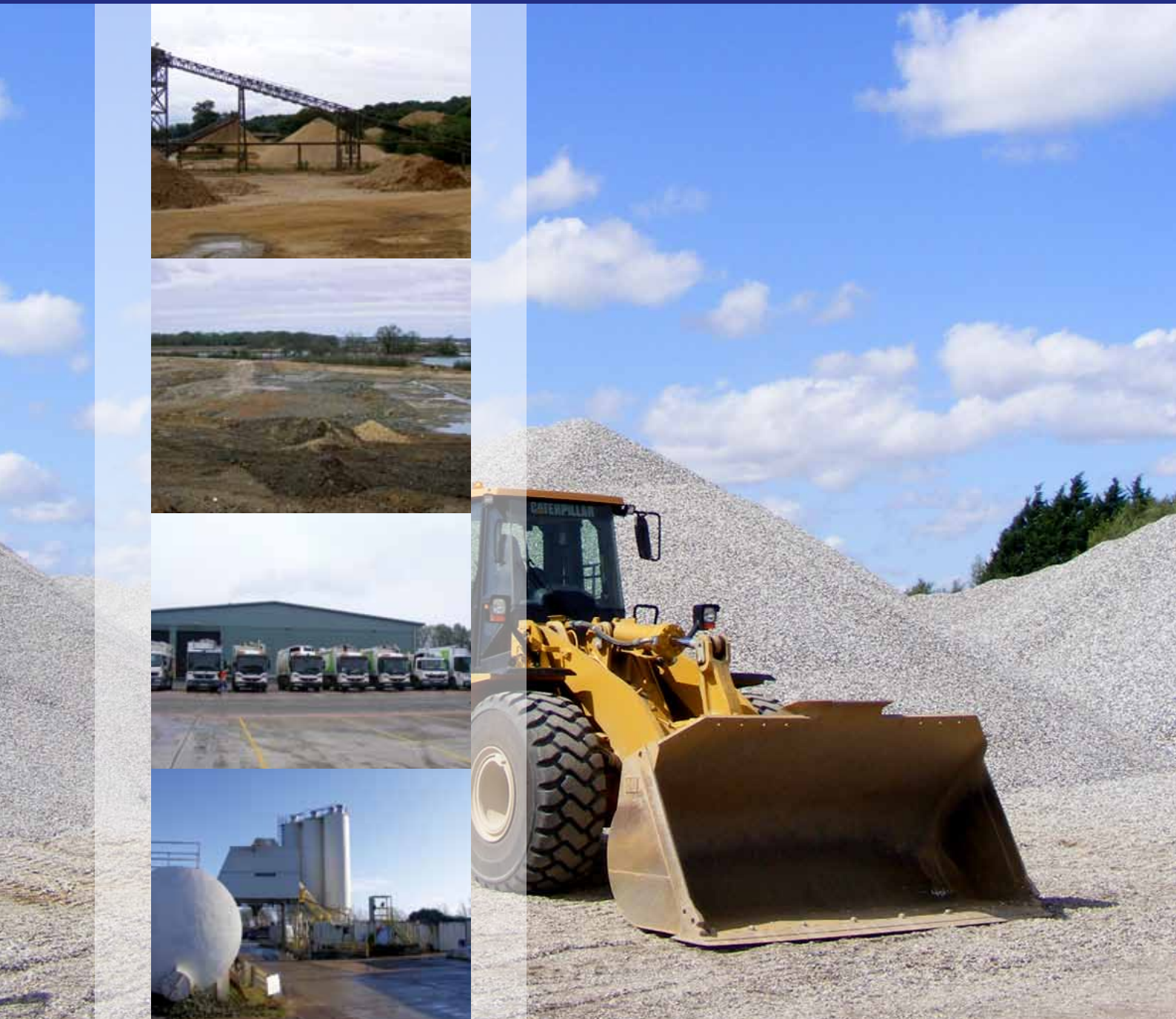


# West Berkshire Minerals and Waste Local Plan Statement of Consultation November 2020

## West Berkshire Local Plan



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## 1. Introduction

1.1 This statement has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>1</sup> (the 2012 Regulations) Regulation 22 (1). This Regulation sets out the documents that must be submitted to the Secretary of State alongside the Minerals and Waste Local Plan. Amongst these are a statement setting out:

- With regard to the preparation of the Local Plan (Regulation 19)
  - The bodies and persons the Council invited to make representations in the preparation of the plan;
  - How those bodies and persons were invited to make representations;
  - A summary of the main issues raised by representations; and
  - How representations have been taken into account;
- With regard to the published Local Plan
  - The number of representations made when the Council published the plan that it intended to submit to the Secretary of State; and
  - A summary of the main issues raised in the representations.

1.2 This statement on consultation and representations has been prepared by the Council to meet the requirements of Regulation 22 (1) (c).

## 2. Statement of Community Involvement (SCI)

2.1 The Council's Statement of Community Involvement<sup>2</sup> was adopted in September 2014.

2.2 The Council consulted on the Revised West Berkshire Statement of Community Involvement in July/August 2019. The revised SCI was adopted in January 2020.

2.3 The Statement of Community Involvement sets out the Council's policy, and standards it will seek to achieve, to ensure meaningful and effective consultation, engagement and involvement of consultees, stakeholders and other interested members of the community in the preparation of documents that make up the Local Plan (including the Minerals and Waste Local Plan) and in the consideration of planning applications that are determined by the Council. All consultations on the Minerals and Waste Local Plan have been carried out in accordance with the details set out in the Statement of Community Involvement.

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<sup>1</sup> Town and Country Planning (Local Planning) (England) Regulations 2012:

<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

<sup>2</sup> Statement of Community Involvement: <https://info.westberks.gov.uk/localplan>

### **3. Bodies and Persons Consulted**

- 3.1 Opportunities for statutory bodies, other organisations and local residents and businesses to be involved in the preparation of the Local Plan is provided by Regulation 18 of the 2012 Regulations.
- 3.2 Regulation 18 (2) (a) specifies that ‘specific consultation bodies’ that the Council consider may have an interest in the context of the Local Plan should be notified of its intended preparation and invited to make representations on what it ought to contain. The ‘specific consultation bodies’ that were notified and invited to make comment on the Local Plan are identified in Appendix 1. These bodies are all included on the Council’s Planning Policy consultation database.
- 3.3 Regulation 18 (2) (b) specifies that other ‘general consultation bodies’ that the council consider appropriate be notified of the subject of a Local Plan and invited to make representations on what it ought to contain. These are defined in Regulation 2 (1) of the 2012 Regulations as:
- Voluntary bodies some or all of whose activities benefit any part of West Berkshire;
  - Bodies representing the interests of different racial, ethnic or national groups in West Berkshire;
  - Bodies representing the interests of different religious groups in West Berkshire;
  - Bodies representing the interests of disabled persons in West Berkshire;
  - Bodies representing the interests of business in West Berkshire.
- 3.4 The various ‘general consultation bodies’ consulted on the Minerals and Waste Local Plan are also listed in Appendix 1.
- 3.5 Regulation 18 (2) (c) requires the Council to consider which residents and persons carrying on business in the district are appropriate to be notified of the subject of the Minerals and Waste Local Plan and invited to make representations on what it ought to contain. The Council’s planning policy consultation database contains a list of all those individuals who have expressed an interest and/or made comment during plan preparation. Each individual has been notified of subsequent consultations. There are approximately 1500 “active<sup>3</sup>” individuals, organisations and businesses on the Planning Policy consultation database.
- 3.6 The Council has identified appropriate businesses including, in particular, companies involved in mineral working and supply and waste management in West Berkshire. They have been notified and invited to make representations at each relevant stage in the preparation of the Minerals and Waste Local Plan.

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<sup>3</sup> “active” consultees are those who have confirmed that they wish to be kept in contact regarding the plan making process since 2017 when the Planning Policy Consultation Database was last reviewed.

3.7 Bodies and persons on the Planning Policy consultation database have been notified and invited to comment on draft documents published at particular stages of plan preparation – as detailed in subsequent sections. The method of notification has primarily been by email or letter when no email address is available. Copies of documents have not been provided as a matter of course but the notification has advised:

- Where documents can be viewed and downloaded from the Council’s website;
- Where paper copies of documents can be viewed; and
- Email, telephone and postal contact details to obtain further information.

#### **4. Preparation of the Minerals and Waste Local Plan**

4.1 Preparation of the Minerals and Waste Local Plan started in 2013 and included public consultation on Issues and Options in January/February 2014, a sites consultation in July/August 2016 and consultation on the Preferred Options in May/June 2017.

4.2 In addition, preparation of the Minerals and Waste Local Plan has been informed by engagement under the duty to co-operate that was undertaken with other local authorities and bodies throughout the plan preparation period. The authorities and bodies engaged with included:

- All adjoining mineral and waste planning authorities
- Other mineral and waste planning authorities in the south east and in other adjoining regions, either directly or through the Aggregate Working Parties
- Environment Agency
- Natural England
- Historic England
- Highways England
- North Wessex Downs AONB
- Civil Aviation Authority
- Homes England
- Marine Management Organisation
- Mayor of London
- National Health Service Commissioning Board (NHS England South East)
- Newbury and District Clinical Commissioning Group
- North and West Reading Clinical Commissioning Group
- Office of Rail Regulation
- Relevant Integrated Transport Authorities
- Transport for London

4.3 A complete record of engagement under the Duty to Cooperate (DtC) is given in the Statement of Compliance on the Duty to Cooperate (“The DtC Statement”).

## **5. Consultation on the preparation of the Minerals and Waste Local Plan**

### ***Issues and Options***

- 5.1 The Issues and Options consultation took place between 17<sup>th</sup> January and 28<sup>th</sup> February 2014. All of the bodies and persons included on the Planning Policy consultation database were notified by email or post and invited to comment. The consultation document was published on the Council's website and was available at the Council's Market Street offices and at Newbury Library. A copy of the notification letter and response form is included in Appendix 2.
- 5.2 A statutory notice was also placed in the 16<sup>th</sup> January 2014 editions of the Newbury Weekly News and the Reading Chronicle.
- 5.3 Officers also attended local liaison groups and attended a consultation event with each of the district's Parish Councils.
- 5.4 Individual responses were received from 70 organisations and individuals making a total of 3088 separate comments on the Issues and Options presented.
- 5.5 A summary of the responses to the consultation and the Council's response to the comments was published in April 2015 and is included at Annex 1.
- 5.6 The details and information included in the Preferred Options Minerals and Waste Plan are as a direct result of the responses received to the Issues and Options consultation.

### ***Sites Consultation***

- 5.7 The sites consultation took place between July and August 2016. All of the bodies and persons included on the Planning Policy consultation database were notified by email or post and invited to comment. The consultation document was published on the Council's website and was available at the Council's offices and libraries (online access). A copy of the notification letter is included in Appendix 3. The consultation asked for comments on sites, no formal response form was produced. Comments were encouraged to be made through the Planning Policy Consultation Portal.
- 5.8 Individual Responses were received from 395 organisations and individuals making a total of 691 separate comments.
- 5.9 A summary of the responses to the consultation and the Council's response to the comments was published in December 2016 and is included at Annex 2.
- 5.10 The comments received in the sites consultation have fed into the site assessments carried out as part of the Sustainability Appraisal (see Appendix 6 of SA/SEA) and therefore, have been taken into account as part of the site assessment process.

### **Preferred Options**

- 5.11 The Preferred Options Minerals and Waste Local Plan was published for consultation between 19<sup>th</sup> May and 30<sup>th</sup> June 2017. A copy of the notification letter and the response form is included in Appendix 4.
- 5.12 Individual responses were received from 192 organisations and individuals making a total of 423 separate comments.
- 5.13 Following the consultation a summary report was published in September 2018 setting out a summary of the comments received and the Council's response to those comments. The consultation summary report can be found at Annex 3.
- 5.14 In the preparation of the Proposed Submission version of the Minerals and Waste Plan the comments made as part of the Preferred Options consultation have been taken into account and where appropriate changes have been made to the plan.
- 5.15 The main changes made to the substance of the Minerals and Waste Local Plan as a result of the consultation are set out in the table below (Table 1). Other changes have also been made to the plan since the preferred options, but these relate to matters of clarification, editorial changes or factual changes since the preferred options and therefore, they are not listed below. All the changes made to the Minerals and Waste Local Plan since the preferred options can be found in the 'Tracked Changes' document (Annex 4).

<b>Table 1: Changes made to the Minerals and Waste Local Plan following the Preferred Options</b>	
<b>Section</b>	<b>Change and Reason for change</b>
<b>3 Objectives</b>	
M2	Text updated to better reflect the NPPF and in response to comments made by BBOWT.
M4	Text updated for clarification in response to comments made by Raymond Brown
M8	Text updated in response to comments made by BBOWT
W8	Text updated to better reflect the NPPF and in response to comments made by BBOWT.
<b>4 Strategic Policies</b>	
Policy 2 Landbank and Need	Text updated to include reference to recycled and secondary aggregates and productive capacity and to update the landbank and need figures in line with the LAA. Separate needs for sharp sand and gravel and soft sand have been identified in the policy. Changes made partly in response to comments by Grundon Waste Management Ltd, DK Symes and the MPA.  The preferred options included the proposed allocated sites within this policy, these have now been moved to policy 4 (Location of Development – Construction Aggregates) as this

	is considered to be a better location for the details relating to the allocation of sites.
Policy 2 Landbank and Need supporting text	Text updated to reflect inclusion of details of recycled and secondary aggregates in the policy and to reflect landbank/need updates to the policy.
Policy 3 Net Self-sufficiency	Amended to include reference to 'net' self-sufficiency in response to comments from Wokingham Borough Council
Policy 3 Net Self-Sufficiency in Waste Management Supporting text	Changes to text to reflect latest LWA and address comments from Grundon Waste Management Ltd. regarding including the amounts and types of waste to be managed and also including recycling targets. Data and supporting information updated.
Policy 4 Location of Development – Construction Aggregates	<p>Site allocations added to this policy as considered a more appropriate location for allocations. Comments made as part of the preferred options by Oxfordshire County Council and Raymond Brown have been taken into account as part of the site selection processes which supports the final allocation of sites within the plan. Allocation of a soft sand site has been added to the policy.</p> <p>Criteria for soft sand sites (outside of allocations) also included within the policy to reflect the change in approach to soft sand within the plan.</p> <p>Details of the change in approach can be found in the Soft Sand Topic Paper and is partly in response to comments made as part of the consultation.</p>
Policy 4 Location of Development – Construction Aggregates Supporting text	<p>Text updated to include details of soft sand to reflect the change in approach to soft sand within the plan.</p> <p>Details of the change in approach can be found in the Soft Sand Topic Paper and is partly in response to comments made by Raymond Brown and Oxfordshire County Council as part of the consultation.</p>
Policy 5 Location of Development – General Waste Management Facilities	<p>Changes to policy to better reflect requirements of the NPPF/NPPW and in response to comments from Oxfordshire County Council.</p> <p>Supporting text updated to reflect updates to the policy.</p>
Policy 6 – Location of Development – Specialist Waste Management Facilities	Policy renumbered following preferred options. At preferred options was policy 12. Relocated as fits better with location of development policies and renumbered policy 6. Also included clarification in policy and supporting text of types of specialist waste and facilities to be considered under this policy, in response to comments from Hampshire County Council and in line with the NPPW.
Policy 10 Waste Safeguarding	Text changed in relation to non-waste development allocated within adopted Local Plans / Neighbourhood Plans in response to comments from Hampshire County Council



Policy 14 Reworking Old Inert Landfill Sites	Policy title updated to make specific reference to inert landfill sites in response to comments from Environment Agency.
<b>DM Policies</b>	
Policy 17 Restoration and After-use of Sites	Policy reworded in response to comments from BBOWT.  Supporting text updated to reflect changes made to policy wording.
Policy 20 Biodiversity and Geodiversity	Policy reworded in response to comments from BBOWT and Oxfordshire County Council
Policy 27 Historic Environment	Text changed in response to comments from Historic England in relation to the effect on the significance of heritage assets/historic environment.  Minor changes to supporting text also in response to comments from Historic England.
<b>Site Policies</b>	
Policy 30: Tidney Bed	Details of site policies added to set out the requirements for applications coming forward for sites allocated for development.
Policy 31: Chieveley Services	Details of the policies have been set out in response to comments made by technical evidence and comments made as part of the preferred options.
<b>Other</b>	
Plan period	This has changed from 2036 to 2037 to take account the passage of time and requirement of the NPPF to have strategic policies covering a period of at least 15 years from adoption (paragraph 22).

### ***Proposed Submission Consultation***

5.16 The Proposed Submission consultation will take place for 6 weeks from 4<sup>th</sup> January 2021 closing at 11.59pm on Monday 15<sup>th</sup> February 2021. The notification letter, representation form and representation guidance note are given at Appendix 5.

5.17 A summary of the responses made and the Council's response to the comments will be published as an annex to this document, following the consultation, to accompany the submission of the Minerals and Waste Local Plan to the Secretary of State.

## **6. Consultation on Evidence Base and Supporting documents**

6.1 All evidence base and supporting documents were published alongside the Preferred Options consultation, and therefore, comments could have been made. Where comments have been made regarding a supporting/evidence base document the responses received and the Council's response are set out in the relevant response summary reports given in Annex 1 – 3.

- 6.2 The documents listed below have been subject to a specific consultation, with technical experts or statutory bodies outside of public consultation periods.

***Local Aggregate Assessment (LAA) 2020***

- 6.3 The LAA was consulted on with the South East England Aggregate Working Party (which includes representatives of mineral planning authorities and the minerals industry), as required by the NPPF. As part of the Council's engagement under the duty to cooperate, consultation was also carried out with the Aggregate Working Parties for adjoining regions; adjoining and other relevant mineral planning authorities. More information on this is included in the Duty to Cooperate Statement.

***Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA)***

- 6.4 A Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) has been carried out alongside the preparation of the plan. The SA/SEA scoping report was published in September 2013 for consultation with the statutory bodies. The consultation responses and how they were taken into account is set out in Appendix 3 of the SA/SEA report.
- 6.5 An SA/SEA Environmental Report has been published alongside the Issues and Options consultation and the Preferred Options Minerals and Waste Local Plan for comment as part of the respective consultations. The responses received and the Council's responses are set out in the relevant response summary reports given in Annex 1 – 3.
- 6.6 Where changes have been made to the plan, the SA/SEA has been reviewed to see if the outcomes of the assessments have changed. This is detailed at the appropriate place within the SA/SEA Environmental Report which has been published alongside the proposed submission version of the plan.

***Habitats Regulations Assessment (HRA)***

- 6.7 A Habitats Regulations Assessment Screening has been carried out and consultation with Natural England took place in April/May 2019.
- 6.8 Natural England agreed with the conclusion that the plan would have no likely significant effect on any European Sites. The final HRA Screening Report has been published alongside the proposed submission version of the plan.

***Strategic Flood Risk Assessment (SFRA)***

- 6.9 Consultants JBA were appointed in May 2017 to carry out a new Strategic Flood Risk Assessment for West Berkshire. The SFRA supports both the Minerals and Waste Local Plan and the Local Plan Review.
- 6.10 The SFRA has been subject to consultation with the Environment Agency, who have agreed with the conclusions of the assessment.
- 6.11 The SFRA has been published alongside the Proposed Submission Plan.

***Duty to Cooperate (DtC)***

- 6.12 Consultation overlaps with engagement and liaison under the Duty to Cooperate. Except where specifically mentioned, this statement does not cover the Council's engagement, liaison and working with other local authorities and bodies under the Duty to Cooperate.
- 6.13 The DtC Statement sets out the details of the engagement and liaison carried out under this duty and has been published alongside the Proposed Submission Plan.

**7. Conclusions on Main Issues**

- 7.1 The Council has considered all of the issues raised throughout the consultations on the emerging Minerals and Waste Local Plan and is confident that the plan proposed to be submitted to the Secretary of State is sound and legally compliant.
- 7.2 The Proposed Submission Minerals and Waste Local Plan will now be subject to public consultation. The consultation asks whether consultees consider that the plan is (a) legally compliant<sup>4</sup> and (b) sound<sup>5</sup>.

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<sup>4</sup> Section 19/20 Planning and Compulsory Purchase Act 2004 (as amended)

<http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>5</sup> Paragraph 35 National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## **Appendix 1 – Consultation Bodies**

### **Specific Consultation Bodies**

#### ***National Bodies***

- The Coal Authority
- Environment Agency
- Historic England
- Natural England
- The Marine Management Organisation
- Network Rail Infrastructure Limited
- Highways England
- Homes England
- NHS England
- Homes and Communities Agency

#### ***Relevant Authorities***

- Oxfordshire County Council
- Hampshire County Council
- Wiltshire Council
- Reading Borough Council
- Wokingham District Council
- Bracknell Forest Borough Council
- South Oxfordshire District Council
- Vale of White Horse District Council
- Basingstoke and Deane District Council
- Test Valley District Council
- Parish and Town Councils in West Berkshire
- Parish and Town Councils adjoining West Berkshire
- Neighbourhood Forums in or adjoining West Berkshire
- Police and Crime Commissioner

#### ***Other specific consultation bodies***

- Clinical Commissioning Groups (Berkshire West, Newbury and District, North and West Reading CCGs)
- Thames Water
- If it exercises functions in any part of West Berkshire – a person to whom a licence has been granted under section 6 (1) (b) or (c) of the Electricity Act 1989
- If it exercise functions in any part of West Berkshire – a person to whom a licence has been granted under section 7 (2) of the Gas Act 1986
- Any person to whom the electronic communications code applies by virtue of a direction given under section 106 (3) (a) of the Communications Act 2003, and who owns or controls electronic communications apparatus situated in any part of West Berkshire.

## **General Consultation Bodies**

### ***Voluntary Bodies***

- Burghfield Neighbourhood Planning Group
- Croft Lane Residents Association
- Donnington Valley Action Group
- Frilsham Future Implementation Group
- Hungerford Neighbourhood Plan
- Lower Way Action Group
- Mortimer Neighbourhood Development Plan
- Newbury Society
- Pang Valley Flood Forum
- Thatcham Flood Forum
- Two Saints
- West Berkshire Ramblers
- West Berkshire Spokes
- Berkshire Buckinghamshire Oxfordshire Wildlife Trust (BBOWT)
- Berkshire Association of Local Councils
- Berkshire Local Nature Partnership
- Campaign to Protect Rural England (CPRE)
- Mid & West Berkshire Local Access Forum
- Min Berks Ramblers
- Ramblers Association
- The Berkshire Ornithological Club and Newbury District Ornithological Club
- RSPB

### ***Racial, Ethnic, National and Religious Groups***

- Friends, Families and Travellers
- Gypsy Council
- National Association of Gypsy and Traveller Officers
- National Federation of Gypsy Liaison Groups
- West Berkshire Disability Alliance

### ***Business Groups***

- Community Council for Berkshire
- Home Builders Federation
- Mineral Products Association Ltd
- National Housing Federation
- Thames Valley Berkshire LEP
- Thames Valley Chamber of Commerce
- West Berkshire Labour Forum

### ***Government Departments / Agencies***

- AWE
- Department of Transport
- Health and Safety Executive
- National Probation Service (Thames Valley Area)
- NuLeAF

- Office for Nuclear Regulation
- Office of Rail Regulation
- Royal Berkshire Ambulance NHS Trust
- Royal Berkshire Fire and Rescue Service
- Thames Valley Police

***Non-Government Organisations***

- Battlefields Trust
- British Geological Survey
- British Horse Society
- CAMERA
- Canal and River Trust
- Civil Aviation Authority
- Energy Networks Association
- Forest Commission
- National Grid
- North Wessex Downs AONB
- Sovereign Housing (Housing Association)
- Sport England
- The Jockey Club
- The National Trust
- The Woodland Trust
- Theatres Trust

*A number of other businesses and individuals are listed on the Council's Planning Policy consultation database who are not listed above as they could identify specific people/businesses.*

If you require this information in an alternative format or translation, please call 01635 42400 and ask for the Minerals and Waste Planning Policy Team.

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