

**WEST BERKSHIRE MINERALS AND WASTE LOCAL PLAN (MWLP)
EXAMINATION**

**DRAFT MATTERS, ISSUES AND QUESTIONS FOR CONSIDERATION
and Provisional Programme of Hearings**

Introduction

1. This document is to be read in conjunction with the Guidance Note issued by the Inspector [**INSP.2**]
2. The following draft list of Matters, Issues and Questions (MIQs) for consideration is based upon an initial reading by the Inspector of the documentation submitted by West Berkshire Council (WBC). This is subject to review and will be expanded and updated as appropriate to provide a basis for the preparation of Position Statements.
3. Representors are requested to review the list of MIQs below. ***If it is considered that any matter of legal compliance or soundness should be added, the Programme Officer (PO) should be contacted without delay so that the Inspector can consider additional items.***
4. Hearings will only be held where Representors wish to discuss matters of legal compliance or soundness with the Inspector. Otherwise, the Examination will proceed by way of the original written Regulation 19 consultation representations and written Position Statements (PSs).
5. PSs should include reference as appropriate to any Proposed Main Modifications (MMs) (see Guidance **INSP.2**)
6. References in [square brackets] are to documents in the evidence base available via the electronic Examination Library or from the PO.

Legal Compliance

Compliance with all legal requirements will be considered including:

Duty to Co-operate

Has the MWLP been prepared in accordance with the Duty to Co-operate (DtC) with prescribed bodies concerning cross-boundary strategic issues, with reference to the DtC Statement and Appendices [**CD0006; CD0006A-D**] and supporting evidence including Statements of Common Ground (SoCGs) [**CD0007 etc**], including the transfer of nuclear waste, with focus on the outcomes of co-operation?

Sustainability Appraisal

Has the MWLP been subject to adequate Sustainability Appraisal [**CD003 series**]?
*This item relates to the legal compliance of the SA.
The soundness of the MWLP and its allocations in terms of justification and effectiveness are for later Soundness Matters.*

Statement of Community Involvement

Has the MWLP been prepared in accordance with the Statement of Community Involvement [CD011]?

Climate Change

Does the WMLP, include policies to secure that development contributes to the mitigation of, and adaptation to, climate change, in accordance with statutory and policy objectives?

Soundness Matter 1 – Vision and Objectives

Issue 1 – Vision and Objectives

Is the MWLP based on appropriate Vision and Objectives, taking into account:

- a.
national policy, legislation and guidance governing Climate Change
- b.
cross-boundary contributions to aggregate supplies

Soundness Matter 2 – Construction Aggregate Requirements (Policy 2)

Issue 1 – Approach to definition of numerical aggregate requirements

- a.
Is the separate consideration of soft sand, sharp sand and gravel requirements and recycled and secondary aggregate contributions appropriate and internally consistent, taking account of variations in nature and quality within aggregate deposits?
- b.
Is the interrelationship of the secondary and recycled aggregate contribution and the primary aggregate contributions to the total requirement effectively defined and able to be monitored to avoid unnecessary use of primary sources?
- c.
Should there be specific reference to 4-yearly Aggregate Monitoring Surveys to inform the LAA?

Issue 2 – Soft Sand Requirement

Is the Soft Sand primary requirement of 790,000 tonnes appropriate and based on robust evidence including the most recent annual Local Aggregates Assessment (LAA) [ME001] and the Soft Sand Study [ME003] and having regard to past sales data, current demand and building methods and the national requirement to maintain a minimum 7-year landbank?

Issue 3 – Sharp Sand and Gravel Requirement

Is the Sharp Sand and Gravel primary requirement of 840,000 tonnes appropriate and based on robust evidence including the most recent annual Local Aggregates

Assessment (LAA) [ME001] and having regard to past sales data, current demand and building methods and the national requirement to maintain a minimum 7-year landbank?

Soundness Matter 3 – Construction Aggregate Supply and Allocated Sites (Policies 4, 30, 31)

Issue 1 – Site Selection and Overall Supplies Policy 4

a.

Is the sharp sand and gravel site at **Tidney Bed** appropriately allocated:

- i on the basis of a sound selection and assessment process, and
- ii with particular regard to the North Wessex Downs AONB,

with reference to the Site Selection Methodology [EB0005] and Sustainability Appraisal and its Appendix 6, Site Assessments [CD 0003 paragraph 5.1.2 and CD003G]?

b.

Is the soft sand site at **Chieveley Services** appropriately allocated:

- i on the basis of a sound soft sand supply strategy and selection and assessment process
- ii with particular regard to the North Wessex Downs AONB

with reference to the Site Selection Methodology [EB0005], Soft Sand Study [ME003] and Topic Paper including the AONB Exceptional Circumstances Test [ME004] and Sustainability Appraisal and its Appendix 6, Site Assessments [CD 0003 paragraph 5.1.2 and CD003G]?

c.

Can the soft sand requirement realistically be met from the allocated soft sand site at Chieveley Services together with cross-boundary and windfall supplies?

d.

Should the degree of reliance on soft sand supplies from Oxfordshire be quantified and clarified to prioritise supplying soft sand from within West Berkshire itself?
(potential MMs noted)

e.

Should Policy 4 be more permissive with respect to winning soft sand outside Areas of Search?

f.

Should the MWLP also designate Areas of Search for Sharp Sand and Gravel?

Issue 2 – Chieveley Services Soft Sand Allocation Policy 31

Are the development principles stated for the allocated soft sand site at **Chieveley Services** appropriate, justified and potentially effective and will the site contribute sufficiently to the requisite supply and landbank of soft sand through the MWLP

period, having regard to the following planning considerations, impacts and constraints?

- a. AONB - impact and exceptional circumstances test for major development (noting the *Adverse* judgment ref CD004Ip60)
- b. Biodiversity net gain
- c. Flooding risk
- d. Practical yield with respect to attenuation buffers
- e. Deliverability overall
- f. Restoration and potential after-use and timescale
- g. Cumulative impact
- h. Previous appeal decision

Issue 3 – Tidney Bed Sharp Sand and Gravel Allocation Policy 30

Are the development principles stated for the allocated sharp sand and gravel site at **Tidney Bed** appropriate, justified and potentially effective and will the site contribute sufficiently to the requisite supply and landbank of sharp sand and gravel through the MWLP period, having regard to the following planning considerations, impacts and constraints?

- a. AONB - impact and exceptional circumstances test for major development (noting the *Adverse* judgment – CD004Ip60)
- b. Access
- c. Biodiversity net gain
- d. Tyle Mill Conservation Area
- e. Proximity to main railway line
- f. Flooding risk
- g. Groundwater protection
- h. Deliverability overall
- i. Restoration and potential after-use and timescale
- j. Cumulative impact

Soundness Matter 4 – Net Self-Sufficiency in Waste Management (Policy 3)

Issue 1 – Waste Movements

- a.
Does Policy 3 – Net Self-Sufficiency in Waste Management – make sufficient and appropriate provision for net self-sufficiency, including with respect to:
 - i waste movement outside West Berkshire district,
 - ii spare capacity headroom,
 - iii provision for non-hazardous waste disposal, and
 - iv provision for incineration/Energy from Waste facilities,taking account of Statements of Common Ground with other waste planning authorities?
- b.
Should the percentage headroom of capacity over need (currently approx. 294/934 = 31% (*text para 4.29*) be separately quantified by waste types as minima?

Soundness Matter 5 – Minerals and Waste Safeguarding (Policies 9, 10)

Issue 1 – Minerals Safeguarding Policy 9

Does Policy 9 – Minerals Safeguarding – make effective provision to safeguard both mineral deposits and minerals processing and handling infrastructure, including appropriate buffer distances and clear graphical depiction of Mineral Safeguarding Areas?

Issue 2 – Waste Safeguarding Policy 10

Does Policy 9 – Waste Safeguarding – with its supporting text, make effective provision to safeguard waste processing facilities, including clear graphical depiction of safeguarding boundaries?

Soundness Matter 6 – Other Strategic Policies (Policies 5,6,7,15)

Issue 1 – Policy Terms Policies 5,7,15

Policy 5 - General Waste Management Facilities

- a.
Are the terms of Policy 5 appropriate with respect to the exceptional circumstances test for proposals outside the stated favoured areas?
- b.
Is Policy 5 too restrictive, including with regard to greenfield sites?
- c.
Does Policy 5 (with other policies) provide sufficient protection from the impact of waste development, as distinct from other types of industrial development?
- d.
Should Policy 5 be reworded in terms of criteria for compliance (rather than a presumption in favour with exceptions)?

Policy 7 - Landfill

- a.
Does Policy 7 make appropriate provision for landfill over old landfill sites to maintain ground levels?
- b.
Should Policy 7 be reworded in terms of criteria for compliance (rather than a presumption in favour with exceptions)?

Policy 15 – Permanent Aggregate Infrastructure

- a.
Should Policy 15 be extended to cover Permanent Waste Infrastructure?
- b.
Should Policy 15 be reworded in terms of criteria for compliance (rather than a presumption in favour with exceptions)?

***Issue 2 – Equine Waste
Policy 6***

Does Policy 6 – Specialist Waste Facilities - make sufficient and appropriate provision for the specialist treatment of equine waste?

**Soundness Matter 7 – Development Management Policies
(Policies 17-29)**

The development management policies will be reviewed for soundness in the light of representations made and for consistency with national policy.

Soundness Matter 8 – Monitoring Framework

The monitoring framework will be reviewed for soundness in the light of representations made and to ensure that it provides measurable monitoring criteria.

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PROVISIONAL OUTLINE PROGRAMME FOR HEARINGS

(where no oral session is required for any matter or issue covered by written representations the final programme will be revised accordingly)

WEEK 1

DAY 1 - Tuesday 1 February 2022

Legal Compliance

Matter 1 - Vision and Objectives
(session to end before 3pm)

DAY 2 – Wednesday 2 February 2022

Matter 2 - Aggregate Requirements - Policy 2

Matter 3 - Construction Aggregate Supply

Issue 1 – Site Selection and Overall Supplies – Policy 4

DAY 3 - Thursday 3 February 2022

Matter 3 – Construction Aggregate Supply - *continued*

Issue 2 - ***Chieveley Services Allocation*** *(morning session)*

Issue 3 - ***Tidney Bed Allocation*** *(afternoon session)*

WEEK 2

DAY 4- Tuesday 8 February 2022

Matter 4 - Net Self-sufficiency in Waste Management - Policy 3

Matter 5 - Safeguarding - Policies 9-10

Matter 6 - Other Strategic Policies - Policies 5,6, 7,15

Matter 7 - Development Management - Policies 17-29

Matter 8 – Monitoring Framework

DAYS 5 – Wednesday 9 February 2022

Reserve day in case of overrun

Brian Sims

Inspector

7th October 2021