

Summary of Representations on the Proposed Main Modifications to the West Berkshire Minerals and Waste Local Plan

Contents

1. Number of Responses.....	3
2. Respondents.....	4
Key Points Raised by the Representations	6
2.1 General Comments	6
2.2 Proposed Main Modifications	6
2.3 Examination Documents	10
2.4 Sustainability Appraisal / Strategic Environmental Assessment.....	11
2.5 Habitats Regulations Assessment.....	11
3. Summary of Representations and Council Response	12
3.1 General Comments	12
3.2 Proposed Main Modifications	14
3.3 Examination Documents	48
3.4 Sustainability Appraisal / Strategic Environmental Assessment.....	60
3.5 Habitats Regulations Assessment.....	63

Tables

Table 1: Number of Responses Received.....	3
Table 2: List of Respondents.....	4
Table 3: Summary of Representations on Proposed Main Modifications	6
Table 4: Summary of Representations on Examination Documents	10
Table 5: Summary of Representations on the SA/SEA	11
Table 6: General Comments	12
Table 7: MM1 – Paragraph 2.9.....	14
Table 8: MM2 – Vision.....	14
Table 9: MM3 – Objective M2	21
Table 10: MM4 – Objective M4	22
Table 11: MM5 – Objective W8	25
Table 12: MM6 – New paragraph after 4.13.....	26
Table 13: MM7 – Policy 3.....	28
Table 14: MM8 – Paragraph 4.23.....	28
Table 15: MM9 – New paragraph after 4.23.....	28
Table 16: MM10 – New paragraph after MM9.....	28
Table 17: MM11 – Paragraph 4.24.....	30
Table 18: MM12 – Policy 4.....	31
Table 19: MM13 – New paragraph after 4.39.....	33
Table 20: MM14 – New paragraph after MM13.....	35
Table 21: MM17 – Paragraph 4.40.....	37

West Berkshire Council Minerals and Waste Local Plan – Proposed Main Modifications Summary of Representations August 2022

Table 22: MM18 – Paragraph 4.41	39
Table 23: MM19 – Paragraph 4.44	40
Table 24: MM20 – Paragraph 4.47	40
Table 25: MM21 – Policy 5	41
Table 26: MM22 – Paragraph 4.56	41
Table 27: MM25 – Policy 7	42
Table 28: MM26 – Policy 9	43
Table 29: MM27 – Paragraph 4.90	43
Table 30: MM28 – Policy 12	43
Table 31: MM29 – Policy 14	44
Table 32: MM30 – Policy 15	44
Table 33: MM31 – Policy 19	45
Table 34: MM32 – Policy 19	46
Table 35: MM42 – Policy 25	47
Table 36: MM44 – Paragraph 4.55	48
Table 37: MM45 – Paragraph 4.59	48
Table 38: EXAM 9 – Grundon Note on Mortar Sand Supply	49
Table 39: EXAM 13 - Environment Strategy and MWLP Preparation	51
Table 40: EXAM 14 - Inert Fill Availability Note	52
Table 41: SA/SEA – Main Document	60
Table 42: SA/SEA – Non Technical Summary	61
Table 43: SA/SEA – Appendix 5 (Policy 12)	62
Table 44: SA/SEA – Appendix 8 (Review of Proposed Main Modifications)	63

1. Number of Responses

73 individual comments were received from 16 consultees.

Table 1: Number of Responses Received		
Main Modification / Document Reference		No. of comments
Proposed Main Modifications		
MM1	Paragraph 2.9	2
MM2	Vision	3
MM3	Objective M2	2
MM4	Objective M4	4
MM5	Objective W8	3
MM6	New paragraph after 4.13	3
MM7	Policy 3	1
MM8	Paragraph 4.23	1
MM9	New paragraph after 4.23	2
MM10	New paragraph after MM9	2
MM11	Paragraph 4.24	2
MM12	Policy 4	3
MM13	New paragraph after 4.39	4
MM14	New paragraph after MM13	2
MM15	Paragraph 4.42	0
MM16	Paragraph 4.43	0
MM17	Paragraph 4.40	2
MM18	Paragraph 4.41	2
MM19	Paragraph 4.44	2
MM20	Paragraph 4.47	2
MM21	Policy 5	1
MM22	Paragraph 4.56	1
MM23	Paragraph 4.58	0
MM24	Policy 6	0
MM25	Policy 7	2
MM26	Policy 9	0
MM27	Paragraph 4.90	1
MM28	Policy 12	1
MM29	Policy 14	1
MM30	Policy 15	3
MM31 & 32	Policy 19	2
MM33	Paragraph 5.28	0
MM34	New paragraph after 5.28	0
MM35	Paragraph 5.31	0
MM36	Paragraph 5.34	0
MM37	New paragraph after 5.39	0
MM38	New paragraph after MM37	0
MM39	New paragraph after MM38	0
MM40	New paragraph after MM39	0

MM41	New paragraph after MM40	0
MM42	Policy 25	2
MM43	Monitoring Framework	0
MM44	Paragraph 4.55	1
MM45	Paragraph 4.59	1
Examination Documents		
EXAM8	Richard Anstis for Tyle Mill Consultation Note	0
EXAM9	Grundon Note on Mortar Sand Supply	1
EXAM10	WBDC Covering Letter – Post Hearings Tasks	0
EXAM11	AM2014 and AM2019 Comparison Note	0
EXAM12	Note on Policy 31 – Chieveley Services	0
EXAM13	Environment Strategy and MWLP Preparation	1
EXAM14	Inert Fill Availability Note	3
EXAM15	Council Response to Richard Anstis for Tyle Mill Consultation Note	0
EXAM20	WBDC – Update to MWLP Regarding NE Nutrient Neutrality	0
Sustainability Appraisal / Strategic Environmental Assessment		
SA/SEA – Main Document		1
SA/SEA – Non Technical Summary		1
SA/SEA – Appendix 5 (Policy 12)		1
SA/SEA – Appendix 6 (Chieveley Services)		0
SA/SEA – Appendix 8 (Review of Proposed Main Modifications)		1
Habitats Regulations Assessment		
HRA – Updated Habitats Regulations Assessment Screening		0

General Comments received (not on a specific point): 8

2. Respondents

A list of representors who responded to the Proposed Main Modifications Consultation on the Minerals and Waste Local Plan is given in the following table:

Table 2: List of Respondents				
Representor ID	Representor Name/Organisation	Organisation Representative	Agent Name	Agent Organisation
1256474	West Berkshire Environmental Health	Suzanne McLaughlin		
955027	Exolum Pipeline Systems Ltd. (Formerly CLH Pipeline Systems Ltd)			
876561	Network Rail	Lisa Bullock		

West Berkshire Council Minerals and Waste Local Plan – Proposed Main Modifications Summary of Representations August 2022

1160507	Transport for London	Richard Carr		
1101067	National Highways	Beata Ginn		
1012781	Environment Agency	Alex Swann		
1150074	Coal Authority	Deb Roberts		
376324	Canal and River Trust	Jane Hennell		
788123	Oxfordshire County Council	Charlotte Simms		
1012097	Mark Davies			
1262183	Tyle Mill		Richard Anstis	
1119117	Mr. & Mrs. Mills		John Cowley	
1194906	Chieveley Parish Council	Kim Lloyd		
1256627	Beenham Parish Council	Graham Bowsher		
1012886	Paul and Victoria Machin			
787572	Stephen Bullock			

Key Points Raised by the Representations

The key points raised under each section of the plan and each policy are set out below.

2.1 General Comments

- Support for the Proposed Main Modifications
- Request from National Highways to ensure that all references to Highways England are changed.
- Concerns that Climate Change has not been considered in the plan

2.2 Proposed Main Modifications

Table 3: Summary of Representations on Proposed Main Modifications	
MM1	No comments received
MM2	<ul style="list-style-type: none"> • Lack of consideration of Climate Change/Climate Emergency in the preparation of the plan • MWLP ignores arguments relating to need • Concerns regarding sustainability of over allocating and possible export of material • Importing material is a sustainable solution and there is adequate supply from elsewhere.
MM3	<ul style="list-style-type: none"> • Lack of consideration of Climate Change/Climate Emergency in the preparation of the plan • Sustainability cannot be attained where protected sites are allocated when there is insufficient demand
MM4	<ul style="list-style-type: none"> • Lack of consideration of Climate Change/Climate Emergency in the preparation of the plan • No justification for the allocation of Tidney Bed • Ignore the position that West Berkshire is a net importer of minerals.
MM5	<ul style="list-style-type: none"> • Lack of consideration of Climate Change/Climate Emergency in the preparation of the plan
MM6	<ul style="list-style-type: none"> • AM2019 survey results have not been published or made available • AM2019 only provides a snapshot in time, this could be misleading • Second sentence starting “once published” should be deleted • Need has not been ‘objectively assessed’
MM7	<ul style="list-style-type: none"> • Policy is incongruous as it aims for net-self-sufficiency in waste management, but entire self-sufficiency for minerals
MM8	<ul style="list-style-type: none"> • Policy is incongruous as it aims for net-self-sufficiency in waste management, but entire self-sufficiency for minerals
MM9	<ul style="list-style-type: none"> • Policy is incongruous as it aims for net-self-sufficiency in waste management, but entire self-sufficiency for minerals

MM10	<ul style="list-style-type: none"> • Policy is incongruous as it aims for net-self-sufficiency in waste management, but entire self-sufficiency for minerals • Importing waste has impact on CO2 emissions, any proposals need to be carefully balanced against Climate Change impacts. Allocation of a mineral sites for restoration with inert fill should not be the default. • Modifications rely on the hypothetical, reliance on known circumstance would be more appropriate.
MM11	<ul style="list-style-type: none"> • Policy is incongruous as it aims for net-self-sufficiency in waste management, but entire self-sufficiency for minerals • Modifications rely on the hypothetical, reliance on known circumstance would be more appropriate.
MM12	<ul style="list-style-type: none"> • Proposed wording automatically grants planning permission where the criteria are met, previously it would have only been in limited circumstances. Does not accord with national policy and removes all other policy considerations. • Change prevents the authority from refusing any scheme if the listed criteria are fulfilled even if overriding national policy has been introduced. This MWLP would then be non-compliant with any other conflicting document
MM13	<ul style="list-style-type: none"> • Evidence at the hearings was sufficient to challenge the exceptional circumstances test. Evidence for need is flawed and there is only a need for a residual supply of sand • Other MMs contradict the need to balance supply and demand for aggregates. Need could be met from elsewhere • The district’s need for mortar sand has been supplied from elsewhere for over a decade • Prejudices the outcome of the criterion that must be met in policy 4
MM14	<ul style="list-style-type: none"> • No areas of search are proposed for sharp sand and gravel, such areas would have less impact that the proposed allocation at Tidney Bed. • Sites outside the district may have a combined lower impact when taking into account transport • “where such operations would not harm the AONB due to visual impacts or impacts from noise or dust or transport impacting on the AONB” should be added to the end of the modification. • Need for soft sand has been materially overestimated so modification is flawed
MM15	No comments received
MM16	No comments received
MM17	<ul style="list-style-type: none"> • Paragraph number is incorrect, it should refer to 177 not 176 of the NPPF • Para 177 cannot be taken in isolation and used to justify an allocation that is not compliant. • Contradictions in the MWLP which seek to under-supply soft sand and encourage imports while over-supplying sharp sand and gravel and preventing imports of this aggregate. This is not compliant with the NPPF • The Soft Sand study did not satisfy the exceptional circumstances test

	<ul style="list-style-type: none"> • Indication that the NPPF requires extraction from within the AONB or supply from Oxfordshire, which it does not. It is impossible for any agreement between Mineral Planning Authorities to require/ensure supply as this is a commercial decision that cannot be influenced • Majority of sand mortars are factory mixed using a range of aggregate sources • Paragraph needs rewriting to reflect proper understanding of commercial realities
MM18	<ul style="list-style-type: none"> • Modification is confused, the concept behind it is not capable of being required
MM19	<ul style="list-style-type: none"> • Shortfalls may be met from a number of sources, supply from Oxfordshire cannot be enforced • Majority of mortar is from factory mixed mortar from distant locations
MM20	<ul style="list-style-type: none"> • Identifies allocated sites with the express license to grant planning permission, given certain criteria regardless of any current circumstances or relevant policies
MM21	<ul style="list-style-type: none"> • Main Modification is impacted by objections to other Main Modifications
MM22	<ul style="list-style-type: none"> • Modification is a virtual licence for planning permission to permit waste backfill, regardless of the climate change, water course, amenity implications, including within the setting of the AONB
MM23	No comments received
MM24	No comments received
MM25	<ul style="list-style-type: none"> • Modification is a virtual licence for planning permission to permit waste backfill, regardless of the climate change, water course, amenity implications, including within the setting of the AONB
MM26	<ul style="list-style-type: none"> • Modification has addressed Network Rail's concerns
MM27	<ul style="list-style-type: none"> • Modification misrepresents the NPPF as a whole. Safeguarding and creation of new waste management sites cannot override all other issues. The need to mitigation impacts on local businesses is not a justification for allocation
MM28	<ul style="list-style-type: none"> • Modification is not appropriate or legally compliant because the required test is not impacted by the changes in the NPPF wording • The plan should require proof that proposals in the setting or in designated areas will not impact on the designated area itself
MM29	<ul style="list-style-type: none"> • Similarly impacted as MM12
MM30	<ul style="list-style-type: none"> • Similarly impacted as MM12 • Modification is contrary to the LVA and would cause unacceptable harm to the environment
MM31	<ul style="list-style-type: none"> • Modification is a misrepresentation of the NPPF • Modification allows consideration of sites within the setting of the AONB to be considered as any other site in the district with no policy protection offered to them.

West Berkshire Council Minerals and Waste Local Plan – Proposed Main Modifications Summary of Representations August 2022

MM32	<ul style="list-style-type: none"> • Modification is a misrepresentation of the NPPF • Modification allows consideration of sites within the setting of the AONB to be considered as any other site in the district with no policy protection offered to them.
MM33	No comments received
MM34	No comments received
MM35	No comments received
MM36	No comments received
MM37	No comments received
MM38	No comments received
MM39	No comments received
MM40	No comments received
MM41	No comments received
MM42	<ul style="list-style-type: none"> • Site selection process has been carried out without reference to climate change •
MM43	No comments received
MM44	<ul style="list-style-type: none"> • Similarly impacted as MM12 • Emphasis of prioritising waste management development and requiring only the plan policies to be met is misrepresentative of the NPPF and does not allow for changes to national (or other) policies.
MM45	<ul style="list-style-type: none"> • Similarly impacted as MM12 • Emphasis of prioritising waste management development and requiring only the plan policies to be met is misrepresentative of the NPPF and does not allow for changes to national (or other) policies.

2.3 Examination Documents

Table 4: Summary of Representations on Examination Documents	
EXAM8	No comments received
EXAM9	<ul style="list-style-type: none"> • WBDC has not responded to EXAM9 therefore, must agree with the conclusions • Mineral Products Association has frequently stated that 80% of mortar used is factory mixed mortar, which is supported by the construction industry and independent business research • Either the Mineral Products Association have miscalculated mortar production, or BELIS statistics are in error by over 200% • Mineral Products Association have reviewed EXAM9 (at Mr Cowley's request) and they do not accept the findings. • Significant quantities of fine aggregate sold as 'soft sand', building sand etc. is consumed in a range of other bound and unbound uses, EXAM assumes all such aggregate goes into mortar • Exceptional circumstances test does not consider the potential to meet demand for fine aggregate for mortar.
EXAM10	No comments received
EXAM11	No comments received
EXAM12	No comments received
EXAM13	<ul style="list-style-type: none"> • Why isn't the council adopting a more proactive stance? Para 2.2 states policy making and actions would help reduce the district's carbon footprint • Acknowledged the Environment Strategy and Delivery Plan does not refer to Minerals and Waste. This oversight is addressed by delegation in para 4.4 to the MWLP and the MMs.
EXAM14	<ul style="list-style-type: none"> • The impact of policies requiring waste to be driven up the waste hierarchy and the plan requirements for recycled aggregates and impacts on groundwater have not been taken into account when considering the ability to restore sites to existing levels • There is a possibility that the sites could not be brought forward because the required restoration cannot be achieved • Considerable uncertainty as to the scale, form and categories of CDE arisings. • The impact on Nutrient Neutrality at Chieveley hasn't been considered as the documents state that the HRA will be updated in due course and there may be the need for further modifications to the MWLP and Policy 31 for Chieveley Services • EXAM 14 does not address the extent of recycled aggregates recovered from CDE waste nor take account of all existing permitted and available void capacity for inert infill awaiting restoration • Groundwater implications have not yet been resolved which will affect extraction and infill

	<ul style="list-style-type: none"> • Clay is required for lining the void, but no information given as to where suitable clay would come from • Underlying strategy of allocations conflicts with the sustainable development objectives
EXAM15	No comments received
EXAM16	No comments received

2.4 Sustainability Appraisal / Strategic Environmental Assessment

Table 5: Summary of Representations on the SA/SEA	
Main Document	<ul style="list-style-type: none"> • The vision is not compliant • Two mineral sites were identified, not recommended for allocation and are not proposed to be removed from the SEA because the landowner has withdrawn them. They have been assessed and conclusions have informed the decision therefore, they should be left in the SA/SEA • The weighting/assessments in the SA/SEA documents INSP11 makes surprising reading. The Council believe that the allocated sites do not incur any significant issues relating to sustainability.
Non-Technical Summary	<ul style="list-style-type: none"> • Representations made during the consultation and hearings have gone unheeded in the preparation of the SA/SEA. Stating that no substantial changes to the outcomes of the SA/SEA have been identified • No explicit reference to Climate Change, other than policy 25 and no other acknowledgement of the need to mitigation unsustainable traffic haulage movements • The shortcomings of the LVA identified have not prompted an addendum. Who has decided on the weight of the changes in the SA/SEA given there is no further information relating to the judgments?
Appendix 5	<ul style="list-style-type: none"> • The SA/SEA has not considered representations made at the hearings, particularly the need to embrace the implications of Climate Change with respect to unsustainable haulage movements. • There is a fundamental recognition that Tidney Bed is poorly located with regard to sustainable haulage • Why is restoration to existing levels insisted upon given its negative SA/SEA score?
Appendix 6	No comments received
Appendix 8	<ul style="list-style-type: none"> • Despite not subjecting the Main Modifications to a SA/SEA review this does not change the compatibility of the MWLP objectives.

2.5 Habitats Regulations Assessment

No comments received, although comments on EXAM14 refer to Nutrient Neutrality and the fact that the HRA will be updated.

3. Summary of Representations and Council Response

A summary of the representations for each Proposed Main Modification and other documents is given below together with a response from West Berkshire District Council (WBDC).

3.1 General Comments

Table 6: General Comments		
Representor	Summary of Representations	Council Response
TfL (ID1160507)	No comments on Proposed Main Modifications	Noted
Exolum Pipeline System Ltd. (Formerly CLH Pipeline System Ltd.) (ID955027)	We would ask that you contact us if any works are in the vicinity of the Exolum pipeline.	Proposed allocations are not within the vicinity of a pipeline.
Network Rail (ID876561)	Proposed Main Modifications are consistent with NPPF paragraph 106 (e).	Noted.
West Berkshire Council Environmental Health Team (ID1256474)	No comments on Proposed Main Modifications.	Noted
National Highways (ID1101067)	References to Highways England should be replaced with National Highways	Agreed there are two references to Highways England within the monitoring framework. These will be updated as an additional modification to reflect the change of name to National Highways.

The Coal Authority (ID1150074)	West Berkshire Council lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs etc.	Noted
Environment Agency (ID1012781)	We are satisfied that all the significant changes suggested as part of our previous correspondence have been included or altered in your Main Modifications document. Therefore, we fully support these additions and amendments and remove our previous point of soundness, as the water environment and main rivers in West Berkshire will be much better protected with the proposed changes incorporated.	Support for the Proposed Main Modifications noted
Canal and River Trust (ID376324)	No comments	Noted
Oxfordshire County Council (ID788123)	Pleased to see our Statement of Common Ground and the discussions between the Authorities reflected within the proposed modifications and support the changes made.	Support for the Proposed Main Modifications noted.
Stephen Bullock (ID787572)	Strongly object to the Proposed Main Modifications. The proposed MMs only pay lip service to the vital criteria of climate change. This should have been considered as a major criteria in the site selection process, and if it had, the outcome would likely have been different. The MMs cannot rectify the situation now and therefore are unsound and possibly unlawful.	<p>Sites have been assessed in relation to climate change in the SA/SEA. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence impacts on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3). The outcome of site assessments is included in the SA/SEA Appendix 6.</p> <p>The chosen sites are those which the Council considers the most appropriate after the SA/SEA site assessment and selection process. In terms of sharp sand and gravel, it is considered that the other nominated sand and gravel sites</p>

		have greater constraints in relation to the Tidney Bed site and/or would not address the identified need over the Plan period.
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3.2 Proposed Main Modifications

Table 7: MM1 – Paragraph 2.9		
Representor	Summary of Representations	Council Response
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	<p>No view on the modification.</p> <p>Introduction suggests that increasing use of recycled aggregate pose new and different demands on the construction aggregate industry, which is not the case as they have been in place for decades.</p> <p>Incorrect to say those considerations affect the construction aggregate industry. Recovery of recycled aggregate is a concern of the waste management industry, which includes firms not operating in construction aggregates.</p>	<p>Comments noted but are not related to the proposed modification.</p>

Table 8: MM2 – Vision		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	Adding the words “taking into account climate change” whilst taking no account of climate change is neither appropriate nor legally compliant. The Plan is required to take Climate Change into account.	Climate change has been considered throughout the development of the MWLP. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence the impact on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3).

		<p>In addition, the Council considers that the provisions in the policies are adequate to address climate change issues, in particular in Policy 17 (Restoration and After-use of sites), Policy 20 (Biodiversity and Geodiversity), Policy 22 (Transport), Policy 24 (Flooding) and specifically Policy 25 (Climate Change). The proposed modification has been added for clarification.</p>
	<p>It is incongruous for the Plan to facilitate and plan for the delivery of mineral resources in the most sustainable way 'whilst taking into account climate change', and provide for landbanks outside of the AONB as far as practical whilst also allowing extraction over and above demand, thus encouraging exportation, and allocating sites adjacent to protected areas [AONB].</p>	<p>The comments cover points raised as part of the proposed submission consultation and discussed at the examination hearings and have already been responded to. Consideration of climate change has been taken into account in the preparation of the MWLP and the proposed modification has been added for clarification.</p>
	<p>The MWLP ignores the very arguments put forward at the hearings for justifying the allocated sites when there is actually insufficient demand and a surplus of supply within the District.</p>	<p>The comments cover points raised as part of the proposed submission consultation and discussed at the examination hearings and have already been responded to, including the Council's justification for allocating the Tidney Bed site.</p>
	<p>It is not sustainable to 'over-allocate' and allocate a site that impacts upon the AONB that is not needed and then justify the allocation by supplying to other areas.</p>	<p>The Council presumes this refers to the MM4 addition to objective M4 <i>'whilst also taking into account the potential for future contribution that should be made from mineral working in West Berkshire towards the aggregate supply needs of other areas'</i>.</p> <p>This Proposed Main Modification was put forward in response to Oxfordshire's representation on the Proposed Submission version of the MWLP, and has been agreed within the Statement of Common Ground between the two authorities. The requirement to consider the supply needs of other areas forms part of the Duty to Cooperate and is set out in NPPF</p>

		<p>Paragraph 11(b). Mineral Planning Authorities also operate under the Managed Aggregates Supply System, which requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably (Minerals Planning Guidance paragraph 060 Reference ID: 27-060-20140306). This has already been considered in the LAA [ME001] and MM4 clarifies this.</p> <p>MM4 was not included as a justification for the allocation of the Tidney Bed site and the comments relating to ‘over-supply’ have already been raised and responded to.</p>
	<p>It is either sustainable to export to other Districts and therefore to import from other Districts, or it is not. If it is unsustainable, it cannot be legally compliant or appropriate. If it is considered sustainable to export, then it must be equally sustainable to import and therefore not to need to allocate a site within the District, particularly one adjacent to and with such a high impact on a designated AONB.</p>	<p>Comment more appropriately relates to MM4.</p> <p>A fundamental tenet of the Managed Aggregates Supply System (MASS) that Mineral Planning Authorities operate under, is that minerals can only be worked where they are found. MASS requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply, while making due allowance for the need to control any environmental damage to an acceptable level. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably. (Minerals Planning Practice Guidance Paragraph 060 Reference ID: 27-060-20140306). The argument of sustainability in relation to imports and exports also needs to take into account availability of mineral resources, as Mineral Planning Authorities cannot all rely on imports. Allocations will still need to occur, and the NPPF</p>

		<p>para 210 b) states that planning policies should aim to source minerals supplies indigenously.</p> <p>Impacts on the AONB have been considered and discussed at the examination hearings.</p>
	<p>Importing is a sustainable solution and there is adequate supply from other Districts.</p>	<p>NPPF para 210 b) states that planning policies should aim to source minerals supplies indigenously.</p>
	<p>MM2 and MM4 do not provide any justification for the allocation of Tidney Bed, however they seek to provide authority to allocate the site anyway, without justification and without taking into account climate change.</p>	<p>MM4 was put forward in response to Oxfordshire’s representation on the Proposed Submission version of the MWLP, and has been agreed within the Statement of Common Ground between the two authorities. The requirement to consider the supply needs of other areas forms part of the Duty to Cooperate and is set out in NPPF Paragraph 11(b). Mineral Planning Authorities also operate under the Managed Aggregates Supply System, which requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably (Minerals Planning Guidance paragraph 060 Reference ID: 27-060-20140306). This has already been considered in the LAA [ME001] and MM4 clarifies this.</p> <p>MM4 was not included as a justification for the allocation of the Tidney Bed site and the comments relating to climate change have already been responded to.</p>
	<p>Modifications allow allocation and exploitation of sites even within the AONB ‘where practical’.</p>	<p>Comments relate to another part of M4, and not to the proposed modification (MM4). The intent of this objective is directly aligned with NPPF paragraph 211(b) which requires Minerals Planning Authorities to ‘as far as is practical’,</p>

		provide for the maintenance of landbanks of non-energy minerals from outside AONBs (inter alia).
Beenham Parish Council (ID1256627)	The whole site selection has been carried out without reference or comparisons of climate change. It should be re-evaluated using detailed climate change criteria. We have been lobbied by various groups and feel we wish to support their submissions.	<p>Sites have been assessed in relation to climate change in the SA/SEA. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence impacts on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3). The outcome of site assessments is included in the SA/SEA Appendix 6.</p> <p>The chosen sites are those which the Council considers the most appropriate after the SA/SEA site assessment and selection process. In terms of sharp sand and gravel, it is considered that the other nominated sand and gravel sites have greater constraints in relation to the Tidney Bed site and/or would not address the identified need over the Plan period.</p>
Paul and Victoria Machin (ID1012886)	The proposed MM is a retrospective response to the criticisms made during the virtual hearings and from neighbouring authorities as part of the consultation process. The belated introduction highlights the shortcomings of the plan process to date.	The proposed MMs were included in the travelling draft of Main Modifications submitted as an examination document prior to the hearing sessions [EXAM2]. Climate change is adequately addressed in the MWLP and the proposed modification has been added for clarification.
	The addition of the MM does not change the situation where objectives do not include minimising/eradicating the impact of HGV movements and CO ₂ emissions on sites, especially when alternative sites are accessed by a conveyor belt and close to processing plants.	The implications of vehicle movements to/from the site have been taken into account in the Site Assessment work and in the SA/SEA. There is a Highways and Transport section within the site assessment work, and Objective 10 of the SA/SEA considers sustainable transport. While some of the sites considered may have been able to offer alternative aggregate transport to using the road network there are wider

		<p>sustainability issues regarding their derivability which is why they were not chosen.</p>
	<p>The plan does not demonstrate how climate change will be taken into account. Allocations persist without due consideration to climate change and sustainability.</p>	<p>Climate change has been considered throughout the development of the MWLP. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence the impact on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3).</p> <p>In addition, the Council considers that the provisions in the policies are adequate to address climate change issues, in particular in Policy 17 (Restoration and After-use of sites), Policy 20 (Biodiversity and Geodiversity), Policy 22 (Transport), Policy 24 (Flooding) and specifically Policy 25 (Climate Change). The proposed modification has been added for clarification.</p>
	<p>Despite the declaration of a Climate Emergency in July 2019 there is no mention of this within the Site Selection Methodology or RAG rating system. Climate Change should have been a keystone in the decision-making process. The topic of unsustainable haulage by HGVs for each site was not assessed.</p>	<p>Sites have been assessed in relation to climate change in the SA/SEA. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence the impact on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3). The outcome of site assessments is included in the SA/SEA Appendix 6.</p> <p>The chosen sites are those which the Council considers the most appropriate after the SA/SEA site assessment and selection process. In terms of sharp sand and gravel, it is considered that the other nominated sand and gravel sites</p>

		<p>have greater constraints in relation to the Tidney Bed site and/or would not address the identified need over the Plan period.</p> <p>The implications of vehicle movements to/from the site have been taken into account in the Site Assessment work and in the SA/SEA. There is a Highways and Transport section within the site assessment work, and Objective 10 of the SA/SEA considers sustainable transport.</p>
	<p>Omission of Climate Change and sustainability in the site selection process renders the site allocation methodology unsound.</p>	<p>Sites have been assessed in relation to climate change in the SA/SEA. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence the impact on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3). The outcome of site assessments is included in the SA/SEA Appendix 6.</p> <p>The chosen sites are those which the Council considers the most appropriate after the SA/SEA site assessment and selection process. In terms of sharp sand and gravel, it is considered that the other nominated sand and gravel sites have greater constraints in relation to the Tidney Bed site and/or would not address the identified need over the Plan period.</p>
	<p>The 15 year duration of Tidney Bed will extend significantly beyond the aspired 2030 Council’s carbon neutral aim. The haulage movements would have a serious negative implication for the Council’s carbon neutral aim.</p>	<p>Sites can only be considered for allocation where they come forward, and while some of the sites considered may have been able to offer alternative aggregate transport to using the road network there are wider sustainability issues regarding their derivability which is why they were not chosen.</p>

	Para 2.37 should incorporate a more comprehensive list of studies that have informed the plan process.	Comment is not related to MM2. The main background documents that have supported the development of the MWLP are listed in this paragraph.
	CD004E (SoC) expressly refers to the consideration of more sustainable transportation methodologies and states the Authority considers an approach that places an emphasis on road transport as the primary transport methodology would not be appropriate. Given the subsequent reports and decisions relating to allocation are silent on balancing movement of aggregates within respect to climate change. Fundamentally sites were not considered relative to their proximity to established processing plants or opportunities for non-road transfer of aggregate.	The options for how aggregates are moved around the district is covered in Appendix 4 of the SA/SEA (Issue 8). This considers the options, and determines that an option which relies on a mix of road, rail and water based transport for aggregate movements would be the most appropriate to adopt (option 8.4). Policy 22 sets out the policy framework for transport in the plan. The option to progress with a strategy that solely relies on road based transport (option 8.2) is not the option which has been taken forward into the plan. Sites can only be considered for allocation where they come forward, and while some of the sites considered may have been able to offer alternative aggregate transport to using the road network there are wider sustainability issues regarding their derivability which is why they were not chosen.
	The isolated site at Tidney Bed is wholly reliant on HGV movements has no correlation with the MM2 Vision.	Sites can only be considered for allocation where they come forward, and while some of the sites considered may have been able to offer alternative aggregate transport to using the road network there are wider sustainability issues regarding their derivability which is why they were not chosen.

Table 9: MM3 – Objective M2

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard	The MWLP cannot attain sustainability where it allows exploitation of protected sites [AONB] where there is insufficient proven demand.	The issues regarding 'need' and effects on landscape including the AONB were discussed at the examination hearing sessions.

Anstis) (ID1262183)	It is contradictory that the surplus from over-allocation can be exported to other areas, when the main argument for allocation is that it is unsustainable to import aggregates from other areas.	Comment more appropriately relates to MM4. See responses to comments on MM4
Paul and Victoria Machin (ID1012886)	Same as comments on MM2.	See responses to comments on MM2

Table 10: MM4 – Objective M4		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	MM2 and MM4 do not provide any justification for the allocation of Tidney Bed, however they seek to provide authority to allocate the site anyway, without justification and without taking into account climate change.	MM4 was put forward in response to Oxfordshire's representation on the Proposed Submission version of the MWLP, and has been agreed within the Statement of Common Ground between the two authorities. The requirement to consider the supply needs of other areas forms part of the Duty to Cooperate and is set out in NPPF Paragraph 11 (b) and the proposed modification acknowledges this. Mineral Planning Authorities also operate under the Managed Aggregates Supply System, which requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably (Minerals Planning Guidance paragraph 060 Reference ID: 27-060-20140306). This has already been considered in the LAA [ME001] and MM4 clarifies this. It was not included as a justification for the allocation of the Tidney Bed site.

		MM4 was not included as a justification for the allocation of the Tidney Bed site and the comments relating to climate change have already been responded to.
	The additional wording simply undermines the justification for the allocation and encourages exploitation without justification which is both inappropriate and not legally compliant.	This point has already been responded to.
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	This is a perverse modification. It is acknowledged that much of WB is protected landscape and habitat, and that there are limited mineral resources with WB as an insignificant supplier of aggregate to other areas. It also ignores the position that WB is a significant net importer of minerals (both crushed rock and sand and gravel).	MM4 was put forward in response to Oxfordshire’s representation on the Proposed Submission version of the MWLP, and has been agreed within the Statement of Common Ground between the two authorities. The requirement to consider the supply needs of other areas forms part of the Duty to Cooperate and is set out in NPPF Paragraph 11 (b) and the proposed modification acknowledges this. Mineral Planning Authorities also operate under the Managed Aggregates Supply System, which requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably (Minerals Planning Guidance paragraph 060 Reference ID: 27-060-20140306). This has already been considered in the LAA [ME001] and MM4 clarifies this.
	The modification should be reworded as follows: <i>“whilst taking account of the significant existing and potential future contribution of aggregate minerals (land won, marine and recycled) from other areas towards the aggregate supply needs of West Berkshire; and any</i>	For the reasons set out in the response to MM4, the Council considers that MM4 does not need to be reworded.

	<p><i>residual contribution that West Berkshire may make towards the aggregate supply needs of other areas”</i> Without this change the plan presents a flawed assessment of sales and imports/exports which gives an irrational and contrary picture making the plan unsound.</p>	
<p>Chieveley Parish Council (ID1194906)</p>	<p>This modification is entirely and overtly biased towards exporting minerals from West Berkshire. It should refer to ... taking into account the potential for future contribution that should be made from mineral working in West Berkshire towards the aggregate supply needs <u>and production</u> of other areas.</p>	<p>For the reasons set out in the response to MM4, the Council considers that MM4 does not need to be reworded.</p>
<p>Paul and Victoria Machin (ID1012886)</p>	<p>This could be regarded as freedom of exploitation of the mineral reserve in the district without considering the negative implications on the environment and climate change of transporting unspecified quantities of minerals from further afield.</p>	<p>MM4 was put forward in response to Oxfordshire’s representation on the Proposed Submission version of the MWLP, and has been agreed within the Statement of Common Ground between the two authorities. The requirement to consider the supply needs of other areas forms part of the Duty to Cooperate and is set out in NPPF Paragraph 11 (b) and the proposed modification acknowledges this. Mineral Planning Authorities also operate under the Managed Aggregates Supply System, which requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably (Minerals Planning Guidance paragraph 060 Reference ID: 27-060-20140306). This has already been considered in the LAA [ME001] and MM4 clarifies this.</p> <p>The MWLP specifies the requirement for aggregates over the plan period.</p>

Table 11: MM5 – Objective W8		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The tacking on of the words, without any protection of the natural world, or any reassessment of the policies to take into account climate change means that the Plan cannot be deemed appropriate or legally compliant.	<p>The proposed MMs were included in the travelling draft of Main Modifications submitted as an examination document prior to the hearing sessions.</p> <p>Sites and policies have been assessed in relation to climate change in the SA/SEA. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence the impact on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3).</p>
Beenham Parish Council (ID1256627)	The wording is just tacked on as if the examination has not taken place. The whole site selection needs to be re-evaluated using climate change criteria.	<p>The proposed MMs were included in the travelling draft of Main Modifications submitted as an examination document prior to the hearing sessions.</p> <p>Sites have been assessed in relation to climate change in the SA/SEA. Objective 8 of the SA/SEA specifically considers climate change. A number of the other SA/SEA objectives also relate to factors that can influence the impact on climate change (eg. biodiversity – objective 1, transport – objective 10, water resources – objective 2, conservation of natural resources – objective 11 and flooding – objective 3). The outcome of site assessments is included in the SA/SEA Appendix 6.</p> <p>The chosen sites are those which the Council considers the most appropriate after the SA/SEA site assessment and selection process. In terms of sharp sand and gravel, it is considered that the other nominated sand and gravel sites</p>

		have greater constraints in relation to the Tidney Bed site and/or would not address the identified need over the Plan period.
Paul and Victoria Machin (ID1012886)	Same as comments on MM2, in addition: MM5 wording completely ignores the unsustainable location of Tidney Bed relative to a processing plant and further implications of doubling HGV movements to restore the site with inert waste in a sensitive setting.	See responses to comments on MM2. Sites can only be considered for allocation where they come forward, and while some of the sites considered may have been able to offer alternative aggregate transport to using the road network there are wider sustainability issues regarding their derivability which is why they were not chosen.

Table 12: MM6 – New paragraph after 4.13		
	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The results of the 2019 survey are not published or made available to inform this Plan and cannot therefore be critical to determining the policies that are contained within it.	The AM2019 survey results were published in August 2021 and are available at: https://www.gov.uk/government/publications/aggregate-minerals-survey-for-england-and-wales-2019 AM2019 was used to inform the EXAM11 document, requested at the close of the hearings. AM2019 and subsequent AM surveys will be considered in future LAA's which will inform any future review of the MWLP.
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	The new paragraph does not help to clarify the position and is misleading. AM19 represents a moment in time and does not show data for 'West Berkshire', only 'Berkshire'. It provides some broad indications which show limited exports from Berkshire to other areas, with substantial imports into Berkshire, showing reliance of Berkshire imports, but without the clarity to know where the imports	The Council does not control how the AM information is collated or reported, as this is a national survey. It was acknowledged at the examination hearings that these surveys are the best available source of information available to the Council for import/export data, and as such the LAA is bound to take this into account. AM2019 was used to inform the EXAM11 document, requested at the close of the hearings, to show a general 'direction of travel'.

	<p>are coming from (Hampshire, Oxfordshire, other parts of Berkshire).</p>	<p>EXAM11 also highlights the fact that the AM2019 survey was done in the same year West Berkshire carried out its own Soft Sand Study [ME003], which included more detail than the AM survey in terms of sources of soft sand consumed in West Berkshire.</p>
	<p>The second sentence starting “once published” should be deleted as it is inaccurate.</p>	<p>Noted and agreed.</p>
<p>Mark Davies (ID1012097)</p>	<p>This proposed modification is fundamentally unsound because it does not address the point made in 4.13 to which it relates. Furthermore the plan has not been positively prepared since the ‘area’s need’ has not been ‘objectively assessed’.</p>	<p>MM6 is a factual reference to how information will be incorporated into Local Aggregate Assessments in the future.</p> <p>West Berkshire’s ‘need’ for aggregate was reviewed by the Inspector during the examination hearings.</p>
	<p>The LAA is fundamentally flawed, it has not been ‘objectively assessed’ and MM6 should address this fundamental point – for the following reasons:</p> <ol style="list-style-type: none"> 1. Sales/production estimates are too high 2. Demand estimates are also too high 3. There has been a structural change in the use of building sand for mortar and now over 80% is factory produced. <p>The conclusion is that the demand for soft sand has dramatically reduced over recent years to a minimal level – less than 15,000 tonnes per annum - which does not justify the requirement for locally sourced soft sand in West Berkshire for the plan period to 2037 and beyond, particularly for a relatively small Local Authority area with a relatively small housing demand (circa. 0.25% of the national total).</p>	<p>The need for aggregate in West Berkshire was reviewed by the Inspector during the examination hearings.</p>

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Table 13: MM7 – Policy 3		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	No specific comments on MM7 – MM11, although Policy 3 is now incongruous as it aims for ‘net self-sufficiency’ in waste management, whereas the MWLP aims to be entirely self-sufficient for minerals.	There are differing policy and legislative requirements for minerals planning as opposed to waste planning. The background and justification for each approach is set out in the LAA [ME001] and LWA [WE001] respectively.

Table 14: MM8 – Paragraph 4.23		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	No specific comments on MM7 – MM11, although Policy 3 is now incongruous as it aims for ‘net self-sufficiency’ in waste management, whereas the MWLP aims to be entirely self-sufficient for minerals.	There are differing policy and legislative requirements for minerals planning as opposed to waste planning. The background and justification for each approach is set out in the LAA [ME001] and LWA [WE001] respectively.

Table 15: MM9 – New paragraph after 4.23		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	No specific comments on MM7 – MM11, although Policy 3 is now incongruous as it aims for ‘net self-sufficiency’ in waste management, whereas the MWLP aims to be entirely self-sufficient for minerals.	There are differing policy and legislative requirements for minerals planning as opposed to waste planning. The background and justification for each approach is set out in the LAA [ME001] and LWA [WE001] respectively.

Table 16: MM10 – New paragraph after MM9		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	No specific comments on MM7 – MM11, although Policy 3 is now incongruous as it aims for ‘net self-sufficiency’ in waste management, whereas the MWLP aims to be entirely self-sufficient for minerals.	There are differing policy and legislative requirements for minerals planning as opposed to waste planning. The background and justification for each approach is set out in the LAA [ME001] and LWA [WE001] respectively.

<p>Paul and Victoria Machin (ID1012886)</p>	<p>MM10 states that <i>“the total waste management capacity in the district still exceeds the quantity of waste generated”</i>. Notwithstanding any cross-boundary arrangements, any importation of waste from neighbouring districts would have HGV transport implications and inevitably increased CO₂ emissions. Any such proposal would need to be carefully balanced against the increasingly urgent need for reducing CO₂ emissions and impacts on climate change. Allocating mineral extraction sites for restoration with inert fill, regardless of context, should not be the default position.</p>	<p>The Council is planning for ‘net self-sufficiency’ with regards to waste management in the MWLP, as the district is too small an area to plan effectively for all waste streams. For example, a lack of management capacity for residual waste has meant that this waste is exported out of the district for treatment.</p> <p>Net self-sufficiency is defined in MWLP paragraph 4.21, and paragraph 4.23 acknowledges that in planning for net self-sufficiency there will always be movements of waste across administrative boundaries. However, it is considered that planning for net self-sufficiency should mean levels of waste movements are broadly balanced and reduced. For example if the appropriate waste management capacity is not available in one area it would be managed at the nearest available appropriate facility.</p> <p>The mineral sites have been allocated for restoration to agriculture with inert fill, as this was the proposed afteruse put forward by the site promoters. A large consideration in the restoration of sites is what afteruse a landowner wishes the site to be restored to. In the case of Tidney Bed, consideration of afteruse also needs to be sensitive of its location in the setting of the AONB. Therefore restoration to the existing landuse is considered appropriate in this instance.</p>
	<p>MM10 & MM11 both relate to the capacity/shortfalls in waste management. The first is additional text which acknowledges there is insufficient capacity to manage residual waste (whether through recovery or landfill) and the second is a text deletion relating to a shortfall in capacity at the bottom of the waste hierarchy (namely the valueless rejects that remain after the application of the</p>	<p>The text in MM11 has not been deleted, but moved to the end of paragraph 4.23.</p> <p>It is not clear what is being referred to with regards to relying on the hypothetical. The lack of residual waste management capacity in West Berkshire is not hypothetical, but factual and capacity surplus/deficits are based on</p>

	<p>waste hierarchy; these are often the type of material used to backfill mineral extraction sites). These modifications rely heavily on the hypothetical; it would be more appropriate to state known circumstances (retain the text in MM11) and then qualify the text regarding projections on self-sufficiency. At an operational level the outcome of waste capacity/shortfalls have a bearing on the practical implication on site specifics, such as whether there is available material to restore a mineral site to existing levels and indeed whether it is appropriate to do so. Merely that there is a resulting void following a mineral extraction should not automatically prompt its use as a receptor for waste. At this juncture, considerations of climate change should kick in, such as the resulting impacts on the environment and people, as well as transportation implications but also to what extent biodiversity can be increased. These considerations are further commented on under the topic EXAM 14.</p>	<p>information contained in the Local Waste Assessment [WE001].</p> <p>MWLP Policy 20 would require at least 10% net gains for biodiversity, and Policy 17 requires proposals for restoration to take into account flood risk management and provision for climate change resilience. In addition, as the Tidney Bed site is within the setting of the AONB, restoration to the existing landuse will ensure that the setting of the AONB is not impacted.</p> <p>Also see responses to EXAM14.</p>
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Table 17: MM11 – Paragraph 4.24		
Representor	Summary of Representations	Council Response
<p>Tyle Mill (Agent: Richard Anstis) (ID1262183)</p>	<p>No specific comments on MM7 – MM11, although Policy 3 is now incongruous as it aims for ‘net self-sufficiency’ in waste management, whereas the MWLP aims to be entirely self-sufficient for minerals.</p>	<p>There are different policy and legislative requirements for minerals planning as opposed to waste planning. The background and justification for each is set out in the LAA [ME001] and LWA [WE001] respectively.</p>
<p>Paul and Victoria Machin (ID1012886)</p>	<p>MM10 + MM11 Both relate to the capacity/shortfalls in waste management. The first is additional text which acknowledges there is insufficient capacity to manage residual waste (whether through recovery or landfill) and the second is a text deletion relating to a shortfall in capacity at the bottom of the waste hierarchy (namely the valueless rejects that remain after the application of the</p>	<p>The text in MM11 has not been deleted, but moved to the end of paragraph 4.23.</p> <p>It is not clear what is being referred to with regards to relying on the hypothetical. The lack of residual waste management capacity in West Berkshire is not hypothetical, but factual and capacity surplus/deficits are based on</p>

	<p>waste hierarchy; these are often the type of material used to backfill mineral extraction sites). These modifications rely heavily on the hypothetical; it would be more appropriate to state known circumstances (retain the text in MM11) and then qualify the text regarding projections on self-sufficiency. At an operational level the outcome of waste capacity/shortfalls have a bearing on the practical implication on site specifics, such as whether there is available material to restore a mineral site to existing levels and indeed whether it is appropriate to do so. Merely that there is a resulting void following a mineral extraction should not automatically prompt its use as a receptor for waste. At this juncture, considerations of Climate Change should kick in, such as the resulting impacts on the environment and people, as well as transportation implications but also to what extent biodiversity can be increased. These considerations are further commented on under the topic EXAM 14.</p>	<p>information contained in the Local Waste Assessment [WE001].</p> <p>MWLP Policy 20 would require at least 10% net gains for biodiversity, and Policy 17 requires proposals for restoration to take into account flood risk management and provision for climate change resilience. In addition, as the Tidney Bed site is within the setting of the AONB, restoration to the existing landuse will ensure that the setting of the AONB is not impacted.</p> <p>Also see responses to EXAM14.</p>
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Table 18: MM12 – Policy 4		
Representor	Summary of Representations	Council Response
<p>Tyle Mill (Agent: Richard Anstis) (ID1262183)</p>	<p>The previous wording only created a ‘presumption in favour’ of granting development in limited circumstances. The proposed wording will automatically grant planning permission where the same criteria are met. This does not accord with national policy, and removes all other policy considerations (e.g. national policy, SPDs, etc.).</p>	<p>This modification was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF (Matter 6, Issue 1).</p> <p>Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker.</p>

		<p>National policy and SPDs are material considerations when determining a planning application so policies within these other documents would still be taken into account.</p>
	<p>The proposed change will prevent the authority from refusing any scheme if the listed criteria are fulfilled, even if overriding national policy has been introduced. The MWLP would then become instantly non-compliant with any other conflicting document.</p>	<p>National policy is a material consideration in the decision making process and therefore, any decisions being made would need to take into account both the MWLP and the policies of the NPPF. The MWLP is in conformity with the NPPF and the 5 yearly review process required would highlight any inconsistencies which could then be dealt with as part of the review.</p>
<p>Paul and Victoria Machin (ID1012886)</p>	<p>MM12 essentially promotes an automatic grant of planning permission for allocated sites such as Tidney Bed, save for ‘crossing the Ts’. This merely reinforces the ludicrous ‘journey’ of how this Plan has been directed to uphold the only sharp sand and gravel site allocated, despite its unsustainable location. This modification fails to take into account any other circumstances, considerations and policies, including National policies, relevant at the time.</p> <p>We believe this is not legally compliant.</p>	<p>This modification was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF (Matter 6, Issue 1).</p> <p>Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker.</p> <p>The principle of allocating sites is to give developers and the public a degree of certainty as to where development will go. However, any site coming forward for development, including allocated sites, would need to meet requirements of all relevant policies in the plan for permission to be granted.</p> <p>National policy and SPDs are material considerations when determining a planning application so policies within these other documents would still be taken into account.</p>

Table 19: MM13 – New paragraph after 4.39		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The evidence presented at the hearings was sufficient to challenge the exceptional circumstances test.	It is not clear what evidence this is referring to. The Council do not consider that this was the case, and stands by the exceptional circumstances test as set out in the Soft Sand Topic Paper [ME004].
	Other MMs contradict the need to balance supply and demand for aggregate within the district, by over-supplying and encouraging the movement of aggregate between districts. This undermines MM13, and also the exceptional circumstances test, as need could be met from elsewhere.	This comment appears to refer to the different soft sand and sharp sand and gravel strategies. The circumstances surrounding the approach to allocating sharp sand and gravel and soft sand sites are very different in West Berkshire, as soft sand resources are heavily constrained by the presence of the AONB and therefore the same method and assumptions cannot be applied. The Council do not consider that the differing approaches undermine the exceptional circumstances test as set out in the Soft Sand Topic Paper [ME004].
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	The modification is unproven and should be deleted. The evidence for need and market for sand for mortar use is seriously flawed and there is only a need for a residual supply of sand (see response to EXAM9).	These comments were raised and discussed at the examination hearings and have already been responded to.
	The soft sand topic paper and soft sand study did not undertake the relevant tests to prove “exceptional circumstances”. Or they were undertaken ignoring/without regard to/misunderstanding relevant considerations.	The Council do not consider that this was the case, and stands by the exceptional circumstances test as set out in the Soft Sand Topic Paper [ME004].
	The assessments dramatically overstated “need” and made no assessment of national considerations in relation to meeting need in “some other way”. Considerations relating to the local economy only address one side of the	The comments cover points raised as part of the proposed submission consultation and discussed at the examination hearings and have already been responded to.

	debate, and do not consider the positive environmental and economic impacts that already flow through meeting need “in some other way” from outside the designated area.	
	No environmental assessment of the allocation has been made in relation to alternative supply sources and the [soft sand] topic paper does not address Nutrient Neutrality issues.	The soft sand study [ME003] and the SA/SEA considered a number of different soft sand supply options. The SA/SEA assessments of the different options are set out in Appendix 4, pages 7 – 26. [CD003E]. Nutrient Neutrality has been considered in the updated HRA (April 2022), which has been agreed with Natural England [EXAM21].
	There is no pressing need for soft sand. WB’s need for mortar sand has been satisfied for over a decade without the need to work ‘soft sand’ in the AONB.	The comments cover points raised as part of the proposed submission consultation and discussed at the examination hearings and have already been responded to.
Mark Davies (ID1012097)	This proposed modification is fundamentally unsound because it states that ‘it has demonstrated that there is a pressing need for soft sand within West Berkshire’. Based on any objective assessment the plan has not demonstrated such a pressing need.	The need for aggregate in West Berkshire was reviewed by the Inspector during the examination hearings and is not part of this consultation.
	The LAA is fundamentally flawed, as it has not been objectively assessed for the following reasons: <ol style="list-style-type: none"> 1. Sales/production estimates are too high 2. Demand estimates are also too high 3. There has been a structural change in the use of building sand for mortar and now over 80% is factory produced. <p>The conclusion is that the demand for soft sand has dramatically reduced over recent years to a minimal level –</p>	The need for aggregate in West Berkshire was reviewed by the Inspector during the examination hearings and is not part of this consultation.

	less than 15,000 tonnes per annum - which does not justify the requirement for locally sourced soft sand in West Berkshire for the plan period to 2037 and beyond, particularly for a relatively small Local Authority area with a relatively small housing demand (circa. 0.25% of the national total).	
Chieveley Parish Council (ID1194906)	Chieveley Parish Council does not accept that the Soft Sand Topic Paper, or other studies by West Berkshire Council, satisfy the exception test to justify the inclusion of the site as an allocation in the Plan.	The Council do not consider that this is the case, and stands by the exceptional circumstances test as set out in the Soft Sand Topic Paper [ME004].
	<p>The addition in MM13 states ‘the Council has carried out an exceptional circumstances test in line with the NPPF to determine that <u>extraction</u> within the AONB is justified (as set out in the Soft Sand Topic Paper).’</p> <p>This is unsound because it prejudices the outcome of the criterion that must be met at Policy 4. We object, therefore, to the inclusion of MM13 as proposed. If it is to be included then the soft sand topic paper at best supports the <u>allocation</u>, it does not prejudice <u>extraction</u> being justified. That can only be determined by an application in accordance the criteria in Policy 4.</p>	The only way to meet an identified need for a mineral, where alternatives are not available, or would not meet the need fully (as identified in the Soft Sand Topic Paper [ME004]), would be extraction of the mineral. This is what the paragraph is referring to.

Table 20: MM14 – New paragraph after MM13		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The perceived need for soft sand within the District is used to support the identification of soft sand areas of search. However, no areas of search are proposed for sharp sand and gravel, where such areas would have less impact than the proposed allocation at Tidney Bed. Other sites outside	NPPF para 210 b) states that planning policies should aim to source minerals supplies indigenously. In addition the Minerals Planning Practice Guidance states that the first priority in planning for a steady and adequate supply of minerals, is to designate specific sites, followed by preferred areas, and finally areas of search.

	the District may also have a combined lower impact, when taking into account transport.	(Paragraph: 008 Reference ID: 27-008-20140306). To rely on windfall sites or alternative sources would not provide the same certainty of meeting the identified requirement as a site allocation, although Policy 4 does allow for sites to come forward outside of allocated areas, including where the proposal is required to maintain the requirement provisions for aggregate minerals in Policy 2. As the allocation of Tidney Bed meets the Council's identified need for sharp sand and gravel, no area of search is needed.
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	“where such operations would not harm the AONB due to visual impacts or impacts from noise or dust or transport impacting on the AONB” should be added to the end of the modification.	The modification refers to the soft sand Areas of Search, which are wholly outside of the AONB. Therefore, there is no need for the additional sentence.
Mark Davies (ID1012097)	This proposed modification is fundamentally unsound because it states that ‘the allocated site cannot be relied upon to fully meet need for soft sand identified in Policy 2. Based on any objective assessment the ‘need for soft sand in Policy 2 has been materially overestimated.	The need for aggregates in West Berkshire was reviewed by the Inspector during the examination hearings and is not part of this consultation.
	The LAA is fundamentally flawed, as it has not been objectively assessed for the following reasons: 1. Sales/production estimates are too high 2. Demand estimates are also too high 3. There has been a structural change in the use of building sand for mortar and now over 80% is factory produced.	The need for aggregate in West Berkshire was reviewed by the Inspector during the examination hearings and is not part of this consultation.

	<p>The conclusion is that the demand for soft sand has dramatically reduced over recent years to a minimal level – less than 15,000 tonnes per annum - which does not justify the requirement for locally sourced soft sand in West Berkshire for the plan period to 2037 and beyond, particularly for a relatively small Local Authority area with a relatively small housing demand (circa. 0.25% of the national total).</p>	
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MM15 – Paragraph 4.42 No comments received

MM16 – Paragraph 4.43 No comments received

Table 21: MM17 – Paragraph 4.40		
Representor	Summary of Representations	Council Response
<p>Tyle Mill (Richard Anstis) (ID1262183)</p>	<p>Paragraph 176 is incorrect. The full text of Paragraph 176 does not require an exceptional circumstances test. Reference should be to paragraph 177.</p>	<p>It is accepted that the NPPF paragraph reference should be 177.</p>
	<p>Paragraph 177 cannot be taken in isolation and used to justify an allocation that is not compliant.</p>	<p>Paragraph 177 requires a test to be applied (referred to as the exceptional circumstances test) for development within AONBs. This test was undertaken in respect of the soft sand strategy and allocation of the Chieveley Services site within the AONB.</p> <p>The Council believes that the soft sand strategy put forward in the MWLP is the most practical and balanced solution based on the various requirements in the NPPF relating to mineral supply, achieving sustainable development, and conserving and enhancing protected landscapes.</p>
	<p>Paragraph 177 highlights the contradictions in the MWLP which seeks to under-supply soft sand and encourage the import of this aggregate, while over-supplying sharp sand</p>	<p>The circumstances surrounding the approach to allocating sharp sand and gravel and soft sand sites are very different in West Berkshire, as soft sand resources are heavily</p>

	<p>and gravel and preventing imports of this aggregate. The strategy for aggregate supply is not compliant with this paragraph, nor national policy.</p>	<p>constrained by the presence of the AONB and therefore the same method and assumptions cannot be applied.</p> <p>The Council believes that the soft sand strategy put forward in the MWLP is the most practical and balanced solution based on the various requirements in the NPPF relating to mineral supply, achieving sustainable development, and conserving and enhancing protected landscapes.</p>
	<p>Other paragraphs of the NPPF require a holistic approach to the impacts of any proposal that goes beyond District boundaries and takes into account the total impact (e.g. extracting from sites outside the AONB and outside the District and importing the aggregate into the District).</p>	<p>Alternatives to extraction from within the AONB were investigated as part of the Soft Sand Study and [ME004] and assessed through the SA/SEA [CD003E - Appendix 4, pages 7 – 26.</p>
	<p>The previously discussed MMs seek to remove all tests other than those in the Plan and are barriers to permission being granted automatically for allocated sites which is not legally compliant.</p>	<p>See responses to comments on MM12.</p>
<p>Mr and Mrs Mills (Agent: John Cowley) (ID1119117)</p>	<p>The addition infers that the soft sand study satisfied the exceptional circumstances test. Which it did not. It also infers that the NPPF requires extraction from within the AONB or supply from Oxfordshire, but no such requirement exists. The NPPF may allow, but does not require extraction from the AONB. It is impossible for the NPPF (or any other policy/agreement) between Oxfordshire and West Berkshire to require or ensure supply from Oxfordshire to West Berkshire, the supply of aggregate is purely a commercial decision and cannot be influenced by Mineral Planning Authorities.</p>	<p>The Council do not consider that this was the case, and stands by the exceptional circumstances test as set out in the Soft Sand Topic Paper [ME004].</p> <p>The term ‘required’ is used in reference to the fact that an assessment of meeting the need in some other way (alternatives) is required by the exceptional circumstances test.</p> <p>The soft sand strategy enables supply from Oxfordshire as this has been demonstrated to already be occurring, therefore it is facilitating and formalising an extension of this situation. The soft sand study [ME003] identifies why supply</p>

		<p>from other areas is unlikely to meet the identified need for West Berkshire.</p> <p>The Council believes that the soft sand strategy put forward in the MWLP is the most practical and balanced solution based on the various requirements in the NPPF relating to mineral supply, achieving sustainable development, and conserving and enhancing protected landscapes.</p>
	In the case of sand mortar most of the market uses factory mixed mortar using a range of fine aggregate sources.	The comments cover points raised as part of the proposed submission consultation and discussed at the examination hearings and have already been responded to.
	The paragraph needs rewriting to reflect a proper understanding of commercial realities and the unenforceable nature of any agreements between West Berkshire and Oxfordshire.	The soft sand strategy enables supply from Oxfordshire as this has been demonstrated to already be occurring, therefore it is facilitating and formalising an extension of this situation. The soft sand study [ME003] identifies why supply from other areas is unlikely to meet the identified need for West Berkshire.

Table 22: MM18 – Paragraph 4.41		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	This MM is impacted by objections to other MMs	Comment noted. Without any more specific details the Council is unable to respond to this point.
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	This modification is confused, the concept behind it is not capable of being required (see comments on MM17).	The soft sand strategy enables supply from Oxfordshire as this has been demonstrated to already be occurring, therefore it is facilitating and formalising an extension of this situation. The soft sand study [ME003] identifies why supply

		from other areas is unlikely to meet the identified need for West Berkshire.
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Table 23: MM19 – Paragraph 4.44

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	This MM is impacted by objections to other MMs	Comment noted. Without any more specific details the Council is unable to respond to this point.
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	Shortfalls might be met from Oxfordshire, but may come from other areas, supply chains cannot be enforced. The majority of mortar is dominantly provided by factory mixed mortar from distant locations. The modification is redundant and unenforceable and should be removed.	<p>The soft sand strategy enables supply from Oxfordshire as this has been demonstrated to already be occurring, therefore it is facilitating and formalising an extension of this situation. The soft sand study [ME003] identifies why supply from other areas is unlikely to meet the identified need for West Berkshire.</p> <p>The comments also cover points raised as part of the proposed submission consultation and discussed at the examination hearings and have already been responded to.</p>

Table 24: MM20 – Paragraph 4.47

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	See MM12 objections, which apply equally.	<p>This MM reflects the changes to Policy 4 made by MM12. See Council responses to MM12. In particular, MM12 was proposed in response to comments from the Inspector, to bring the policies worded 'presumption in favour' in line with the NPPF.</p> <p>Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The</p>

		modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker.
Paul and Victoria Machin (ID1012886)	<p>MM20 identifies allocated sites with the express license to grant planning permission, given certain criteria, similar to MM12, regardless of any current circumstances or relevant policies.</p> <p>We believe this is not legally compliant.</p>	<p>This MM reflects the changes to Policy 4 made by MM12. MM12 was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF.</p> <p>Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker.</p>

Table 25: MM21 – Policy 5

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	This MM is impacted by objections to other MMs	Comment noted. Without any more specific details the Council is unable to respond to this point.

Table 26: MM22 – Paragraph 4.56

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	This MM is impacted by objections to other MMs	Comment noted. Without any more specific details the Council is unable to respond to this point.

MM23 – Paragraph 4.58 No comments received

MM24 – Policy 6 No comments received

Table 27: MM25 – Policy 7		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	See MM12 objections, which apply equally.	MM25 was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF. Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker.
Paul and Victoria Machin (ID1012886)	MM25 like MM12+20 is a virtual license for planning permission, in this case to permit waste backfill. Again, this is regardless of any consideration of climate change (unsustainable transportation), prolonging impact on receptors and importantly, the interference of groundwater movement in the floodplain as a result of impervious rejected clays being the predominant backfill (i.e. the least valuable material in the waste hierarchy). Furthermore, the spectre of waste recycling on site to separate out waste of value (part of the waste hierarchy) from the low value backfill would compound the activity, all within the setting of materially important receptors, including within the setting of the AONB. We believe this is not legally compliant.	MM25 was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF. Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker. The policy makes clear that all other policies of the MWLP will also need to be satisfied, including Policy 17 (Restoration), Policy 19 (Protected Landscapes), 20 (Biodiversity and Geodiversity) and 25 (Climate Change).

Table 28: MM26 – Policy 9		
Representor	Summary of Representations	Council Response
Network Rail (ID876561)	Suggested amendments, along with additional modifications to the Policies Map and Appendix 2 have addressed our concerns.	Noted.

Table 29: MM27 – Paragraph 4.90		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	Mis-represents the NPPF as a whole, in that the safeguarding and creation of new waste management sites cannot override all other issues and the need to mitigate impacts on local businesses is not a justification for allocation.	The modification is in the context of safeguarding existing waste sites from non-waste development proposals. The NPPF (para 187) states that existing businesses (eg. an existing waste site) “should not have unreasonable restrictions placed on them as a result of development permitted after they were established.” (eg. new non-waste development). The NPPF goes on to say that the “agent of change” (in this case the non-waste development) “would be required to provide suitable mitigation before the development has been completed.” No waste sites are proposed for allocation.

Table 30: MM28 – Policy 12		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The removal of “in the setting of” for proposals for oil and gas exploration and production is not appropriate or legally compliant, because the required test is not impacted by the changes in the NPPF wording, for development which will or may, affect the land under the designated areas themselves. Instead, the Plan should require proof that any proposal for exploration and production on sites in the setting of designated areas, will not impact on the designated site itself.	The modification is required to be in conformity with the NPPF. Para 176 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty... The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitivity located and designed...” The NPPF treats sites within, and in the setting of the AONB differently, which the proposed modification seeks to follow, as the exceptional

	circumstances test is not required for sites in the setting of the AONB.
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Table 31: MM29 – Policy 14

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	See MM12 objections, which apply equally.	See Council's response to MM12.

Table 32: MM30 – Policy 15

Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	See MM12 objections, which apply equally.	See Council's response to MM12.
Stephen Bullock (ID787572)	This MM is contrary and in conflict with the Council's Landscape Report (and thereby the weightings in the RAG allocation process) and therefore makes this modification unsound.	The Modification does not alter the meaning of the policy, rather it provides clarity on where permission will be permitted. Proposals will still be required to meet the requirements of all other relevant policies in the plan as stated in the final paragraph of the policy, including Policy 30 (Tidney Bed) which requires the site to be in conformity with the Landscape Assessment.
Paul and Victoria Machin (ID1012886)	The modification proposes to permit permanent infrastructure where it would result in intensification of uses that would cause unacceptable harm to the environment. We believe this is not legally compliant.	MM25 was proposed in response to comments from the Inspector, to bring the policies worded 'presumption in favour' in line with the NPPF. Para 16(d) of the NPPF states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. The

		modification sets out the criteria by which a development proposal would be considered acceptable, giving clear direction to the decision maker.
	The modification conflicts with the findings of the LVA for Tidney Bed. Over-riding the LVA caveat would change the goal posts in respect of the site allocation criteria and would increase the negative weighting of the impact significantly. The prospect of a processing plant together with a failure to update the LVA accordingly would render the site selection and allocation of Tidney Bed unsound.	The Modification does not alter the meaning of the policy, rather it provides clarity on where permission will be permitted. Proposals will still be required to meet the requirements of all other relevant policies in the plan as stated in the final paragraph of the policy, including Policy 30 (Tidney Bed) which requires the site to be in conformity with the Landscape Assessment.

Table 33: MM31 – Policy 19		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The effect of the proposed alteration is to remove all reference to sites adjacent to and in the setting of AONBs and to consider those sites in policy terms as being no different to any other sites within the District and to offer no policy protection to them whatsoever. This is a misrepresentation of the adjusted NPPF and is not legally compliant or appropriate.	The modification is required to be in conformity with the NPPF. Para 176 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty... The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitivity located and designed...” The NPPF treats sites within, and in the setting of the AONB differently, which the proposed modification seeks to follow, as the exceptional circumstances test is not required for sites in the setting of the AONB. MM32 (now within Policy 19) includes provision for sites within the setting of the AONB.
Paul and Victoria Machin (ID1012886)	The Modification effectively renders any sites located in the setting of the AONB as indistinguishable from any other site, which is contrary to the wording of para 176 of the NPPF.	The modification is required to be in conformity with the NPPF. Para 176 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty... The scale and extent of development within these designated areas should be

		limited, while development within their setting should be sensitivity located and designed...” The NPPF treats sites within, and in the setting of the AONB differently, which the proposed modification seeks to follow, as the exceptional circumstances test is not required for sites in the setting of the AONB. MM32 (now within Policy 19) includes provision for sites within the setting of the AONB.
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Table 34: MM32 – Policy 19		
Representor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	The effect of the proposed alteration is to remove all reference to sites adjacent to and in the setting of AONBs and to consider those sites in policy terms as being no different to any other sites within the District and to offer no policy protection to them whatsoever. This is a misrepresentation of the adjusted NPPF and is not legally compliant or appropriate.	The proposed modification sets out the policy requirement for sites within the setting of the AONB to take into account the change to the policy as a result of MM31. It follows the intention of NPPF paragraph 176.
Paul and Victoria Machin (ID1012886)	The modification is merely semantics. Such considerations apply to the locality of any potential extraction site, irrespective of any qualitative landscape context.	The proposed modification sets out the policy requirement for sites within the setting of the AONB to take into account the change to the policy as a result of MM31. It follows the intention of NPPF paragraph 176.

MM33 – Paragraph 5.28 No comments received

MM34 – New paragraph after 5.28 No comments received

MM35 – Paragraph 5.31 No comments received

MM36 – Paragraph 5.34 No comments received

MM37 – New paragraph after 5.39 No comments received

MM38 – New paragraph after MM37 No comments received

MM39 – New paragraph after MM38 No comments received

MM40 – New paragraph after MM39 No comments received

MM41 – New paragraph after MM40 No comments received

Table 35: MM42 – Policy 25		
Representor	Summary of Representations	Council Response
Beenham Parish Council (ID1256627)	The whole site selection has been carried out without reference or comparisons of climate change. It should be re-evaluated using details of climate change criteria.	The comment does not relate to the Proposed Main Modification. See previous responses relating to how climate change has been taken into account during the site assessment/selection process
Paul and Victoria Machin (ID1012886)	The modification relates to minimising climate change. The relevance to Tidney Bed with respect to the impacts of unsustainable transport and the potential impacts of flood risk has been referred to above.	The comment does not relate to the Proposed Main Modification. See previous responses relating to climate change.

MM43 – Monitoring Framework

No comments received

Table 36: MM44 – Paragraph 4.55		
Repositor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	See MM12 objections, which apply equally. The emphasis of prioritising waste management development and requiring only the Plan policies to be met is a misrepresentation of the NPPF requirements and does not allow for changes to national and other relevant policies outside the Plan and is therefore not compliant or appropriate.	This MM reflects the changes to Policy 5 made by MM21. MM21 was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF (Matter 6, Issue 1). National policy and SPDs are material considerations when determining a planning application so these would still be taken into account in decision making. Also see Council responses to MM12.

Table 37: MM45 – Paragraph 4.59		
Repositor	Summary of Representations	Council Response
Tyle Mill (Agent: Richard Anstis) (ID1262183)	See MM12 objections, which apply equally. The emphasis of prioritising waste management development and requiring only the Plan policies to be met is a misrepresentation of the NPPF requirements and does not allow for changes to national and other relevant policies outside the Plan and is therefore not compliant or appropriate.	This MM reflects the changes to Policy 5 made by MM21. MM21 was proposed in response to comments from the Inspector, to bring the policies worded ‘presumption in favour’ in line with the NPPF (Matter 6, Issue 1). National policy and SPDs are material considerations when determining a planning application so these would still be taken into account in decision making. Also see Council responses to MM12.

3.3 Examination Documents

EXAM8 – Richard Anstis for Tyle Mill Consultation Note

No comments received

Table 38: EXAM 9 – Grundon Note on Mortar Sand Supply		
Representor	Summary of Representations	Council Response
Mr and Mrs Mills (Agent: John Cowley) (ID1119117)	WBDC has not produced any response to EXAM9 therefore, therefore presumably WBDC concurs with the conclusions.	The Council has responded to the points raised as follows. However, aside from the proportion of the mortar market is comprised of factory mixed mortar, a fundamental argument of the Council (outlined in the Council's response to Mr. & Mrs. Mills' Representation [SI005]) is that there is still a remaining demand (e.g. for site mixed mortar) that will need to be met from somewhere, and therefore there is a need to maintain a supply of this material, where it is available.
	The Mineral Products Association has frequently stated that 80% of the mortar used is factory mixed mortar. This is generally supported by the construction industry and independent business research.	Noted, although the reports and research mentioned are not referenced.
	The Mineral Products Association assessment is based on (i) figures of the delivery of bricks and blocks in the UK from the BEIS, (ii) how much mortar is required to lay those bricks or blocks, and (iii) how much of that total mortar demand was satisfied by factory produced mortar. These are actual sales of bricks and blocks aligned with tried and tested assessments of the use of mortar. This mechanism has been used by the MPA, or its predecessors, for decades.	At the examination hearings, Dr. Thompson stated that use by brick and blocks did not represent the whole mortar market and that there was considerable use elsewhere.
	The Mineral Products Association approach does not make allowance for mortar used in natural stone walls, laying of ridge tiles, laying of external slabs and tiles, etc, which will under-estimate mortar use. However that is in total a minor quantity. In any event such uses may mainly use coarse 'sand' or grit, which in stone walls will in many instances be crushed rock fines. The Mineral Products Association approach also does not make allowance for	There is no evidence that over/underestimates 'cancel each other out'.

	<p>blocks used in ‘block and beam’ construction where no mortar is used. That will over-estimate mortar use. These considerations probably cancel each other out.</p>	
	<p>EXAM9 states that total sales of building sand in 2019 was 5.276m tonnes, with only approx. 2.7m tonnes of factory produced mortar being used to lay bricks and blocks. They then erroneously conclude that the remaining building sand produced (approx. 2.6m tonnes) was used in ‘on-site’ mixed mortar. This is 200% of that estimated by the Mineral Products Association, with 45% supply coming from factory mixed mortar. This would imply the MPA have consistently miscalculated mortar production, or BEIS statistics are in error by over 200%. Neither is likely.</p>	<p>The figure of 5.276m tonnes, is taken from the AM2019 Survey (EXAM6 - Appendix A, Table A1). The entry states ‘sand for use in <i>mortar</i> (building sand)’ (emphasis added).</p>
	<p>Evidence suggests that there has been a gradual rise in sales of factory mortar (from 63% in 2006 to 76% in 2014, with an estimated market share of 84% in 2018). There are no business reports/documents which support Grundon’s calculations.</p>	<p>Noted, although it is understood that the factory mixed mortar market is generally mature with no significant expansion in recent years.</p>
	<p>Contact made with Mick Russell at Mineral Products Association to review EXAM9 and note prepared (Email trail appended). The Mineral Products Association do not accept Grundon’s review as set out in EXAM9.</p>	<p>Noted. Specific points have been responded to, although a fundamental argument of the Council (outlined in [SI005]) is that aside from the proportion of the mortar market is comprised of factory mixed mortar, there is still a remaining demand (e.g. for site mixed mortar) that will need to be met from somewhere, and therefore there is a need to maintain a supply of this material, where it is available.</p>
	<p>Significant quantities of fine aggregate sold as ‘soft sand’, building sand etc. is consumed in a range of other bound and unbounded uses, whereas EXAM9 assumes that all such aggregate goes into mortar.</p>	<p>The figure in EXAM9 was based on the AM2019 Survey (EXAM6 - Appendix A, Table A1). The entry states ‘sand for use in <i>mortar</i> (building sand)’ (emphasis added).</p>

	<p>One such non-mortar use is in concrete. Historically sales from West Berkshire support this end use (Copyhold was permitted for use in concrete tiles, and Old Kiln Quarry sales went to both mortar and non-mortar uses. 50% of building sand/soft sand in West Berkshire has been for non-mortar applications. There is a similar picture in Hampshire.</p>	<p>The AM2019 Survey (EXAM6 – Appendix A, Table A1), specifically separates ‘Sand for concreting’ as opposed to ‘sand for use in mortar’, therefore it is unlikely that sales of sand for concreting have been included within the sales of sand for mortar.</p>
	<p>Fine aggregate for mortar is not restricted to dry screened sand.</p>	<p>Noted, although the Mineral Products Association response in EXAM9 does suggest that the main sources for factory mortar are dry screened sand.</p>
	<p>The exceptional circumstances test does not consider properly or adequately the potential to meet demand for fine aggregate for mortar. Need has been overstated, no national supply considerations apply and demand can be met in some other way.</p>	<p>The Soft Sand Study [ME003] looked into alternative sources of soft sand supply, and the exceptional circumstances test in the Soft Sand Topic Paper [ME004] took this into account.</p> <p>The need for aggregate in West Berkshire was reviewed by the Inspector during the examination hearings.</p>

EXAM10 – WBDC Covering Letter – Post Hearing Tasks

No comments received

EXAM11 – AM2014 and AM2019 Comparison Note

No comments received

EXAM12 – Note on Policy 31 – Chieveley Services

No comments received

Table 39: EXAM 13 - Environment Strategy and MWLP Preparation		
Representor	Summary of Representations	Council Response
Paul and Victoria	Given the iterative process of the SA/SEA why isn't the Council adopting a more proactive stance? Para 2.2 states	The MWLP has to balance a number of different needs and demands, including the need for indigenously sourced

<p>Machin (ID1012886)</p>	<p>that policy making and actions would help reduce the district’s carbon footprint, is this merely rhetoric? It is acknowledged that the Environmental Strategy and Delivery Plan does not refer to Minerals and Waste. This oversight is addressed by delegation in para 4.4 to the MWLP and the MMS, the shortcomings of which are referred to above.</p>	<p>minerals and meeting the demands of climate change. As set out in para 4.4 of EXAM13 the objectives of the MWLP will help to meet the objectives of the Environment Strategy.</p>
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<p>Table 40: EXAM 14 - Inert Fill Availability Note</p>		
<p>Representor</p>	<p>Summary of Representations</p>	<p>Council Response</p>
<p>Mr and Mrs Mills (Agent: John Cowley) (ID1119117)</p>	<p>The plan requires restoration of the allocated sites back to existing levels using imported waste. This would be the same for any other sites coming forward (eg. 60 acre field or the Area of Search).</p>	<p>The restoration proposals for unallocated sites cannot be prejudged.</p>
	<p>The ‘60 acre field’ site is not allocated in the Plan. However, the background ‘evidence’ papers reference the location and any default in whole or in part of supply from Chieveley Services may expose that site to development proposals.</p>	<p>The soft sand strategy, once adopted, will be the framework against which applications will be assessed over the Plan period. The exceptional circumstances test will still need to be demonstrated for proposals within the AONB.</p>
	<p>During the hearings the availability of inert waste was raised along with issues relating to suitable low permeability clay to line the site, the impact of national and local policies requiring waste to be driven up the waste hierarchy and the plan requirements for recycled aggregates and impacts on groundwater. None of which have been taken into account in determining the ability to restore the site at Chieveley Services (or any other site that might come forward within the Area of Search, or 60 Acre Field). Therefore, there is a distinct possibility that the site at Chieveley Services (or elsewhere) could not be brought</p>	<p>The proposed restoration at Chieveley Services has been put forward by the landowner in conjunction with the mineral operator. It is unlikely that the proposals would have been put forward if they were unachievable, and the issues referenced (except availability of inert fill) have not so far been raised in connection with concerns about the restoration proposals. The Environment Agency did not express concerns about impacts on groundwater of inert fill in this location.</p>

	<p>forward because the required restoration cannot be achieved. Therefore, the plan is not deliverable.</p>	
	<p>The Chieveley Services site is within the Nutrient Neutrality catchment of the River Lambourn. EXAM20 proposes that depending on the outcomes of an updated HRA that there may be a need for further modifications to the MWLP and Policy 31 for Chieveley Services. This is unsatisfactory as it fails to respond to the significant impact such requirements may have on the provision of the plan.</p>	<p>EXAM20 was written to the Inspector following the receipt of the Nutrient Neutrality notification (March 2022). The HRA was subsequently updated and included as a consultation document, following agreement from Natural England that there would not be an impact on the River Lambourn catchment as a result of the development of Chieveley Services for mineral extraction (confirmation from Natural England confirming this is was received in May 2022 and is included as EXAM21 in the Examination Library). As a result no further modifications to the MWLP were required.</p>
	<p>A recent householder application located adjacent to the 60 acre field site was recently refused by WBDC because it was considered that either alone or in combination to have a significant effect on the River Lambourn SAC and therefore, adverse impacts could not be ruled out. Such considerations apply to the allocation at Chieveley Services where adverse impacts cannot be ruled out.</p>	<p>The HRA has been updated and included as a consultation document, following agreement from Natural England that there would not be an impact on the River Lambourn catchment as a result of the development of Chieveley Services for mineral extraction (confirmation from Natural England confirming this is was received in May 2022 and is included as EXAM21 in the Examination Library).</p>
	<p>Adequacy of fill is a requirement of the plan and the landowner and inability to comply could result in permission for extraction not being granted (conflict with the policy) or that the landowner would not allow the site to come forward. Therefore, the availability of inert fill is paramount to the deliverability of the plan. Historically restoration by fill has in the immediate vicinity over the last 20+ years been successively and excessively delayed due to inadequate arising of suitable fill material. This is acknowledged at para 4.64 of the plan.</p>	<p>EXAM14 has demonstrated that there is generally the availability of inert fill arising within West Berkshire to facilitate restoration of the proposed allocations.</p>

	<p>Majority of inert waste comes from CDE waste, and there are considerable uncertainties as to the scale, form and categories of CDE arisings (As shown in the LWA, it ranges from 300,525 tonnes to 452, 903 tonnes). Historic figures show that the average landfill rate represents about 60% of that quantity required. Figure rates could be even further depleted due to more uses further up the waste hierarchy, resulting in a shortfall of material.</p>	<p>It is accepted that the availability of inert waste available as fill varies depending on the amount/location of construction and demolition activity.</p> <p>However, the figure stated as the average amount of CDE waste deposited to land is incorrect, this being the most recent 2018 figure for waste deposited to land in West Berkshire (115,156 tonnes). The average over the years 2014 – 2018 is in fact 145,021 tonnes, which would be in excess of the 140,000 tpa required for the proposed allocated sites. It is implied that only the amount landfilled should be used in calculating the availability of material, however the deposit of waste to land can be classified as either recovery or landfill depending on the specific circumstances. Therefore it is correct to include the amount of waste deposited on/in land as well.</p>
	<p>EXAM14 is fundamentally flawed because it fails to address two other parts of the picture. Firstly there is no acknowledgement of the extent of recycled aggregate recovered from CDE waste, plus the continuing push to recover more such aggregate from such waste and significantly the provision in the Plan itself for the supply of circa 350,000 tonnes per annum of such recycled aggregates from the CDE waste stream over the whole of the Plan period.</p>	<p>EXAM14 specifically excludes waste recovered as recycled aggregate in the calculations of availability of inert fill, (recycled aggregates are calculated separately).</p> <p>The Mineral Products Association has identified that the contribution of Recycled and Secondary Aggregates to total aggregates supply has remained at approximately 28-29% for the years 2016 – 2020¹, suggesting that this is approximately the maximum able to be recovered using current technologies and the proportion of CDE waste able to be recovered in this way is unlikely to change significantly in the short term.</p>

¹ Mineral Products Association, (2022). *The Contribution of Recycled and Secondary Materials to Total Aggregates Supply in Great Britain – 2020 Estimates*. [online] Available at: https://mineralproducts.org/MPA/media/root/Publications/2022/Contribution_of_Recycled_and_Secondary_Materials_to_Total_Aggs_Supply_in_GB_2022.pdf (Accessed 02 August 2022).

		<p>The requirement of 350,000 tpa in Policy, is for <i>capacity</i> to produce recycled aggregates. It is based on recent sales history in West Berkshire, and also takes into account the volumes of CDE waste <i>imported</i> into the district for recycling in the acknowledgement that West Berkshire is a net importer of CDE waste for recycling. The estimates of CDE waste arising in Table 5.2 of the LWA are only for waste of West Berkshire Origin. Hence the volumes of recycled aggregate in Table 5.2 (CDE waste estimates) reflect the West Berkshire proportion of this recycled material.</p>
	<p>Secondly it fails to take account of all existing permitted and available void capacity for inert infill awaiting restoration.</p>	<p>EXAM14 has demonstrated that there is generally the availability of inert fill arising within West Berkshire to facilitate restoration of the proposed allocations.</p> <p>However, inert CDE waste is also <i>imported</i> (i.e. arises outside of West Berkshire) for disposal/recovery in West Berkshire. The average over the years 2014 -2018, was 55,899 tpa (taken from the Environment Agency’s Waste Data Interrogator).</p> <p>The Local Waste Assessment identifies that up to 574,000 tpa of CDE waste could require management over the Plan period.</p> <p>An average of approximately 30% of total CDE waste each year has been managed through landfill or recovery (on/in land) over the years 2014 – 2018. This equates to approximately 172,000 tpa when applied to the 574,000 tpa figure. When the amount of imports (identified above) is taken into account, approximately 227,900 tpa of inert CDE waste may be expected to be available for restoration in a given year in West Berkshire (172,000 + 55,899).</p>

		<p>The current amount of available inert voidspace is identified in Table 3.7 of the Local Waste Assessment, although this is likely to be a conservative estimate as sites are likely to have been infilled somewhat from the baseline date of 2018.</p> <p>When converted to tonnes per annum over the plan period (15 years), these sites would require approximately 133,700 tpa. The allocated sites would require approximately 93,333 tpa over the plan period. In total, the requirement for inert fill over the plan period is therefore approximately 227,000 tpa from existing (including permitted) sites and proposed allocations (133,700 + 93,333). This requirement is approximately balanced by the estimated availability of inert fill of 227,900 tpa identified above.</p> <p>The estimated requirement of 227,000 tpa inert CDE material for inert fill over the Plan period is also likely to be a conservative estimate. This is because inevitably, there will be onsite material such as soils and overburden that will be stored during excavation and then available to facilitate restoration. The estimated requirement also assumes a worst case scenario in that all sites will be undergoing restoration at the same time, which is also unlikely, at least until the end of the plan period.</p> <p>In addition, there are also major construction schemes that may require space to dispose of excavation waste. West Berkshire Council has been approached specifically in relation to the River Thames Scheme, enquiring about available voidspace over the Plan period.</p> <p>Therefore, on balance, it is considered that on the basis of the preceding calculations and observations, that there will be</p>
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		sufficient fill material available over the plan period, to facilitate the restoration of current and allocated sites.																		
	The existing capacity awaiting filling undermines the simple balance concluded in EXAM14. The site at Tidney Bed would require a further 1m tonnes of inert waste to achieve restoration.	On balance, it is considered that on the basis of the preceding calculations and observations, that there will be sufficient fill material available over the plan period, to facilitate the restoration of current and allocated sites.																		
	<p>It is not possible to quantify the diversion of inert waste to recovery operations other than at mineral workings. The assessment and conclusion of EXAM14 is misleading. Below is a more realistic picture. It includes a conservative allowance for non-inerts and recovery other than to mineral sites. It does not make allowance for greater recovery of material from the CDE waste stream. There are no/inadequate arisings now and in the future to restore Chieveley Services. The plan has mutually conflicting objectives. Either recycled aggregates can be achieved or the restoration of Chieveley, but they cannot both be achieved in any sensible timeframe and therefore, the allocation should be deleted.</p> <table border="1" data-bbox="369 973 1205 1426"> <thead> <tr> <th data-bbox="369 973 813 1050">Arisings</th> <th data-bbox="813 973 1010 1050">Baseline</th> <th data-bbox="1010 973 1205 1050">End of Plan</th> </tr> </thead> <tbody> <tr> <td data-bbox="369 1050 813 1126">CDE waste arisings (worst case)</td> <td data-bbox="813 1050 1010 1126">465,000tpa</td> <td data-bbox="1010 1050 1205 1126">574,000tpa</td> </tr> <tr> <td data-bbox="369 1126 813 1203">Minus non-inert of 10% (50,000tpa)</td> <td data-bbox="813 1126 1010 1203">400,000tpa</td> <td data-bbox="1010 1126 1205 1203">517,000tpa</td> </tr> <tr> <td data-bbox="369 1203 813 1279">Minus 10% recovery (2014-2018)</td> <td data-bbox="813 1203 1010 1279">360,000tpa</td> <td data-bbox="1010 1203 1205 1279">445,000tpa</td> </tr> <tr> <td data-bbox="369 1279 813 1356">Minus 350,000tpa recycled aggregate (as Plan)</td> <td data-bbox="813 1279 1010 1356">10,000tpa</td> <td data-bbox="1010 1279 1205 1356">95tpa</td> </tr> <tr> <td data-bbox="369 1356 813 1426">Net available for restoration per annum</td> <td data-bbox="813 1356 1010 1426">10,000tpa</td> <td data-bbox="1010 1356 1205 1426">95,000tpa</td> </tr> </tbody> </table>	Arisings	Baseline	End of Plan	CDE waste arisings (worst case)	465,000tpa	574,000tpa	Minus non-inert of 10% (50,000tpa)	400,000tpa	517,000tpa	Minus 10% recovery (2014-2018)	360,000tpa	445,000tpa	Minus 350,000tpa recycled aggregate (as Plan)	10,000tpa	95tpa	Net available for restoration per annum	10,000tpa	95,000tpa	<p>Non-inert waste codes for CDE waste in the Waste Data Interrogator have not been identified for the arisings 2014 – 2018 for landfill and recovery on/in land.</p> <p>It is implied that only the amount of inert CDE landfilled should be used in calculating the availability of material, however the deposit of waste to land can be classified as either recovery or landfill depending on the specific circumstances. Therefore it is correct to include the amount of waste deposited on/in land (recovery), and it doesn't need to be 'removed'.</p> <p>Recycled aggregate production has been taken into account in the estimate of availability of inert material for restoration, as it is calculated separately in Table 5.2 of the LWA and doesn't need to be 'removed'. Please see previous calculations.</p>
Arisings	Baseline	End of Plan																		
CDE waste arisings (worst case)	465,000tpa	574,000tpa																		
Minus non-inert of 10% (50,000tpa)	400,000tpa	517,000tpa																		
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Minus 350,000tpa recycled aggregate (as Plan)	10,000tpa	95tpa																		
Net available for restoration per annum	10,000tpa	95,000tpa																		

Void Space			
Existing permitted and available	2,000,000t		
New form Tidney Bed	1,000,000t		
Gross Void Space	3,000,000t		
Life of Void Space			
With Tidney Bed	300 years	31.6 years	
Without Tidney Bed	200 years	21.1 years	
Groundwater implications have not yet been resolved which will affect both extraction and infill operations.			The Environment Agency did not express concerns about impacts on groundwater of inert fill in this location.
The site would need to be lined with suitable low permeability clay, but at the hearings we were assured the site contains mainly sand with limited clay. It is believed likely there is more clay on site than the assurances suggest, but it would be of limited value as a liner due to its variability and difficulties in separation and recovery. With no valid permissions to extract suitable clay in West Berkshire clay would need to be sourced from elsewhere.			The proposed restoration at Chieveley Services has been put forward by the landowner in conjunction with the mineral operator. It is unlikely that the proposals would have been put forward if they were unachievable, and the issues referenced (except availability of inert fill) have so far not been raised in connection with concerns about the restoration proposals.
The underlying strategy of allocations conflicts with the sustainable development objectives.			The Council believes that the soft sand strategy put forward in the MWLP is the most practical and balanced solution based on the various requirements in the NPPF relating to mineral supply, achieving sustainable development, and conserving and enhancing protected landscapes.
The strategy is not appropriate, availability of infill is not demonstrated, therefore, the impact on the AONB and importation of waste is in conflict with sustainability and not unjustified.			On balance, it is considered that on the basis of the preceding calculations and observations, that there will be sufficient fill material available over the plan period, to facilitate the restoration of current and allocated sites.

	<p>Ineffective strategy because it promotes restoration by inert fill as an essential part of the plan which cannot be achieved other than by actions which conflict with sustainability.</p>	<p>On balance, it is considered that on the basis of the preceding calculations and observations, that there will be sufficient fill material available over the plan period, to facilitate the restoration of current and allocated sites.</p>
	<p>Strategy and approach to restoration using infill is inconsistent with national policy, the waste hierarchy and causes unsustainable development. Restoration at Chieveley is not possible within the parameters of Policy 31 therefore, extraction is unacceptable and the plan is unsound.</p>	<p>On balance, it is considered that on the basis of the preceding calculations and observations, that there will be sufficient fill material available over the plan period, to facilitate the restoration of current and allocated sites. It is not considered that the approach is inconsistent with national policy.</p>
<p>Tyle Mill (Agent: Richard Anstis) (ID1262183)</p>	<p>Noted that 140,000 tonnes of inert infill is needed in each construction year and that it is possible to obtain that from the West Berkshire area, where supply matches that need. Again there is a contradiction between the perceived need for balance between supply and demand on the one hand and the attempted justification for creating a lack of balance on the other, referring to the same national planning policies to support both simultaneous positions.</p>	<p>The comment is not specifically related to EXAM14, and references the aggregate supply strategies; these points have already been responded to.</p>
<p>Paul and Victoria Machin (ID1012886)</p>	<p>EXAM 14 is the Council’s response to inert fill availability for site restoration. It follows on from the imperative in the landscape report that Tidney Bed should be restored in a “<i>timely manner</i>” and that there is sufficient inert fill in West Berkshire to action this. It is accepted that the inert fill is sourced from Construction, Demolition and Excavation waste. EXAM 14 advances a proposition that, based on estimates, there should be available annually an “approximate” amount of the necessary restoration fill for both Chieveley and Tidney Bed. Whether or not this is considered as ‘recovery’ or ‘disposal’, what is not clear is whether this estimated waste (be it the valueless material</p>	<p>On balance, it is considered that on the basis of the preceding calculations and observations, that there will be sufficient fill material available over the plan period, to facilitate the restoration of current and allocated sites.</p>

	<p>from the bottom of the waste hierarchy) is also being directed towards extant, active sites undergoing progressive restoration. There is no possible guarantee that these estimates of fill would be re-directed to the two allocated sites under consideration.</p>	
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EXAM15 – Council Response to Richard Anstis for Tyle Mill Consultation Note

No comments received

EXAM20 – WBDC Letter – Update to MWLP Regarding NE Nutrient Neutrality

No comments received

3.4 Sustainability Appraisal / Strategic Environmental Assessment

Table 41: SA/SEA – Main Document		
Representor	Summary of Representations	Council Response
<p>Tyle Mill (Agent: Richard Anstis) (ID1262183)</p>	<p>Table 8 - the Vision is not compliant, for the reasons already discussed.</p>	<p>Comment noted. Climate change has been considered throughout the development of the plan, with a specific SA/SEA objective relating to climate change (Objective 8.2) and a number of other objectives considering factors which impact on climate change.</p>
	<p>5.1.2.1 – Two mineral sites (Boot and Manor Farms) identified and not recommended for allocation are proposed to be removed from the SEA, because the landowner has withdrawn them. However, they have been assessed and the conclusions have informed the decision therefore they should be left in the SEA. Removing references to sites that were considered at the time could be considered as preventing all relevant matters from being taken into account.</p>	<p>The sites were withdrawn and therefore, could not be considered as reasonable alternatives for allocation. Therefore, it is not appropriate to continue to include them in the SA/SEA, as this only deals with reasonable alternatives.</p>

<p>Paul and Victoria Machin (ID1012886)</p>	<p>Noting the comments at the hearings, the weightings/assessments in the SA/SEA documents INSP11 makes surprising reading. The Council’s stance is that the allocated sites do not incur any significant issues relating to sustainability.</p>	<p>Comments noted, that is the overall assessment of the SA/SEA.</p>
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<p>Table 42: SA/SEA – Non Technical Summary</p>		
<p>Representor</p>	<p>Summary of Representations</p>	<p>Council Response</p>
<p>Paul and Victoria Machin (ID1012886)</p>	<p>Representations made during the consultation and the hearings have gone unheeded in the preparation of the SA/SEA. Stating that “no substantial changes to the outcomes of the SA/SEA have been identified”.</p>	<p>The SA/SEA has been reviewed in light of the main modifications. Where the main modifications have resulted in a change to the assessments made this has been noted.</p>
	<p>There is no explicit reference to Climate Change and apart from Policy 25 (Climate Change) there appears to be no other acknowledgement of the need to mitigation the consequences of unsustainable traffic haulage movements.</p>	<p>The non-technical summary is a summary document and does not go into the details of the individual assessment process. The SA/SEA objectives include climate change, so all policies and sites have been assessed against climate change impacts. Where there is a specific impact on climate change this has been referred to in the Non-Technical summary, specifically Policy 24 Flooding and Policy 25 Climate Change.</p>
	<p>If weights and judgements from professional reports were over/understated these have fed through into the SA/SEA. E.g. The shortcomings of the LVA report have not prompted an addendum.</p> <p>Who has decided on the weight of the changes in the SA/SEA given there is no further information relating to the judgements?</p>	<p>The SA/SEA has been reviewed in light of the main modifications. Where the main modifications have resulted in a change to the assessments made this has been noted.</p>

Table 43: SA/SEA – Appendix 5 (Policy 12)		
Representor	Summary of Representations	Council Response
Paul and Victoria Machin (ID1012886)	<p>The following extracts are highlighted to contrast with representations at the hearings, particularly the need to embrace the implications of Climate Change with respect to unsustainable haulage movements.</p> <p>Policy 1 – all objectives are deemed to have a positive impact (inc. 3- Risk of flooding, 5- Cultural heritage assets and Archaeology, 6- impact on landscape character, 10- sustainable transport. Given sustainable transport is a primary consideration for climate change the following are summaries of how appendix 5 deal with the issue:</p> <p>Policy 2 - neutral, unlikely to be any impact on sustainability</p> <p>Policy 3 –neutral, identical to policy 2</p> <p>Policy 4 –negative/neutral as alternatives to road transport are unlikely</p> <p>This is a fundamental recognition that Tidney Bed is poorly located with regard to sustainable haulage. The Council acceded that proximity to established processing plants could have been a potential benefit had this been taken into account in the site election process (See para 4.0.2 PS3/6)</p> <p>Policy 5 – Negative/neutral – despite imported waste restoration being likely to incur similar haulage movements as policy 4, wording is more tentative “possible negative impact on environmental sustainability”</p> <p>Policy 22 – Perversely considered positive</p> <p>Policy 25 – all 14 objectives are either neutral, positive or significantly positive!</p> <p>Policy 30 – Primary effects are neutral, but also some positive, some uncertain and some negative. Objective 11 is negative due to waste infill required for restoration. Why</p>	<p>Climate change is picked up directly by Objective 8 of the SA/SEA and indirectly by a number of other SA/SEA objectives.</p> <p>The comments do not relate specifically to the updates of the SA/SEA, however the following responses are made:</p> <p>The SA/SEA provides a tool for assessing the potential sustainability of policy options, site options and final policy wording. It considers all aspects of sustainability (economic, social and environmental). It aids the decision making process, but in itself is not a decision making tool.</p> <p>It is recognised that in some cases negative impacts on aspects of sustainability are predicted, however, mitigation can and will in most cases reduce this impact on neutral, if not provide a positive overall impact. The specific policies of the plan will ensure there will be no overall negative impact.</p> <p>Sites are assessed as options and then considered against the other site selection criteria, with the most suitable site chosen for allocation. All of the sites considered for allocation have a negative or unknown impact in relation to transport/highways due to their location in relation to more sustainable travel options to road haulage.</p> <p>The policies themselves are worded to ensure that there are no negative impacts as a result of the development.</p> <p>The restoration of the site ultimately comes down to the wishes of the landowner. In this case the landowner has proposed restoration back to existing levels.</p>

	then does the council insist that restoration should be to existing levels?	
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SA/SEA Appendix 6 (Chieveley Services) No comments received

Table 44: SA/SEA – Appendix 8 (Review of Proposed Main Modifications)		
Representor	Summary of Representations	Council Response
Paul and Victoria Machin (ID1012886)	Despite not subjecting the MMs to a SA/SEA review this does not in any event change the compatibility of the MWLP objectives.	The SA/SEA has considered all the Proposed Main Modifications and updated the assessments where required. Overall the main modifications are not seen as changing the overall sustainability impact on the MWLP.

3.5 Habitats Regulations Assessment

No comments received, although comments on EXAM14 refer to Nutrient Neutrality and the fact that the HRA will be updated. Please refer to relevant responses on EXAM 14.