Framework. Please note that these comments are officer comments only and have yet to be endorsed by the County Council. A further letter to formalise the Oxfordshire County response will follow.

We support the aims of many of the policies contained within the Plan, such as Sustainable Development, Safeguarding of both Minerals and Waste Sites, and Net Self Sufficiency.

We, nevertheless, feel it is necessary to make comments in relation to the soundness of West Berkshire Minerals and Waste Local Plan. Our concerns remain that West Berkshire is unable to deliver sufficient mineral requirements over their Plan Period, both in terms of reserves and production capacity and also the lack of identification of waste management facilities for non-hazardous residual waste for the whole Plan Period. We therefore question whether the Plan is positively prepared, effective and justified in its ability to deliver both the Minerals and the Waste requirements over the Plan Period. Regrettably, our concerns lead us to the view that the Plan in its current form is unsound.

We will comment on the Minerals Policies in the first section, before moving onto the Waste Policies, and then the Development Management Policies.

Minerals Section

In accordance with the NPPF we would expect the Minerals Policies within the West Berkshire Plan to set out how it will meet the mineral requirements of their Authority both in

terms of reserves and production. Our main comments, in terms of the Minerals Policies, relate to Policy 2 - Landbank and Need, and Policy 4 – Locations for Development.

Policy 2 Landbank and Need

We are pleased to see an identified figure for mineral requirements for primary aggregate sources included within Policy and the maintaining of the 2018 LAA provision rate for its calculation.

However, we have concerns over the findings of the LAA's and future LAA's and the impacts this may have on West Berkshires future requirements and consequently future reliance on other Authorities to provide the minerals required. We note that the plan has been submitted prior to the MHCLG survey, specifically the findings of movements of minerals between authorities. Though we understand the reason for that, we would like to see, at least within the supporting text of the plan, confirmation that the use of MHCLG survey findings surveys will be used as evidence within the future preparation of LAAs.

We acknowledge that the NPPF requires MPAs to prepare LAA's and the that LAA is required to

- Forecast the demand for aggregates based on average 10 years' sales data and other relevant local information;
- analyse all aggregate supply options and;
- assess the balance between demand and supply.

We are also aware that the NPPF sets out that the LAA should inform the MPA to be able to plan for a steady and adequate supply of aggregates. However, as previously raised in comments to West Berkshire's LAAs, we maintain our concerns that the future 10 years and 3 years sales data will not be an accurate reflection of West Berkshires mineral requirements for the reasons set out below. We recognise that this is acknowledged within the Minerals Evidence Paper supporting this consultation, but this is not recognised within the Plan.

In particular, Oxfordshire have concerns regarding reserves and production capacity. The declining level of reserves over the last decade, particularly soft sand, of which West Berkshire now has no reserves, combined with West Berkshires very limited current production capacity, means that need requirements in the future could be significantly affected.

In relation to production capacity for sand and gravel and the impact this has on West Berkshires ability to meet their demand, the draft LAA states that current active production capacity is 90,000tpa (LAA Dashboard) and the Minerals Evidence Paper says active annual production for sand and gravel is 100,000tpa, both are which far below the LAA annual requirement of 232,964tpa. If current inactive sites do not become operational, production levels will remain below the level required to meet demand. A lack of sufficient production capacity is likely to perpetuate low sales figures, leading to further declines in the 10- and 3-year sales average which in turn could potentially affect West Berkshires LAA provision rates.

We are pleased to see that within the current LAA, it has acknowledged other local factors at section 4.15 and kept the provision rate the same as 2018, but we feel we need to raise

concerns that this may not always be the case and as an LAA is not required to be subject to consultation or examination, there is potential for West Berkshire to reduce their future figures for mineral requirements over the Plan Period. If future LAAs with lower provision rates were to be used, reliance could fall on other Authorities to meet West Berkshire's actual mineral requirements.

MHCLG have recently undertaken the Aggregates Survey for 2019, which along with sales, reserves and permissions, also includes movements of minerals between Authorities. Based on the lack of sales, reserves and production capacity, the results of this survey particularly in relation to movements of minerals into West Berkshire, will be critical for West Berkshire's Plan and future projections of need. Upon its publication, this should be a key piece of relevant local information that should be considered within the future projections and assessment of need. We would like to see acknowledgement of this survey's importance and a commitment to consider its findings within future LAA's within at least the supporting text, as we believe it will show a more accurate reflection of the minerals required within West Berkshire. Without this commitment, we believe this Policy is not effective and justified and therefore not sound.

Location of Development

Policy 4 - Location of Development – Construction Aggregates

We support the identification of sites within Policy 4. In particular, we fully support the inclusion of Chieveley Services site.

West Berkshire have the underlying soft sand deposits within their Authority, and therefore in accordance with the NPPF they need to meet their own mineral requirements.

Due to the lack of identified reserve for soft sand, we would wish to see a more enabling policy. Currently only 2 sites are identified to meet all West Berkshire's sand and gravel requirements. The soft sand site does not deliver all the identified soft sand requirements (est. 400-670,000 tonnes of soft sand) which is short of the 790,000 tonnes required.

In particular, with such a shortfall for soft sand, the inclusion of additional restrictions for future soft sand sites to be within areas of search for soft sand, raise us to comment that we do not believe that it has been positively prepared.

We had hoped that the commitment to using an Area of Search approach within our Statement of Common Ground would create a more permissive Policy and encourage sites to come forward, however now in context, this appears to be another restriction. West Berkshire have a critical need for more soft sand as it's clear you are not maintaining the requirements of the NPPF and so to restrict so tightly where planning permission would be granted, seems ineffective and not positively prepared. Therefore we would consider this unsound.

Supporting text for Policy M4

We also raise concerns with the structure of the supporting text for Policy M4. Within this text, we would expect the Authority to demonstrate how it intends to meet its own needs for Soft Sand first before setting out how other Authorities could meet this need. We would expect, as the nominated site, Chieveley to be discussed first, followed by the reasoning

for Areas of Search and lastly then discussion on any potential reliance on other Authorities. By having Oxfordshire in the first paragraph causes the reader to think that West Berkshires main source of Soft Sand is Oxfordshire and we would not wish this to be the case, nor have we agreed this in our Statement of Common Ground. Therefore, this is not positively prepared, effective or justified and we would wish for the supporting text to be restructured accordingly.

The use of the word current when discussing mineral movements.

Within section 4.40 the text refers a number of times to 'current'. We strongly object to the use of this word within the Plan in relation to movements of minerals from Oxfordshire to West Berkshire due to it not being justified. There is no accurate evidence to show 'current' movements. As West Berkshire currently have no soft sand sites, there is no recent evidence to show where current needs are being met from.

The removal of word current would also be in accordance with the Statement of Common Ground. To say 'current' would mean that West Berkshire would possibly be relying on Oxfordshire supplying more than the Oxfordshire Minerals and Waste Core Strategy identifies as West Berkshire currently has no reserves of Soft Sand, and this approach has been agreed through our Statement of Common Ground (Officer Level).

The latest actual data we have for movements from Oxfordshire to Berkshire is the 2009 and 2014 Aggregates survey. The figures for Oxfordshire to Berkshire were recorded as:

- 2009 – 20,785 tonnes - 3.3% of Oxfordshire's total sales
- 2014 – 99,259 tonnes - 11.4% of Oxfordshire's total sales

These figures are for all of Berkshire and for soft sand and sharp sand and gravel combined as separate figures for soft sand were not publicly available at this time. However, our understanding is that very little, if any, of the sand and gravel exported from Oxfordshire to Berkshire in 2014 comprised soft sand. It was almost all, if not totally, sharp sand and gravel. As discussed above, the MHCLG Aggregates Survey, should provide more detail on this and will be a key evidence piece for West Berkshires Plan.

We acknowledge the work the Soft Sand study undertook and that in information received from operators, movements of mineral from Oxfordshire to West Berkshire does take place. However, the movements have never been quantified and therefore we are unable to accurately consider amounts and plan for this.

The Oxfordshire Minerals and Waste Local Plan: Part 1 - Core Strategy was adopted in September 2017. The Core Strategy acknowledges that the contribution of primary aggregate towards the aggregate supply needs of other areas is a strategic issue. The Oxfordshire Minerals Planning Vision and Objectives make a commitment to making contributions to wider needs as the Strategy recognises the strategic importance of Oxfordshire's mineral resources, particularly sand and gravel. In accordance with the National Planning Policy Framework, the Plan makes provision for the aggregate supply requirements identified within the Local Aggregate Assessment (LAA). This is set out within Policy M2 of the Core Strategy

As stated within the Oxfordshire's LAA, the figure for soft sand accommodates possible changes in local circumstances such as an increase in economic activity and consequent demand for aggregates. It also allows for Oxfordshire to continue to be a net exporter of

soft sand, as the figures from the 2014 Aggregates Monitoring survey were part of the Core Strategy evidence base. It doesn't account for Oxfordshire meeting all, if not significant amounts, of West Berkshires future needs.

Therefore, we have agreed at Officer Level within our Statement of Common Ground to the following two statements:

1. West Berkshire District Council and Oxfordshire County Council understand that as identified through the West Berkshire Soft Sand Study 2019, part of the sales pattern in Oxfordshire included some supply to West Berkshire to meet demand that was not being met from quarries in West Berkshire, and that this cross-boundary movement of soft sand between the authorities is a strategic issue.
3. Oxfordshire County Council agrees to continue making provision for soft sand as set out in the Oxfordshire Minerals and Waste Local Plan: Core Strategy (to 2031), and as identified within their Local Aggregates Assessments. This will be delivered through the preparation and adoption of the Site Allocations Plan.

So that the West Berkshire Local Plan is justified and effective please amend to the following:

"The Soft Sand Study identifies that ~~part of the current~~ some of the soft sand sales pattern in Oxfordshire comprises supply to West Berkshire, so this would be a continuation of this ~~current~~ situation. Therefore, if Oxfordshire were to continue to make provision to enable ~~the current~~ previous levels of sales to continue, then it could be inferred that ~~the current~~ movements of soft sand from Oxfordshire to West Berkshire will be able to continue. This would enable at least some of the identified need for soft sand in West Berkshire to be met by imports, as is currently understood to be the case. ~~from Oxfordshire~~. However, this would rely on a formal agreement with Oxfordshire County Council to make provision for supplying West Berkshire as well as addressing its own requirements.

4.41 Please remove "current" in light of comments made above.

4.42 "As imports from Oxfordshire cannot be relied upon to fully meet the need for soft sand identified in Policy 2, the Plan also identifies one soft sand site for allocation (Chieveley Services)."

Following similar comments above, this sentence reads as if identifying the Chieveley site was the second approach to meeting West Berkshires need. West Berkshire should not rely solely upon Oxfordshire to meet its soft sand needs as this is not in accordance with the NPPF. We acknowledge that there are some movements between the two Authorities, and this has been discussed above, but Oxfordshire will not be responsible for meeting West Berkshires need. Please amend to ensure Plan is effective.

4.44 The AM 2009 and 2014 survey showed that some movements of Soft Sand from other Authorities does take place, which was also acknowledged by the Soft Sand Study, there is the potential for some of the soft sand shortfall to be met by other Authorities such as Hampshire, Wiltshire and Surrey and West Sussex. Even though there may be economic and transport limitations from these areas, as discussed in the Soft Sand Study, we would not wish to see these ruled out by not including this possibility within the Plan. Until the MHCLG survey confirms actual movements, from evidence, Oxfordshire is only West

Berkshire's fourth largest supplier of land won sand and gravel based on the 2014 survey. Therefore, by just including Oxfordshire within this sentence would not be effective and justified. Therefore, please add in "and other Authorities" to the end of the sentence.

4.47 *"It therefore, follows as a general principle that outside the allocated sites there will be a general presumption against planning permission being granted unless the additional requirements of the policy are met."*

This line is not justified nor does it assist in ensuring the Plan is positively prepared as West Berkshire currently have a shortfall in Site Allocations for soft sand and therefore if a site was to come forward that met the other criteria and polices within the Plan, it should be permitted. We wish for West Berkshire to address their lack of supply of soft sand, as currently it has no soft sand reserve and consequently no soft sand landbank. Therefore, if a site comes forward that can deliver this, and meets West Berkshires Policies, then it should be permitted.

Section 2.9 - Sales of recycled aggregate

"Since 2012 the sales of recycled aggregates from sites in West Berkshire have exceeded the sales of primary aggregates won from mineral extraction sites within the district"

Whilst we fully support the increased use of construction and demolition waste being used as a substitute, where possible, for primary aggregate, this sentence reads as if recycled aggregates are in greater demand than primary aggregate within West Berkshire. This could cause confusion to communities, and it gives the impression that recycled aggregate is being used in preference to primary aggregate. Without further evidence, it could equally be that sales of recycled aggregate being above those of primary aggregate sales is a result of West Berkshire's lack of primary aggregate reserves and lack of production capacity. If West Berkshire had sufficient mineral available to supply West Berkshires requirements, then this statement may not be applicable. This is recognised within the Minerals Evidence Paper November 2020. Therefore, this sentence within this section's context could be considered misleading. Therefore, this sentence is not effective and therefore not sound.

Strategic Objectives - Minerals Objectives

We have a number of comments to make on West Berkshires Strategic Objectives, specifically in relation to Minerals.

Strategic Objective M4

"To maintain a stock of permitted reserves (a landbank) for aggregate minerals, in accordance with current Government advice to ensure an adequate and steady supply of minerals, as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;"

This is a minor comment, but we feel that for clarity, this could benefit from the inclusion of the words "to meet West Berkshires need" after aggregate minerals.

Meeting wider needs

Currently the Strategic Objectives do not include an objective in regards to the strategic issue of West Berkshire taking into account the contribution of minerals towards the aggregate supply of other areas.

This movement of minerals is acknowledged in the Minerals Background Study within Table 3.4, with the recognition that West Berkshire is known to have exported minerals to Hampshire, Surrey, Oxfordshire, Wiltshire and Swindon, Warwickshire, London and West Sussex in 2014. This is expanded upon within 3.6.5, 3.6.6 and the Appendix sections of the Plan and explains that the figures within the Plan aim to ensure a contribution to a wider supply. However, this commitment is not reflected within an objective within the Plan, other than the identified mineral need. This inclusion would ensure that the Plan is effective and positively prepared.

Waste in West Berkshire

Policy 3 – Net Self Sufficiency in Waste Management

We support this Policy, and are pleased to see that West Berkshire is seeking to “maintain net self- sufficiency,” which is also reflected within the Waste Objectives.

Policy 3 Supporting Text

We feel it would be beneficial within the Plan for clarity how West Berkshire is managing their different types of waste arisings and how this compares to the types of waste management facility available, such as composting. This would enable clearer conclusions to be drawn as to how West Berkshire are meeting their waste needs over the Plan Period. This information is set out throughout the accompanying Waste Needs Assessment but for an effective Plan this should be contained within the Plan.

This need is also reinforced at 4.29. This sentence is not effective and does not add to the Plan. Waste Management facilities should be provided to meet the waste types arising within the Plan area. It is not effective to over provide in one type of waste management facility, when actually in practice you need another type. Therefore this headroom figure is not effective and confusing and does not add to the Plan.

We also do not feel this aim of net self-sufficiency is reflected within the supporting text, in particular Section 4.23 and 4.34. This is in regards non hazardous landfill capacity and residual waste management.

Section 4.23 acknowledges that West Berkshire relies on other Authorities for non-hazardous landfill capacity and recovery capacity, however the supporting text (4.34) within this Policy says that the LWA has shown that there is no need for additional waste management capacity. This causes a conflict.

Within the Plan approximately 34,000 tonnes per annum capacity is required to dispose of non-hazardous (LACW + C&I) residual waste will be required in West Berkshire by 2037 and yet the Plan does not set out of how this will be met, therefore there is a need for additional waste management capacity.

We know that some waste moves from West Berkshire to Oxfordshire and in particular to Sutton Courtenay landfill. Yet, this landfill is planned to close in 2030 and the Plan does not identify where this waste will go to after this closes.

However, we recognise that Policy 7 on landfill could provide opportunities if industry wished to identify a landfill site within West Berkshire and we support this Policy Approach.

4.25 We recognise that West Berkshire's surpluses are tight and could potentially be impacted if a waste management facility was lost. However, these figures do not include temporary permissions which also have the potential to contribute significantly to waste management capacity.

Policy 5 Location of Development - General Waste Management Facilities

This Policy is very limiting. A Plan should ensure that the right site can be delivered in the right place at the right time, to meet the needs of its area. This Policy is restrictive as to where waste sites can go and therefore, we consider it not positively prepared, especially in light of your capacity requirements for non-hazardous landfill and residual management facilities.

Oxfordshire consider that this Policy should be changed to read

“Priority will be given to waste management development proposals on the following areas:

- *Existing sites with permanent planning permission for waste management development; or*
- *Existing sites with permanent planning permission for industrial development (B2 and B8 land uses) or within suitable protected employment areas; or*
- *On previously developed land; or*
- *Agricultural or forestry buildings and their curtilages where they are demonstrated to be redundant; or*
- *In the case of inert waste management facilities, in aggregate quarries and inert landfill sites for the duration of the host facility.*

Waste development outside these areas may be permitted where they meet the Policies within the Local Plan and consideration will be given to the proximity of the proposed development to the source of waste arisings.

The co-location of waste management activities within existing permanent waste management sites will be supported, where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area due to cumulative impacts.

The use of “Exceptional circumstances” within this Policy is very restrictive, however your Policy sets out that anything not in the criteria should be in exceptional circumstances.

This restrictive Policy is also reinforced within the supporting text. For example, at 4.55 “The policy seeks to steer waste development away from greenfield sites” Sometimes a greenfield site may be the right site in the right place, especially for specialist waste facilities. This is recognised at 4.61 but this line could cause confusion. This sentence should therefore be removed.

Additionally, at Section 4.58, it lists all the types of Waste Management Facilities that could be developed with this Policy. This paragraph is very limiting as the West Berkshire Plan This could restrict another type of waste site coming forward if it doesn't fall into this list. This could cause confusion to West Berkshires communities. Add in "but is not limited to".

At Section 4.29 it is queried what is considered a "good relationship"? How would this be measured? This would need to be set out to be effective.

Policy 7 Location of Development - Landfill and Permanent Deposit of Waste to Land

Pleased to see recognition of the benefits inert landfill can bring, and that non inert waste landfill is not denied especially as West Berkshire have a demonstrable need for residual waste facilities.

Policy 10 Waste Safeguarding

Support the safeguarding policy. Due to the limited surplus capacity for some of your requirements, safeguarding of existing sites is critical.

Clarity of "*no longer required*" is sought. Is this no longer required by the operator or no longer required to provide capacity over the Plan period?

Policy 19 Protected Landscapes

This policy is too restrictive and unjustified, especially in light of West Berkshires lack of soft sand sites and therefore it is not positively prepared. In particular the inclusion of "or in the setting of the North Wessex Downs AONB".

The NPPF refers to within the AONB but not the setting

"Major(38) mineral and waste development proposals within or in the setting of the North Wessex Downs AONB will only be considered acceptable in exceptional circumstances and where it can be demonstrated that it is in the public interest."

Mineral extraction is not prohibited within AONB's and this Policy seems over restrictive by adding in its setting as well. As you highlight 74% of the District is within North Wessex AONB and therefore setting should be a consideration but not requiring exceptional circumstances.

Clarity is also sought on what "*The development can be met in some other way, or from a site outside the AONB.*" West Berkshire should not consider developments in other Counties to be 'some other way'.

Policy 27 Historic Environment

As with Policy 19 this Policy also it includes "*setting*", however this Policy is caveated with "where relevant".

It does say "*Whether there are any reasonable alternative ways to meet the need for the development*" Clarity is again sought on what this could refer to. See comments to Policy 19.

Monitoring Framework

Many of these targets are ineffective and the triggers will be issued after the first year. For example, Production capacity and Landbanks, unless this means production capacity in inactive and active sites. This Plan does not set out how this will be addressed therefore these targets are ineffective.

Other Comments

Local Industry – Beenham Tile Factory

There is an area we would have expected to have made reference to within the Plan or the Minerals Evidence Paper. We are aware that the Beenham Tile Factory requires 100,000tpa of soft sand and is not included within West Berkshire's Soft Sand requirements. Have any investigations taken place on where the materials for this site come from? This may provide some local information and context for consideration within West Berkshires future LAA's, especially as there is no soft sand being supplied from West Berkshire. West Berkshire LAA rate for soft Sand is 43,730tpa but this one business alone uses twice that amount annually.

Please do not hesitate to get in contact if you have any queries regarding our response.

Yours sincerely



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