

Dear Sir/Madam,

Consultation on the Proposed Submission Minerals and Waste Local Plan (MWLP).

The Council has approved the Minerals and Waste Local Plan which it proposes to submit for examination and is now holding a statutory period of consultation from 4th January 2021 to 11.59pm on 15th February 2021.

What is the Minerals and Waste Local Plan?

The Minerals and Waste Local Plan will set out policies to manage minerals and waste development across the district. The Plan includes allocated sites for minerals development to meet the Council's primary aggregate (construction material) need over the plan period.

The plan is accompanied by a number of documents, including a Sustainability Appraisal which explains how alternative proposals were assessed and a consultation statement, setting out the outcomes of consultation so far.

Where can I view the documents?

All the documents can be found on the Council's website at www.westberks.gov.uk/mwlp and the Minerals and Waste Local Plan itself can be viewed easily on the Consultation Portal at <http://consult.westberks.gov.uk/portal>.

A hard copy of the Proposed Submission Minerals and Waste Local Plan will be available for public inspection at the West Berkshire Council Offices, Market Street, Newbury, RG14 5JQ (please see website for opening hours <https://info.westberks.gov.uk>).

How can I comment on the Minerals and Waste Local Plan?

Publication of the Proposed Submission document is a regulatory stage of plan making (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and representations should relate specifically to legal compliance and soundness of the document. **Guidance notes and Statement of Representation** for completing the representation form are available at www.westberks.gov.uk/mwlp.

Comments can be made in a number of ways:

- **Online:** comments can be submitted online at <http://consult.westberks.gov.uk/portal>
- **By email or post:** a response form can be downloaded from the Council's website at www.westberks.gov.uk/mwlp which can be submitted by email to mwdpd@westberks.gov.uk or by post to the Minerals and Waste Team, Development and Planning, West Berkshire Council, Market Street, Newbury, RG14 5LD.

All comments must be accompanied by your full name, address and contact details (including an email address where possible) and **must be returned no later than 11.59pm on Monday 15th February 2021.**

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at www.westberks.gov.uk/privacynotices

What happens next?

All comments will be made available to view on the Council's Local Plan Consultation Portal and will be submitted to the Secretary of State, together with the submission Minerals and Waste Local Plan, supporting documentation and a summary of all the representations in summer 2021. A planning Inspector will be appointed to carry out an independent examination of the Minerals and Waste Local Plan.

If you require any further information please do not hesitate to contact the Minerals and Waste Team on 01635 551111 or by email at mwdpd@westberks.gov.uk

Yours faithfully,

Gary Lugg
Head of Development and Planning

Why am I receiving this email/letter?

You are receiving this email because you have previously commented on a Planning Policy or Minerals and Waste Planning consultation or have been asked to be kept informed of Planning Policy or Minerals and Waste Planning matters. If you no longer wish to be kept informed of Planning Policy or Minerals and Waste Planning matters please contact the Minerals and Waste Planning team on the details above and we will remove you from our mailing list.

West Berkshire Council Proposed Submission Minerals and Waste Local Plan

Representation Form Guidance Note and Statement of Representations Procedure

1. Purpose of the consultation:

West Berkshire Council is preparing a Minerals and Waste Local Plan that will set out the planning framework for mineral and waste development in West Berkshire and allocate sites for mineral extraction.

This formal consultation under Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹ represents the final opportunity for you to comment on the Minerals and Waste Local Plan before it is submitted to the Secretary of State for Examination. However, anyone responding may have the opportunity to attend the examination hearings and request to take part in its discussions.

The consultation will take place between **Monday 4th January 2021 and 11.59pm Monday 15th February 2021**.

The following sections explain where to find the relevant supporting information and how to provide your views.

2. The Proposed Submission Documents

The Proposed Submission Plan and links to all the supporting information and evidence base documents can be found at www.westberks.gov.uk/mwlp. These include:

Supporting Documents

- Duty to Cooperate Statement
- Equality Impact Assessment (EqIA)
- Glossary
- Habitats Regulations Assessment (HRA) Screening
- Local Development Scheme (LDS)
- Policies Map
- Statement of Community Involvement (SCI)
- Statement of Consultation (SoC)
- Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA)
- Statement of Common Ground (SoCG)

Evidence Base Documents

- Heritage Assessment
- Highways and Transport Topic Paper
- Landscape and Visual Assessment
- Local Waste Assessment
- Minerals Evidence
 - Local Aggregates Assessment (LAA)
 - Minerals Evidence Paper
 - Soft Sand Study
 - Soft Sand Topic Paper
- Preliminary Ecological Assessment
- Site Selection Methodology
- Strategic Flood Risk Assessment (SFRA)

¹ Town and Country Planning (Local Planning) (England) Regulations 2012:
<http://www.legislation.gov.uk/uk/si/2012/767/contents/made>

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

3. How to have your say

The consultation period starts on **4th January 2021** and in accordance with government regulations, closes at 11.59pm on **15th February 2021**. The Council is unable to accept responses made after this period. Only representations received within this period have a statutory right to be considered by the Inspector at the subsequent examination.

It should be noted that representations made to the Minerals and Waste Local Plan Preferred Options consultation have already been taken into account in the production of the Proposed Submission Plan and a summary of the comments made will be submitted to the Inspector. Publication of the Proposed Submission document is a regulatory stage and any additional representations should relate specifically to the legal compliance and soundness of the document.

Viewing the Minerals and Waste Local Plan

The Proposed Submission Minerals and Waste Local Plan and supporting information can be viewed:

- Online at the Council's website: www.westberks.gov.uk/mwlpps
- At **West Berkshire Council, Market Street, Newbury, RG14 5LD** (please see website for opening hours <https://info.westberks.gov.uk>).

Submitting comments:

Responses to the consultation can be made:

- **Online** using the Council's Local Plan Consultation Portal: <http://consult.westberks.gov.uk/portal>. This is the easiest and most efficient way to submit your representations. You will need to be registered; please click on the 'Login/Register' button to log in or register your details. Additional guidance will be available on the Consultation Portal.
- **By email or post:** Representations can be submitted by completing the representation form available to download from www.westberks.gov.uk/mwlpps. Please complete a separate representation for each part of the Plan on which you wish to comment. Representations should be sent to mwdpd@westberks.gov.uk or Minerals and Waste, Development and Planning, West Berkshire Council, Market Street, Newbury, RG14 5LD.

Each representation, including any comments on the supporting information or evidence base, should relate to an individual policy or section of the DPD.

Part A of the representation form 'Your Details' must be completed for the representation to be registered.

Where there are groups who share a common view on how they wish to see the Plan changed, it would be very helpful for that group to send a single representation which represents that view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Please note that all submitted representations will be made publically available, including on the Council's website, with the person/organisation making the

representation being identified. A Copy of all submitted representations will also be made available to the Planning Inspectorates and the person appointed by the Secretary of State to conduct the examination.

All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at www.westberks.gov.uk/privacynotices.

4. Legal Compliance and Soundness

The plan has been published by the Local Planning Authority in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004 (as amended)*, states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the consultation period.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore, ensure that the names and addresses of those making representations can be made available and taken into account by the Inspector. Address details will not be made publically available.

The Planning Inspectorate's privacy statement for local plan examinations is available at <https://www.gov.uk/guidance/local-plans#plans-privacy-statement>

In commenting on the Proposed Submission Minerals and Waste Local Plan, you are asked to make representations on whether the Plan is (a) **legally compliant** and (b) **sound**. Following the submission of the DPD, an Inspector will undertake an examination to consider whether it meets these tests.

(a) Legal compliance:

Legal compliance is judged against the requirements of Sections 19 and 20 of the Planning and Compulsory Purchase Act 2004 (as amended)², including compliance with the Council's Local Development Scheme³, Statement of Community Involvement⁴ and the Town and Country Planning (Local Planning) (England) Regulations) 2012⁵.

In addition, the Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) to be carried out, this can be done in a single appraisal process. The objective of the SA is to promote sustainable development through the integration of social, environmental and economic considerations in the preparation of the Minerals and Waste Local Plan.

European legislation and government regulations mean that a Habitats Regulations Assessment (HRA) needs to be carried out for the DPD, in order to protect the integrity of internationally important nature conservation sites. The HRA assesses the likely impacts of the policies of the DPD and possible 'in combination' effects with other policies and proposals.

² Planning and Compulsory Purchase Act 2004 (as amended): <http://www.legislation.gov.uk/ukpga/2004/5/contents>

³ Local Development Framework: www.westberks.gov.uk/lds

⁴ West Berkshire Council Statement of Community Involvement (2014): <http://info.westberks.gov.uk/CHttpHandler.ashx?id=38265&p=0>

⁵ Town and Country Planning (Local Planning) (England) Regulations) 2012: <http://www.legislation.gov.uk/uksi/2012/767/introduction/made>

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

Under Section 33A of the Planning and Compulsory Purchase Act the Council also has a Duty to Cooperate with other local planning authorities and other prescribed bodies when preparing the Minerals and Waste Local Plan in order to address strategic planning issues relevant to their areas. Failure to satisfy this Duty will mean that plans cannot be adopted as an Inspector cannot remedy this through the examination process. The examination also assesses how effective cooperation has been as one of the tests of soundness.

All supporting documents can be viewed at www.westberks.gov.uk/mwevidencebase.

(b) Soundness:

The soundness of the Local Plan should be assessed against the following criteria from paragraph 35 of the National Planning Policy Framework⁶:

(a) Positively prepared: providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainability development.

(b) Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

(c) Effective: deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

(d) Consistent with national policy: enabling the delivery of sustainable development in accordance with the policies in this Framework.

If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

5. General Advice

If you wish to make a representation seeking a modification to the plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in section 4(b) above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues they identifies.

⁶ National Planning Policy Framework (NPPF): <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

6. What happens next?

Following the end of the consultation period, the Council will submit the Local Plan, accompanying evidence and all submitted representations to the Secretary of State, who will appoint an Inspector to undertake an examination. This submission is anticipated to take place in Summer 2021 with the examination hearings anticipated to take place in late 2021. Anyone stating in their response that they wish to participate in the examination will be notified of the arrangements. Participation at the examination is at the Inspector's invitation only.

The representation form also allows you to indicate if you wish to be kept informed of the submission of the Local Plan for independent examination, the publication of the Inspector's recommendations and/or the adoption of the Minerals and Waste Local Plan.

7. Contact information

If you require any further information on any aspect of the Minerals and Waste Local Plan, or wish to submit comments by email or post, please use the following contact details:


Telephone: 01635 519111

Email: mwdpd@westberks.gov.uk

Post: Minerals and Waste Team
Development and Planning
West Berkshire Council
Council Offices
Market Street
Newbury
RG14 5LD

Website: www.westberks.gov.uk/mwlpps

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

	<p>Minerals and Waste Local Plan Proposed Submission Representation Form</p> <p>Ref: (For official use only)</p>
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Please complete online or return this form to:	Online: http://consult.westberks.gov.uk/portal .
	By email: mwdpd@westberks.gov.uk
	By post: Minerals and Waste, Development and Planning, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	11.59pm on Monday 15th February 2021

This form has two parts:

Part A – Your Details: need only be completed once

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

PART A: Your Details		
<i>Please note the following:</i>		
<ul style="list-style-type: none"> <i>We cannot register your representation without your details.</i> <i>Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.</i> <i>All information will be sent for examination by an independent inspector</i> <i>All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at www.westberks.gov.uk/privacynotices</i> 		
	1. Your details	2. Agent's details (if applicable)
Title		
First Name*		
Last Name*		
Job title <i>(where relevant)</i>		
Organisation <i>(where relevant)</i>		
Address* <i>Please include postcode</i>		
Email address*		
Telephone number		

*Mandatory Field

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at www.westberks.gov.uk/mwlpps will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	
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Please indicate which part of the Minerals and Waste Local Plan this representation relates to:

Section/paragraph	
Policy	
Appendix	
Policies Map	
Other	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Minerals and Waste Local Plan is legally compliant?

Yes No

Please give reasons for your answer:

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2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Minerals and Waste Local Plan is sound?

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

Yes

No

If no, please answer question 2b.

2b. Reasons for the Minerals and Waste Local Plan not being sound

Please tick all that apply.

Tick

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development	
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence	
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground	
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF	

Please give reasons as to why you think the Plan is sound / unsound:

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Minerals and Waste Local Plan complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Minerals and Waste Local Plan legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes

No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

6. Notification of Progress of the Minerals and Waste Local Plan

Do you wish to be notified of any of the following?

Please tick all that apply

Tick

The submission of the Minerals and Waste Local Plan for Independent Examination	
The publication of the report of the Inspector appointed to carry out the examination	
The adoption of the Minerals and Waste Local Plan	

Statement of Consultation Appendix 5 – Proposed Submission Consultation Information

Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the planning policy team.

Signature		Date	
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Your completed representations must be received by the Council by 11.59pm on Monday 15th February 2021.