Joint Strategic Planning Unit

Replacement Minerals Local Plan for Berkshire

Incorporating the Alterations adopted in December 1997 and May 2001

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INTRODUCTION

We all use minerals, and we all need them in our daily lives. From little things like toothpaste, car-litter and light bulbs, through the sand we use to condition our lawns or the mortar and cement we use in DIY, right up to the houses we live in and the roads we drive on - all are made of minerals. Huge quantities of minerals are used in all sectors of the economy, and in none more so than the construction industry. In a typical year, the construction industry in South East England uses between three and four tonnes of 'aggregate minerals' - such as sand and gravel - for every man, woman and child living there.

So the local Councils do not invent the demand for minerals. As government ministers have stressed,

"Demand for aggregates is generated by a proper and natural desire for improvements in the standard of living. That means improvements to our transport infrastructure, especially roads and railways, and improvements in hospitals, housing, and water quality."

But it falls to the local Councils to make the decisions on planning applications to extract minerals in the county. These applications pose very difficult problems, because mineral extraction can have major effects on the environment and people's living conditions over a long period. However, because minerals are a basic resource for a prosperous national economy, it is government policy that mineral planning authorities such as the Berkshire Unitary Authorities must ensure that appropriate planning permissions are given to extract them.

The purpose of the Minerals Local Plan is to provide a basis for making these difficult decisions, striking the right balance between the need to produce minerals and the need to protect the environment and people's quality of life. Berkshire County Council's first Minerals Plan was approved in 1984. That plan and its policies have now been completely reviewed, to provide up to date planning policies for dealing with future applications.

Public consultation on the review of the Plan was carried out in two stages, in 1991 and 1992, and the Plan was the subject of a public inquiry in 1993. The County Council strove as far as possible to produce a Plan which takes account of all the views expressed on earlier draft versions - although inevitably it has not been possible to meet all the objections which have been raised during the Plan's preparation. In preparing the final version of the Replacement Minerals Local Plan for Berkshire in the mid-1990s, the former County Council took particular account of all the recommendations made by the Inquiry Inspector.

The main issues addressed in this Plan are:

- How much mineral (mainly sand and gravel) should be dug in Berkshire?
- Where should extraction be allowed?
- Where should extraction not be allowed?
- What should be the objectives for the restoration of future mineral workings?
- How can we ensure that mineral working is carried out in the least damaging way?
- How can mineral working be used to secure long-term environmental and other public benefits?
- How much mineral may have to be brought into Berkshire from elsewhere?
- Where might depots be located to allow minerals to be brought in by rail?

The local planning authorities believe that the best way of striking the fairest balance between the need to permit mineral working, the need to minimise its impacts, and the need to ensure the best possible long-term environmental benefits, is to identify in advance areas (called 'Preferred Areas') where mineral working will be permitted. This approach allows the prior selection of the least damaging areas through rigorous study of all the possibilities county-wide, and enables us to lay down in advance the basis on which mineral working will be acceptable in each of the Preferred Areas, including requirements about how sites should be restored. It also allows us to make it clear where mineral working will not be permitted, because of the environmental conflicts which would arise.

Thus the new Plan will provide greater certainty to both local people and the mineral operators about what will be acceptable to the local planning authorities. It will also help the authorities to ensure that mineral working causes the least possible damage to the county's environment and is used wherever possible as a
means of maintaining a high quality environment in the future – two aims to which the local planning authorities are firmly committed.

This Local Plan was adopted by the County Council with effect from 4 November 1995, and its contents became the formal policy of the Council from that date. A first set of Alterations to the Plan was adopted by the County Council in December 1997. When Berkshire County Council was abolished at the end of March 1998, the Plan (including the 1997 Alterations) became the formal policy of the Unitary Authorities that succeeded the County Council. The further Alterations adopted in May 2001 now form a full part of the Minerals Local Plan.

The base-date of the statistical information used in the Plan as originally adopted was 30 September 1994. With the exceptions of Tables 2 and 3, the statistics in the Plan have generally not been rolled forward in the Alterations adopted in May 2001, because the content of the Plan derives from the earlier statistics and it would be misleading to delete them. The latest figures of mineral production and reserves in the county can be found in the annual Monitoring Reports on this Plan.
THE BACKGROUND TO THE LOCAL PLAN

Berkshire as a mineral producer

1.1 Berkshire has been a significant producer of minerals for many years. The county is underlain by three main types of mineral – sand and gravel, chalk and clay – and each of these has been and continues to be extracted to meet society's needs.

1.2 Until the 20th century, chalk and clay were the main minerals produced, generally to meet very localised needs. These minerals continue to be extracted, but now on a very small scale compared to sand and gravel. The chalk is used mainly as agricultural lime, and sometimes as 'fill'. The clay was formerly used chiefly in tile-making, but now its main use is to line waste disposal sites to prevent the spread of pollution.

1.3 Since the Second World War, the main type of mineral production in the county has been of 'aggregates' for the construction industry. Substantial quantities of aggregate minerals are needed for all construction work – in the building or renovation of houses, schools, hospitals, roads, and so on. As an illustration of the scale of the demand, it is reckoned that every new house built requires around 50 tonnes of aggregates.

1.4 The aggregate minerals most widely found in South East England are sand and gravel. These minerals are not evenly spread between counties. Resources of sand and gravel underlie nearly one-third of Berkshire, and the county currently produces just under one-tenth of the sand and gravel won in South East England.

1.5 Berkshire's sand and gravel resources are made up of two distinct minerals:

- Sharp sand and gravel is geologically a very recent deposit, dating from the end of the last Ice Age (around 10,000 years ago). The best sharp sand and gravel is chiefly used for making concrete, and is therefore sometimes referred to as 'concerning aggregate'. Sharp sand and gravel with a higher clay and silt content is not so suitable for concrete-making, and is more likely to be used in road construction or as fill – either load-bearing or 'constructional' fill, or else as 'bulk fill' whose role is chiefly to build up ground levels. This poorer quality sharp sand and gravel is sometimes known as 'hoggin'.

- Soft sand is a much older deposit, dating from around 60 million years ago. The best soft sand (known as building sand) is used chiefly in the making of asphalt, mortar or plaster. Poorer quality soft sand is more likely to be used as fill.

1.6 In recent years, just under three-quarters of the aggregates won in Berkshire have consisted of concreting aggregate. Just under one-quarter has been hoggin or poor quality soft sands, while the best quality soft sands have accounted for between 2% and 5% of total production.

1.7 Figure 1 and the Survey Map show where the main commercial minerals are found in the county. The Survey Map also shows the location of past and present mineral workings.

Berkshire as an aggregates importer

1.8 Berkshire does not produce all the aggregates it needs. In recent years, the county has used about half as much again as it produces. The majority of the 'imported' aggregates consists of crushed limestone brought in by rail from Somerset. Smaller amounts of rock are imported from other parts of the country. Berkshire also makes use of some aggregates dredged from the sea bed, and also of 'secondary aggregates' – that is, industrial by-products which are suitable for use as aggregates (such as ash from power stations), or recycled concrete.

1.9 Berkshire also imports significant amounts of sand and gravel from neighbouring counties, chiefly Hampshire and Surrey. These 'imports' are broadly in balance with 'exports' to nearby counties of sand and gravel dug in Berkshire. Most of the movements of sand and gravel between Berkshire and its neighbours are very local, involving material dug from pits close to the county boundaries.
Why we need a Local Plan

1.10 As existing gravel pits in the county come to the end of their production, decisions have to be taken about whether new ones should be permitted to replace them, and if so, where. As Chapter 2 explains, such decisions have to take into account not just Berkshire's needs for sand and gravel, but also wider regional aspects. A Minerals Local Plan is a way of considering these and other related subjects (including topics relating to the import of aggregates) by looking at the county as a whole.

1.11 Minerals can only be worked where they occur naturally. Many of the county's reserves underlie areas of attractive countryside, or areas where the soils are excellent for food production; others occur beneath land close to developed areas. Conflicts of interest inevitably occur.

1.12 Mineral extraction and its associated activities have a marked effect on the environment, sometimes lasting for many years. A balance has to be struck between the continuing needs of society for more or better roads, houses, schools and hospitals etc, and the need to protect the most valuable areas of the local environment from mineral operations. This Local Plan aims to find such a balance which is fair to all interests.

1.13 When this Plan was prepared in the early 1990s, planning control over mineral extraction in Berkshire was the responsibility of Berkshire County Council. The County Council was also responsible for preparing this Local Plan. Since the abolition of Berkshire County Council at the end of March 1998, the successor Unitary Authorities (the Districts and Boroughs) have taken over the responsibility for planning control over mineral extraction. General planning policies relating to minerals continue to be set out in the Berkshire Structure Plan, which was adopted in November 1995 and is currently (mid-2001) under review. In turn, some of the Structure Plan policies derive from the Government's national and regional policies concerning aggregates demand and supply. The minerals policies of the adopted Structure Plan, together with some other policies from that Plan, are set out in Appendix 1.

1.14 Structure Plans set out the local planning authorities' broad strategy for mineral working and related development. To develop this strategy and relate it more precisely to identifiable areas of land, a Local Plan is needed. The Council's first detailed planning policies for minerals were set out in the Berkshire Minerals Local Plan, which was adopted as a statutory local plan by the County Council with effect from September 1984.

1.15 The present document completely replaces the 1984 Minerals Local Plan. It will be the principal means by which the local planning authorities and others assess the acceptability of future planning applications for mineral extraction or for related activities. The Plan consists of a set of policies (printed in coloured text) with explanatory text (printed in black).

1.16 In preparing this new Plan, the opportunity has been taken to make a comprehensive review of the 1984 Plan's content and presentation. The aim of this has been to produce a document which is more helpful to the local authorities, to the public in general, and to the minerals industry.

1.17 The Plan has been prepared having full regard to national and regional policies on minerals. Details of these policies are set out later in this document.

Preparation and status of the Local Plan

1.18 When preparing this Replacement Plan, the County Council carried out two rounds of public consultation to seek the views of interested parties - the public, local organisations, relevant statutory bodies, and the minerals industry - on the matters which the Plan considers. The very considerable public response was taken into account by the Council in the preparation of a draft version of the Plan, published in 1993. That document was the subject of a public inquiry later in that year. The Inspector who presided over the inquiry reported to the County Council in May 1994, and the content of the approved Plan was agreed by the Council following careful consideration of each of the Inspector's recommendations. It also takes account of new government advice regarding aggregates provision in England, issued in April 1994. The Plan was finally adopted as a statutory Local Plan by resolution of the County Council with effect from 4 November 1995.
Figure 1 - Map of Berkshire showing principal mineral deposits
Alterations and Changed Responsibilities

1.18A In December 1997, the County Council adopted a series of Alterations to the Plan, designed to incorporate the area of Colnbrook and Poyle which had transferred into Berkshire (from Buckinghamshire and Surrey respectively) in April 1995. These Alterations were published separately by the Council in January 1998.

1.18B When Berkshire County Council was abolished in 1998, the new Unitary Authorities became responsible for all matters relating to planning for minerals, and took on board the policy approach and other content of the adopted Plan. The Unitary Authorities are now responsible for making the decisions on planning applications for mineral extraction and related matters. However, responsibility for monitoring and reviewing the Minerals Local Plan became a joint responsibility of all six authorities, working through a 'Joint Strategic Planning Committee'.

1.18C In 1998, the Joint Strategic Planning Committee initiated work on further Alterations to the Plan, to roll it forward to a new end-date, and to reflect various changes that have taken place since the Plan was first adopted in 1995. Proposed Alterations to the Plan were placed on deposit in 2000, and were the subject of a public inquiry in January 2001. Following their adoption by the Joint Committee in May 2001, the approved Alterations now form an integral part of the Plan.

What the Replacement Plan covers

1.19 The Replacement Local Plan [incorporating the 2001 Alterations] sets out policies to be applied to mineral extraction in Berkshire over the period to the end of 2006. The policies aim to ensure that mineral extraction can take place at an appropriate rate throughout that period, and also that at the end of the period there can be sufficient planning permissions to allow extraction for a further seven years (ie to the end of 2013).

1.20 Because sand and gravel are by far the main minerals produced in the county, much of the Plan deals with them. In particular the Plan works out how much land should be given planning permission for mineral working over the period to 2006, and the areas which are considered to be the most suitable for its extraction; these are referred to as Preferred Areas. The Plan also sets out the issues that will be taken into account when dealing with planning applications for the extraction of any minerals.

1.21 Mineral extraction can mean disturbance to an area for a temporary period — sometimes a lengthy period, but nonetheless temporary. But in the longer term it can also provide the opportunity to improve the appearance and character of the landscape, and to create new facilities of benefit to the public at large. To take advantage of these opportunities, particular emphasis is laid in the Plan on the need to ensure the satisfactory restoration of mineral sites, and on securing suitable uses for the sites and their surrounding areas after extraction has been completed.

1.22 The Plan also considers a number of issues related to mineral extraction, including the attitude of the local planning authorities to the erection of plant and buildings at mineral sites, and to the establishment or enlargement of depots for importing aggregates into the county by rail.

Mineral extraction and waste disposal

1.23 Many mineral sites in Berkshire are restored after extraction by filling them, in whole or in part, with waste material. This waste may consist of soils, or inert products such as concrete hardcore and brick, or wastes which decompose relatively quickly, such as domestic, commercial or industrial wastes. For geological or other reasons, not all mineral sites are suited to receive waste (of any or all types) to aid in their restoration. In particular, sites in river valleys have not generally been suitable for disposing of household waste, because of the risk of polluting underground or surface water supplies.

1.24 The local planning authorities' general planning policies for waste disposal are contained in the Berkshire Structure Plan. The new Structure Plan policies place great emphasis on the need to minimise waste, to give active encouragement to the re-use and recycling of all types of waste, to seek to phase out the landfilling of Berkshire's putrescible waste, and to develop alternative methods of processing and disposing of such waste. These concerns are reflected in the Waste Management Plan for Berkshire.
Environmental considerations

The present Plan relates to these issues in two important respects, but it does not deal with them directly. The first concerns the importance of promoting the future use of secondary and recycled aggregates, which (as explained in Chapter 2) are intended to help meet the growing demand for aggregate minerals in a more sustainable way than would result from placing ever-increasing reliance on primary aggregates. The second concerns the fact that waste disposal by landfill is an important means of securing the satisfactory restoration of mineral sites, and this document contains some proposals which refer to waste disposal in that context. However, it is not the role of this Plan to identify sites for waste recycling and disposal activities. That is the function of the Waste Local Plan.

The restoration of mineral sites raises many issues. When extraction takes place in a river valley, a key concern is the choice to be made in each case between leaving the site as a lake, or returning it to dry land by filling it with waste — with all the consequences that this has in terms of lengthening the period of operations at the site, and of the extra traffic which is created. This issue is discussed in more detail in paragraphs 7.10 to 7.14 in Chapter 7.

This Replacement Minerals Local Plan deals with an activity which can have major effects on the environment over a long period. In preparing the key policies of the Plan, the County Council rigorously appraised the environmental implications of alternative approaches, having regard to their impacts on both the physical environment and people’s living conditions and the quality of life.

The local planning authorities are well aware that in a crowded county such as Berkshire, mineral extraction is unlikely to be a welcome activity, wherever it may be proposed. But equally, the authorities recognise that minerals are an important natural resource, and their exploitation makes an essential contribution to the nation’s prosperity and living standards. In preparing this Plan the County Council sought to balance these potentially conflicting interests. In striking that balance, the Council paid particular regard to the growing awareness of the need for future planning policies to be consistent with the concept of sustainable development.

The Council therefore paid very careful attention to ensuring that the policies for future mineral extraction and related activities in Berkshire encourage a sustainable approach. Following the public inquiry late in 1993, the County Council carried out an Environmental Appraisal of the Plan, in accordance with the procedures set out in the Department of the Environment’s manual ‘Environmental Appraisal of Development Plans – A good practice guide’ (1993). The results of this appraisal have been published separately. The issues raised as a result of the appraisal have been taken into account when preparing the 2001 Alterations to the Plan. Those Alterations have in turn been subject to a similar process of environmental appraisal.

However, the method adopted by the County Council when preparing this Plan, and the issues addressed during that process, reflect very many of the concerns referred to in the Department of the Environment manual.

This in preparing the Plan, the Council considered in detail the extent to which Berkshire will be able to maintain past levels of mineral production without unacceptable impacts on the environment, having regard to the finite nature of mineral resources in the county, and also, crucially, to judgements as to the sustainability in environmental terms of working those resources; and having regard also to national and regional guidance on future levels of aggregates provision. Its conclusions on this key issue are set out in Chapter 3 of this Plan.

A further key feature of this Plan is its identification of ‘Preferred Areas’ for mineral extraction. This approach has been adopted for a variety of reasons relating above all to the need to maintain a control over the location and the nature of mineral workings, and thus to ensure so far as possible that their adverse impacts are contained. The reasons for adopting the Preferred Areas approach are explained more fully in Chapter 4. That chapter also explains that the process of selecting the Preferred Areas has
been carried out by carefully assessing the acceptability in environmental terms of working particular sites during the period covered by this Plan.

1.33 When these difficult choices about the appropriate level of, and least damaging locations for, mineral extraction have been made, it is then essential to direct mineral working only to acceptable sites; to make sure that mineral working there is carried out with the least harm and disruption to the local environment; to ensure that restoration is of the highest possible standard, to landscapes and land-uses which meet the wider environmental planning objectives of the local planning authorities; and to secure the widest possible public environmental benefits (consistent with the prevailing legal framework and national policy guidance) to counter the adverse impacts of extraction operations. These issues are dealt with in Chapters 5 to 8 of this Plan.

1.34 The other key aspect of this Plan in terms of environmental considerations is its provisions concerning the importing of aggregates to the county. An important corollary of the approach of encouraging the sustainable use of local resources, and mineral resources generally, is the need to encourage the use of alternative and recycled materials. Such an approach depends on the local planning authorities being prepared to make provision, if needed, for sites to receive materials from elsewhere. This subject is dealt with in Chapter 9.

1.35 All of these subjects, and in particular the key topics of assessing an acceptable figure for the overall level of mineral extraction which can be accommodated in the county in future and of deciding the precise sites to which extraction should be directed, are very closely related. The County Council believed that the rigorous and inter-connected assessments of these key topics which it carried out in preparing this Plan serve to define the ‘environmental capacity’ of Berkshire to produce minerals over the Plan period. The main policies of the Plan have been drawn up with the aim of ensuring that the county’s environmental capacity is not exceeded, whilst at the same time incorporating a firm practical commitment to ensuring effective control of mineral extraction and restoration.

1.36 Current government advice, in the general Planning Policy Guidance Notes 1, 7 and 12 and Minerals Planning Guidance Notes 1 and 6, and in other topic-based guidance notes, emphasises the need for sustainable development, including the conservation of non-renewable natural resources, the protection of the countryside for its own sake, and the need to make the environment more attractive, cleaner and safer. The local planning authorities believe that the policies now contained in this Plan will help to minimise the adverse environmental impacts of necessary mineral extraction, as well as securing long-term benefits for local people and the environment generally.

Interpreting the Plan

1.37 In this Plan, the terms ‘Berkshire’ and ‘the county area’ are used to refer to the whole area formerly administered by Berkshire County Council. These references should be taken as including the area of Colnbrook and Poyle which transferred to the county in April 1995, except where it is clear that the document is drawing on historic data which was not collected on the present geographical basis. References to ‘the Unitary Authorities’, or to the ‘local planning authorities’ (or sometimes ‘minerals planning authorities’) refer to the six authorities that have replaced Berkshire County Council for minerals planning purposes – namely West Berkshire Council, Reading Borough Council, Wokingham District Council, Bracknell Forest Borough Council, the Royal Borough of Windsor & Maidenhead, and Slough Borough Council.

Statement of Regard

1.38 Under new Regulations introduced in January 2000, local planning authorities must include in their local plans a statement of the regard which they have had to certain specified matters. The following bullet-points set out these matters, and indicates the regard paid to them in the preparation of the 2001 Alterations, and more generally in the preparation of the Plan as a whole.

- current national policies, and any regional or strategic planning guidance given by the Secretary of State to assist them in the preparation of the Plan. Chapter 2 sets out the principal national and regional policy background to the Plan. The contents of this policy background, and of other relevant national and regional advice, are reflected throughout the Plan.
More specifically, the 2001 Alterations reflect the comments made by the Government Office for the South East during a consultation exercise in the spring of 1999. Further details can be found in the Environmental Appraisal of the original Plan (1995) and of the 2001 Alterations (2000).

- the resources likely to be available. The policies and proposals of the Plan, and of the 2001 Alterations, do not require the expenditure of resources; the Plan's key provisions are permissive rather than demanding actions on the part of other parties. There are no new provisions in the 2001 Alterations which affect this principle, or which have significant additional resource implications for the local authorities, mineral companies, or other parties.

- economic, environmental and social considerations. The level of provision for mineral extraction made in this Plan reflects national advice, which is based on the objective of providing an adequate and steady supply of minerals at the best balance of social, environmental and economic cost while ensuring that extraction and development are consistent with the principles of sustainable development. Other aspects of the Plan, including the 2001 Alterations, reflect the same principle (see e.g. paragraphs 1.27-1.32, and 3.37-3.39).

- the national waste strategy/relevant local waste disposal plans; the objective of preventing major accidents and limiting their consequences; and the account taken of any enterprise zone scheme in the plan area. These are not considered to be applicable to this minerals local plan or the 2001 Alterations. There are no enterprise zone schemes in Berkshire.

- the need to maintain appropriate distances between establishments and areas of particular sensitivity or interest. The Plan, including the 2001 Alterations, includes provisions designed to ensure appropriate separation between mineral extraction sites and sites of related activities, and sensitive interests and areas – see for example paragraph 5.15 and Policies 10-13.
2 NATIONAL AND REGIONAL POLICIES

General Introduction

2.1 Minerals Local Plans must take account of prevailing advice at national and regional level. This advice can change over time, for example to reflect the increasing awareness of the importance of environmental matters and the benefits of sustainable development.

2.1A Specific national and regional policies for minerals can take two forms.

2.2 First, there are policies and guidance which set out ‘ground rules’ for striking the right balance between meeting society’s need for minerals and the need to protect environmental and other interests. These are contained in a series of documents called Minerals Planning Guidance Notes (MPGs), which have been issued by the Department of the Environment over the period since 1988. They cover such matters as the general principles and policy considerations of minerals planning (MPG1, most recently revised in 1996), the making of planning applications and decisions (MPG2, latest version 1998), and the reclamation of mineral workings (MPG7, latest version 1996). This Plan, and its policies and proposals, take full account of these documents.

2.3 Secondly, there are those policies which provide guidance on the complex question of how the demand for minerals — and in particular aggregate minerals — should be met (MPG6, latest version 1994). This chapter deals with this issue in more detail, because it is fundamental to minerals planning in Berkshire.

2.4 Fuller extracts from some of the documents quoted in this Chapter are given in Appendix 2.

Aggregates demand and supply – national background

2.5 Central government sets down guidelines on how the demand for aggregates in the country as a whole, and in individual regions, should be met. The guidelines are produced after discussions with and between the various Regional Aggregates Working Parties (RAWPs). These Working Parties include representatives of the mineral planning authorities, the minerals industry, and the Department of the Environment, Transport and the Regions [DETR - formerly the Department of the Environment], as well as of other government departments and relevant public service industries.

2.6 Because the distribution of aggregate minerals across the country does not match the distribution of demand for those minerals, it is not possible for each region to be completely self-sufficient in aggregates. Therefore each RAWP has to consider whether it can or should seek to meet shortfalls in other regions, or where it can obtain minerals to make good shortfalls in its own region. Discussions between the regions on these matters are co-ordinated by a National Co-ordinating Group (NCG), which reports directly to the Secretary of State for the Environment, Transport and the Regions.

2.7 The first national and regional guidelines on aggregates provision were issued in 1982. The current guidelines, covering the period to 2006, were published in April 1994 in the latest version of the document known as MPG6. In their preparation, particular attention was paid to new estimates of future demands for aggregate minerals, and to the introduction of a more sustainable approach to minerals planning generally. (These guidelines are considered more fully in paragraphs 2.12 to 2.20 below.) The MPG6 guidelines are kept under regular review, and are revised when necessary — for example, to reflect changes in demand, technology, or environmental standards. A review of the 1994 version of MPG6 is currently [mid-2001] being carried out by the DETR.

Past aggregates policy for the South East region

2.8 In the 1982 guidelines, most regions were expected to meet their future demands for aggregates by using minerals obtained from the same sources as they had done previously, and in much the same proportions as formerly. Circumstances in the South East region — which includes Berkshire — were different. The 1982 guidelines recognised that, because of the risk of using up local resources too quickly, the South
East should not be expected to continue to meet the same proportion of its demands from local land-won materials as it had hitherto. Changes to the pattern of aggregates supply to the region would therefore have to be phased in.

2.9 By 1982, the South East was already making considerable use both of aggregate minerals dredged from the seabed, and of aggregates imported from other regions – chiefly the South West and the East Midlands, with an increasing proportion of those imports coming by rail. The 'regional philosophy' set out in the 1982 guidelines expected the industry to increase to the maximum practicable extent the proportion of materials brought into the region by rail or from marine or sea-borne sources, with materials won within the region making up the balance of regional demand. The philosophy envisaged that between 1977 and 1991, the proportion of the region's aggregates consumption which consisted of locally-won sand and gravel would in consequence fall from 63% to 54%.

2.10 Regional monitoring after 1982 indicated that this rate of decline was being achieved and even exceeded. However, because total demand in the region increased throughout the 1980s, in absolute terms the amount of sand and gravel won in the region remained fairly constant between the late 1970s and the late 1980s. Figure 2 illustrates this changing pattern.

![Figure 2 - Consumption of aggregates in the South East 1977-1993](image)

2.11 When the 1982 guidelines were first reviewed, in 1989, the South East adopted a 'regional supply policy' which set down a figure for the expected contribution of the region towards meeting its own needs. This was a broad continuation each year of the 1985 production level of 32.5 million tonnes (mt), made up of approximately 3 mt of sand and gravel and 1.5mt of hard rock. The considerable and increasing additional demands for aggregates in the region were expected to be met by increasing the 'import' of aggregates to the region. The main imports were seen as being of aggregates dredged from the sea-bed, and crushed rock from South West England, the East Midlands, and – increasingly – Scotland.

Current national guidelines: A new approach

2.12 The 1989 guidelines have now themselves been reviewed, following the substantial and unforeseen increases in demand in the late 1980s and the subsequent considerable fall-back in demand in the early 1990s. The current version of MPG6 was issued in April 1994. It takes account of new forecasts for the country and the region which indicate that increases in aggregates demand to 2006 and beyond will be even greater than was indicated in the 1989 guidance.

2.13 But crucially, MPG6 now also takes account of the widespread and increasing public concern that the previous approach to aggregates supply was unsustainable, having regard to the finite nature of the sources of supply, to the adverse immediate effects of mineral extraction, and to the need to ensure that, as other government advice puts it, "the sum total of decisions in the planning field should not deny future generations the best of today's environment".
As a result, MPG6 now lays great stress on the importance of adopting a sustainable approach to minerals planning. It sets out four objectives of this approach, and these have been increased to six in the latest version of MPG1 (1996), as follows:

"(i) to conserve minerals as far as possible, whilst ensuring an adequate supply to meet needs;"

"(ii) to ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum;"

"(iii) to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;"

"(iv) to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;"

"(v) to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest; and"

"(vi) to prevent the unnecessary sterilisation of mineral resources."

With this in mind, MPG6 now adopts a significantly different approach, for the country as a whole, from its predecessors. The key extracts summarising this approach are as follows:

"In order to meet the aims of this Guidance Note in a way which is consistent with the principles of sustainable development, the Government has concluded that a gradual change from the present supply approach is called for, so that over time less reliance will be placed on the traditional land won sources. The Government recognises that over the period of this Guidance Note a substantial proportion of aggregates demand will need to be met from the traditional sources. But alternatives are expected to make an increasing contribution to supply. So that options for future supply from alternative sources are not foreclosed by long term land won provision, the Government has concluded that provision should be made now for the period to 2006 only. In the light of this assessment the Government has concluded that the provision to be made is set out in Table 4.

"(Table 4 indicates that over the period 1992-2006, 73% of aggregates provision for England should be from land won sources in England; 8% should be imports from outside England, including 4% from Wales; and 12% should consist of secondary and recycled aggregates. The Table is printed in full in Appendix 2 of this Plan.)"

"The figures contained in these guidelines are not targets but are indicative figures for the purposes of preparing development plans and the administration of development control. Nevertheless, a broad objective of this Guidance Note is to reduce the proportion of supply from land won sources in England from 83% to 74% by 2001 and 68% by 2006."

During the preparation of the new [1994] version of MPG6, Berkshire County Council participated in studies to assess the potential environmental implications of the continued working of primary aggregates in the South East region. These studies concluded that

"the area of land affected by extraction of sand and gravel, the need to conserve sensitive resources and the environmental concerns arising from extraction in heavily-populated areas all point to growing difficulties in maintaining, let alone increasing, the level of output set out in the [1989] guidance."

In consequence, the Council welcomed the new approach adopted in MPG6 as marking an important first step on the road towards a more sustainable approach to minerals planning. Policy M2 of the Berkshire Structure Plan sets out the local planning authorities’ own general policy on these matters. However, the authorities consider that pressure needs to be maintained to ensure that the second and subsequent steps are taken along the same road, and without unnecessary delay. The authorities propose to ensure that this pressure is maintained in future.
Current guidelines for the South East region

2.18 In accordance with the new national approach, the guidelines for the South East region contained in the 1994 version of MPG6 set out a new requirement for provision for sand and gravel extraction within the region which is lower than that indicated in the 1989 version of MPG6. The requirement is now for provision to be made for the extraction of 420mt of sand and gravel in the region over the period 1992-2006, which is equivalent to 28mt/year — a 10% reduction on the previous figure of 31mt (see paragraph 2.11). This level of provision would account for 35% of the region’s estimated total aggregates demand over that period, as compared with the figure of 48% indicated by the previous guidelines. The rest of the region’s demand is to be met from marine-dredged material and imports from other regions and from remote sources, together with a much-increased figure of 140mt (11% of total demand) from secondary and recycled materials.

2.18A The current version of MPG6 covers the period to the end of 2006 only. This Plan, incorporating the 2001 Alterations, includes provision for the period to the end of 2013. To cover the situation where a Local Plan extends beyond the end-date of the advice in MPG6, that document states that provision for the period beyond 2006 “may be determined from the MPA guideline figures on a pro-rata basis” — which in effect means that provision should be made at a continuation of the implied annual rate for the pre-2006 period.

2.19 MPG6 stresses that future levels of demand are inevitable uncertain, and that the balance between land won provision and other sources of supply cannot be predicted with any certainty. Hence — as stated in the extract quoted in paragraph 2.15 — the figures in the guidelines are not targets, but they are to be regarded as indicative figures for the purposes of forward planning and development control. It is on this basis that they have been applied in the preparation of this Local Plan.

2.19A In accepting the advice in MPG6 regarding provision for the period after 2006, the local planning authorities note that a review of the 1994 version of MPG6 is currently (May 2001) in progress. Depending on the outcome of this review, it may be necessary to reconsider the approach adopted in this Plan for the period after 2006, or to amend the levels of provision to be made for that period. The local planning authorities will carry out this reconsideration (if necessary) either prior to the adoption of these Alterations or in a further review of the Plan in due course.

2.20 Fuller extracts from MPG6, including the complete regional guidance statement for the South East, are set out in Appendix 2. The national and regional guidance in MPG6 forms an essential background to the aggregates policies for Berkshire for the period of this Replacement Minerals Local Plan. Chapter 3 considers in more detail the issues which they raise for Berkshire.

Demand and supply policies for other minerals

2.21 The guidelines in MPG6 apply to aggregate minerals only. There are no equivalent national or regional policy statements applying to the other minerals won in Berkshire.
3 MEETING THE DEMAND FOR MINERALS

Husbanding resources

3.1 Chapters 1 and 2 explained that minerals are a valuable but finite resource, which can only be worked where they occur naturally. As a general principle, therefore, it is important to prevent mineral resources being unnecessarily sterilised. This is particularly necessary in the South East, where many of the remaining resources of aggregate minerals are subject to a range of policies for protecting the environment. For this reason, underlying regional aggregates policy for the South East is the principle that the region's resources should be husbanded to prevent the need for sudden changes of policy, or of operators' practices, resulting from quick exhaustion of accessible resources. National policy too now includes the objective of conserving minerals as far as possible (see paragraph 2.14). In addition, and again in accordance with the government's objectives for sustainable development, the local planning authorities wish (so far as is within their control) to prevent this resource being used wastefully, for example through using good-quality concerning aggregate for purposes for which lower-quality materials would suffice.

Policy 1 The local planning authorities will seek to husband the mineral resources of Berkshire, to prevent their wasteful use or sterilisation.

Policy 2 The local planning authorities will oppose development proposals which would cause the sterilisation of mineral deposits on the proposed development site, or which would prejudice the future working of minerals on adjacent sites, except where it is demonstrated that

(i) the mineral deposit is of no commercial interest, and is unlikely to be so in the future; or

(ii) having regard to all relevant planning considerations, there is an overriding case in favour of allowing the proposed development to proceed without the prior extraction of the mineral; or

(iii) extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstances.

3.2 Policies 1 and 2 echo and expand on the first of the three aspects of the environmentally sustainable approach to minerals planning as set out in Policy M2 of the Berkshire Structure Plan (see Appendix 1). Policy 2 will be a material consideration for the relevant local planning authority when deciding planning applications for development on mineral-bearing land. The former County Council identified 'Mineral Consultation Areas' within which consideration of mineral sterilisation issues was required on all applications for development, other than certain minor developments or developments in built-up areas. Following abolition of the County Council, no formal consultation process is now applicable to applications in these areas. However, the local planning authorities will continue to apply the provisions of Policy 2 when considering applications in the former Mineral Consultation Areas (which are now referred to as 'Mineral Safeguarding Areas'), as well as on other sites where development might sterilise mineral deposits. The boundaries of the Mineral Safeguarding Areas have been defined elsewhere; they are based on the boundaries of the sharp sand and gravel deposits as shown on the Survey Map. It should be noted that the local planning authorities consider that the responsibility for demonstrating that mineral resources will not be sterilised by a proposed development rests with the prospective developer.
3.3 When considering an application in terms of issue (iii) in Policy 2, the local planning authorities will have regard, not just to whether the extraction of the mineral would be acceptable under the policies of the present Plan, but whether there are any circumstances foreseeable in the longer term whereby extraction might be acceptable. The limited resources of aggregate minerals in the South East may make it appropriate, at some future time, to consider relaxing some of the constraints which today argue very strongly against allowing mineral extraction (see Chapter 5), although the Berkshire authorities would not wish to relax national constraints unilaterally. Thus development proposals on sites subject to such constraints may still be subject to an objection on mineral sterilisation grounds.

3.4 The exception under issue (iii) of the Policy is therefore most likely to apply only in the case of small-scale development proposals which would not cause a mineral resource to be newly sterilised (for example, a proposal on a site already effectively sterilised by its location, such as the garden of a private house) — although this will not preclude this exception also applying in other circumstances, depending on the details of the case.

Extraction prior to built development

3.4A To avoid sterilising mineral deposits, the local planning authorities support the principle of extracting minerals from a site before more permanent forms of development take place. The following policy addresses this issue.

Policy 2A In appropriate cases, the local planning authorities will encourage the extraction of minerals prior to other more permanent forms of development taking place. Planning permission will be granted on applications for prior extraction of minerals, provided that

(i) mineral extraction and restoration to an appropriate standard can be completed within a timetable that would not unreasonably prejudice the timetable for the subsequent development; and

(ii) mineral extraction and restoration operations, or their associated traffic, would not cause unacceptable impacts on the environment or living conditions.

3.4B Prospective developers should consider the potential for prior extraction in all cases where development (other than minor householder development or similar small-scale schemes) is proposed which would newly sterilise mineral-bearing land. In considering whether prior extraction is appropriate in any such case, the local planning authorities will have regard, among other things, to the size and nature of the proposed permanent development; the need for and degree of urgency of the proposed permanent development; the quantity and quality of the mineral that would be recovered, and the practicability of doing so; and the environmental impacts of mineral extraction. In all such cases, the onus will be on the applicant to demonstrate that prior extraction of the mineral will not be appropriate. Although it is not possible in this Plan to establish hard and fast rules about the size or type of development which will, or which will not, give rise to a case for prior extraction, for the avoidance of doubt it is confirmed that prior extraction will not be required in the case of applications for extensions or garages or similar structures within the grounds of an existing dwelling.

3.4C In considering the potential for prior extraction in any particular case, developers should consider whether the extraction of part of the mineral deposit within the site could be accommodated, even if removal of the entire deposit appears impracticable. This might apply, for example, in a case — perhaps in a floodplain area — where the removal of the upper levels of the mineral deposit could be accommodated, whereas removal of the entire deposit would necessitate the importation of fill in order to restore ground levels to a level suitable for the construction of the permanent development; or where removal of the mineral from part of a large development site could be accommodated even though to remove it from the whole site is, for one reason or another, considered impracticable.
SAND AND GRAVEL (INCLUDING SOFT SAND)

Future production levels in Berkshire

3.5 Chapter 2 explained that new government guidelines aim to achieve provision for production equivalent to 28mt of sand and gravel in the South East region in each year to 2006.

3.6 This figure has been apportioned between counties by SERPLAN (the London and South East Regional Planning Conference). All South East counties have accepted this apportionment as a basis for future planning, to be tested in the preparation of development plans. The details of the apportionment have also been accepted by SERAWP, including its representatives from the minerals industry. Extracts from the SERPLAN document describing the apportionment are included in Appendix 2.

3.7 Under this apportionment, Berkshire's share of total regional provision is 2.3mt of sand and gravel each year. This figure is approximately a 10% reduction of production levels in the county in the 1980s (see Figure 3), reflecting the reduction of 10% in the overall regional level of provision contained in the latest version of MPG6 (see paragraph 2.18). As with the overall regional figures, the individual county apportionment figures are not production targets or immutable requirements for the level of provision. The ability of each county to achieve and maintain its figure is a matter for testing through the preparation of Minerals Local Plans.

![Figure 3 - Aggregates production in Berkshire 1974-1994](image)

3.8 When preparing this Plan, the County Council considered the longer-term sustainability of maintaining previous levels of provision in the light of a careful evaluation of the suitability for mineral working of all remaining resources of sharp sand and gravel in the county. The Council's conclusions on this difficult and sensitive issue were the subject of close examination at the public inquiry into the Plan. At the inquiry, the Inspector accepted that "there are real difficulties with respect to almost all of the areas in which extraction has been proposed". However, his assessment of individual sites led him to conclude that a higher rate of provision could be achieved in Berkshire over the period which the Plan was seeking to cover (which at the time was to the end of 2008) than was proposed by the Council in the draft version of this Plan.
3.9 In the light of its consideration of the Inspector's conclusions, the local planning authorities accept that the new figure of 2.3mt has been tested in the preparation of this Plan'. The authorities accept that, on the basis of current national and local policies for the protection of the environment, this level of provision can be maintained over the Plan period to the end of 2006.

3.10 Although this is not required by government guidance, this Plan also aims to make provision for a landbank of permitted reserves (see paragraph 3.11) to be in place at the end of the Plan period, to provide for extraction over the following seven years – that is, to the end of 2013. For the purposes of this Plan, and in accordance with advice in MPG6, the apportionment figure of 2.3mt/year has been used as the basis for assessing the required level of provision for this period. However, the local planning authorities emphasise that the use of this figure for the period beyond 2006 does not represent any commitment by them to retaining that figure in future reviews of the Plan, if other circumstances suggest that a different figure would be more appropriate. The authorities remain very concerned about the environmental impacts, and the impacts on people's living conditions, of continued extraction of sand and gravel in Berkshire at this level (see also paragraph 2.16). For these reasons, and in order to promote a more sustainable approach to future minerals planning, the local planning authorities intend to press for further moves to be made towards further reducing demands for extraction from land-won sources in future reviews of national and regional guidance. These or other factors may necessitate reconsideration in future reviews of this Plan of whether provision at a constant level of 2.3mt/year is appropriate for Berkshire in the longer term.

Policy 3 Subject to the outcome of any future reviews of national or regional policy guidance, the local planning authorities will aim collectively to make provision for the release of land to allow production of sand and gravel in Berkshire to be maintained at an average level of 2.3 million tonnes a year.

Landbanks

3.11 It is government advice that mineral planning authorities should maintain a stock of permitted reserves (known as a 'landbank') of aggregate minerals. This reflects the need for stability and long-term planning in an industry which requires a considerable 'lead-time' to set up operations, the need to avoid dislocation of supply of a resource of great importance to a prosperous national economy, and the need for the aggregates supply industry to respond promptly to fluctuations in demand. MPG6 says that the aim should be to provide for the release of land to maintain a stock of permissions sufficient for at least seven years' extraction, unless exceptional circumstances prevail. This advice is reflected in Policy M3 of the adopted Berkshire Structure Plan, and Policy 4 below.

Policy 4 The local planning authorities will aim collectively to provide for the maintenance of a stock of planning permissions in the county (a landbank) equivalent to at least seven years' extraction of sand and gravel at a rate in accordance with the provisions of Policy 3.

3.12 It should be noted that the local planning authorities' role as mineral planning authorities is to ensure that, so far as is reasonably possible, there are always sufficient reserves with planning permission to enable the appropriate production level of each material to be achieved. However, the authorities do not require and cannot ensure that this level of production takes place. Nor can the authorities ensure that sufficient acceptable applications are submitted to ensure that the landbank remains topped up: MPG6 recognises that landbanks can only be maintained in practice if the industry comes forward with planning applications

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1 The figure examined at the public inquiry into this Plan in 1993 was 2.5mt, which was Berkshire's apportionment figure derived from the earlier (1989) version of MPG6. The inquiry's examination of this figure is considered to subsume the examination of the lower figure of 2.3mt. Assessment of the Inspector's recommendations following the inquiry was carried out on the basis of the figure of 2.3mt. The County Council was therefore satisfied that this overall process provides adequate testing of the 2.3mt figure for the purposes of this Plan.
in the right place at the right time. These are matters for the mineral operators alone. ‘Making provision’ for this scale of extraction through the policies of this Plan does not therefore mean that this amount of extraction will necessarily occur.

Landbanks for individual minerals

3.13 The annual production of sand and gravel in Berkshire is shown in Table 1. The Table is based on the period 1981-1987, when production was fairly consistent (see Figure 3). As Figure 3 shows, production in more recent years has fallen considerably below the figure of 2.5mtdyear, reflecting national economic conditions.

| TABLE 1 - AVERAGE ANNUAL PRODUCTION OF SAND AND GRAVEL IN BERKSHIRE 1981 TO 1987 |
|--------------------------------------------------|----------|
| Building sand                                    | 140,000 tonnes |
| Sharp sand and gravel                           |           |
| Concrete aggregate                               | 1,770,000 tonnes |
| Hoggin & other fill material                     | 590,000 tonnes  |
| **TOTAL**                                        | **2,500,000 tonnes** |

3.14 The local planning authorities do not propose a policy of maintaining landbanks of these different materials equivalent to seven times each of these, or any other, figures. This is because

(i) there are no national, let alone regional or county, demand forecasts to indicate whether or not the above proportionate subdivision of the figure in Policy 3 will continue to be appropriate;

(ii) many of the county’s deposits of building sand are believed to be in the Area of Outstanding Natural Beauty. The local planning authorities do not accept as a matter of principle that the need for continued extraction of the above amount is of such importance that disturbance of the AONB is inevitably justified. (See also paragraphs 5.35 – 5.50.)

(iii) the distinction between sharp sand and gravels used as concerning aggregate and those used as ‘hoggin/fill’ is becoming increasingly blurred. It is therefore impossible to be certain that material for which permission is given in order to contribute to the landbank of one or other of those ‘uses’ will in practice be used for that purpose.

(iv) sites producing hoggin/fill are generally smaller than those producing concerning aggregate, and take less time to establish. It is therefore arguable that, if a separate landbank is to be required for this material, it should be for a period of less than seven years. There is, however, no guidance available to assess what an appropriate period for the landbank of this material would be.

The significance of Policies 3-4: The issue of need in the determination of planning applications

3.15 The issue of need is a crucial consideration in the determination of any planning application for mineral extraction. Its significance in the decision on individual proposals will vary in accordance with the nature and strength of other constraints on extraction from the particular site (see Chapter 5). The local planning authorities will assess the current position of the landbank, based upon the best information available, when any application is being considered. If the overall aim set out in Policy 4 is met at that time, it will be concluded that prima facie there is no need for a further permission for mineral extraction.
If the overall landbank of aggregates at the time of an application stands at less than seven years, this does not mean that the application will inevitably be permitted. Government guidance confirms that landbank policies do not remove the discretion of mineral planning authorities, or of the Secretary of State, to refuse applications which are judged to have overriding objections.

Conversely, neither should it be assumed that if the overall landbank stands at over seven years, all further applications for extraction will be automatically refused. All applications must be judged on all their merits, of which the issue of need is just one. In assessing the issue of need in respect of particular applications, regard will be paid (among other things) to the objective of husbanding resources, which is consistent with national policies concerning sustainable development (see paragraph 3.1); and to the need to phase the release of acceptable sites, so that they are not released and worked all at one time early in the Plan period. The importance of these issues was acknowledged by the Inspector at the public inquiry into this Plan. Proposals which would cause demonstrable harm to either of these interests will be regarded as unacceptable in terms of the issue of need.

In considering individual planning applications, the local planning authorities will therefore have regard not only to the extent of the need for further site releases as indicated by the current state of the landbank, and to the advice in MPG6 regarding 'real need and real supply', but also to the extent to which the application would conflict with the objectives of husbanding resources, and of phasing the release of sites.

The question of the balance to be struck between issues of need and other considerations in the determination of individual applications is considered further in Chapter 5.

Meeting the balance of demand

Aggregates consumption in Berkshire in the late 1980s was around 33%-50% greater than aggregates production. In the peak year of 1989, consumption was estimated at 3.8 million tonnes. Figure 4 shows the contribution to aggregates consumption in Berkshire made by aggregates other than sand and gravel dug in the county.

Berkshire's consumption of aggregates has declined from around 8% of the South East's total consumption in 1977 to around 5% in 1989. Various factors suggest that this relative decline may continue: for example the current Structure Plan policy for a declining rate of housebuilding in the county, the current regional strategy which seeks to direct future development to the east of the region rather than the west, and the existence of a number of actual or proposed major construction schemes reflecting this strategy which will
encourage additional growth in other parts of the region (eg the Channel Tunnel, Stansted Airport, and proposals for the 'East Thames Corridor').

3.22 Nevertheless, Berkshire's call for aggregates is likely to continue to exceed its own production levels. Only if its share of forecast regional consumption falls below 3% will its total consumption rate fall below the figure given in Policy 3.

3.23 The current regional guidelines (Appendix 2), which take as their starting-point demand forecasts prepared in 1992, assume that aggregates demands in the region in excess of 30mt a year will be met by aggregates imported from elsewhere, or by secondary and recycled aggregates. The guidelines also present a feasible breakdown of where this additional material may be expected to come from.

3.24 If the mineral planning strategy for Berkshire is to reflect this principle, it is important to have confidence in the continuing availability of alternative sources of supply. The principal components of this balance of demand, and the prospects for their continuing or increased availability to Berkshire, are as follows:

- **Sand and gravel from other South East counties** may be expected to continue to be available to Berkshire, though perhaps at reduced rates in future reflecting each county's newly-reduced apportionment level.

- **Marine-dredged sand and gravel** makes only a minimal contribution to Berkshire's needs at present, and because Berkshire is an inland county it is considered unlikely to make a significantly greater contribution in the foreseeable future.

- **Rock imports from Scotland** are mainly brought to the region by sea, and again Berkshire's inland position means that little of this material is likely to be brought into Berkshire over the period of this Plan. However, it is expected that total production will increase significantly in the long term. The resultant increased availability of this material to other counties in the region will reduce demands from those counties for rock from elsewhere in Great Britain (and especially from South West England), making more of this latter material potentially available to Berkshire.

- **Rock imports from the rest of Great Britain (outside the South East)** are the principal external source supplying Berkshire at present. It is expected that this material will be able to maintain and increase its present proportionate contribution to Berkshire's aggregates needs.

- **Rock from other sources.** Small amounts of rock are produced in some other South East counties (chiefly Oxfordshire and Kent). The 1994 regional guidelines provide for slightly increased levels of provision over the period to 2006, but little of this material is thought to be used in Berkshire, and so it cannot be expected to make a significant contribution to the county's needs in the foreseeable future. The new guidance also refers to the possibility of rock being imported in the longer term from sources outside Great Britain. No specific proposals for such importing are known at present, and it is not expected that such materials will make a significant contribution to national or regional supply during the period of the current guidelines. To the extent that such materials may be supplied to South East England in the longer term, their impact on Berkshire is likely to be similar to that resulting from increased rock imports from Scotland (see above).

- **Secondary and recycled aggregates.** Secondary aggregates consist of certain waste materials or industrial by-products - such as colliery wastes and some ash from power stations - which are suitable for some aggregates uses. Historically these have made very little contribution to aggregates supply in Berkshire. A greater, and probably increasing, contribution is made by recycled construction and demolition waste, including recycled concrete. Recorded annual production and consumption rates of these materials in Berkshire vary from year to year, though volumes recorded in past surveys of aggregates monitoring are thought to be underestimates. The latest available figures suggest that some 13% of the county's inert waste is recycled - typically around 140,000 tonnes each year. As indicated in Chapter 2, national guidance now aims to secure a significant increase in the use of these materials as aggregates over the period to 2006. The local authorities support and wish to encourage the greater use of such materials wherever appropriate, through the implementation of relevant policies in
the Structure Plan, the Waste Management Plan and the Waste Local Plan, and through other initiatives; and by pressing for a continued reduction in the level of provision of locally-won primary aggregates as an integral component of future aggregates supply policies, and as a complement to measures to manage future aggregates demand. The aim of the adopted Waste Management and Waste Local Plans for Berkshire is to increase rates of recycling of inert materials to 30% by 2000/01, and 40% by 2005/06.

3.25 The conclusion is reached that, assuming the moves towards sustainability indicated by the government and supported by the local planning authorities are achieved, sufficient materials other than sand and gravel won in Berkshire will continue to be available to the county to allow the ‘balance of demand’ referred to in paragraph 3.24 to be met from these sources. Therefore, in accordance with regional objectives and their own policy of husbanding resources, the local planning authorities will expect the balance of aggregates demand in the county to be met by importing primary aggregates and by using secondary aggregates.

Policy 5 In furtherance of Policy 1, and in accordance with regional policy, the local planning authorities consider that aggregates demands in excess of those provided for under the terms of Policy 3 should be met by:

- the use wherever possible of secondary and recycled aggregates either produced in or imported into the county; and
- importing (preferably by rail) sand and gravel and suitable alternative primary aggregates such as crushed rock and marine-dredged aggregates.

3.26 The implications of this Policy for the provision of rail depots in the county are considered in Chapter 9.

CHALK AND CLAY

3.27 Although sand and gravel is the main mineral produced in Berkshire, the demand for other minerals (in particular, chalk, clay and hydrocarbons) also needs to be considered.

3.28 The continuing demand for chalk as agricultural lime is very low. There is now only one active chalk pit in the county, at Pinkneys Green near Maidenhead. Production totals only a few thousand tonnes each year, and there are sufficient reserves to allow this level to be maintained for several years. Some of the chalk from this pit is also used as bulk fill.

3.29 In the past, Berkshire had numerous small workings of clay for making bricks and tiles, but the mass-production of bricks at much larger brickworks elsewhere in the region, and the more general use of concrete tiles, has led to the closure of all the county's brick and tileworks.

3.30 The last remaining brick and tileworks was at Knowl Hill, between Reading and Maidenhead. Although the site contains extensive permitted reserves of clay, the manufacture of bricks and tiles ceased during the 1990s. The site is now principally used as a landfill.

3.31 Some clay is dug intermittently from deposits near reading and elsewhere for use as bulk fill or for sealing sites which are to be filled with putrescible waste. These are generally 'one-off' operations, and there appears to be no demand for claypits to be established to serve these markets on a long-term basis.

3.32 As indicated in Chapter 2, national and regional policies do not indicate what might be the future 'appropriate production levels' of these two minerals. Nor do they require landbanks of these minerals to

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2 See in particular Policies WLP6-11, 23 and 24 of the adopted Waste Local Plan for Berkshire (1998). Policies regarding the location of sites suitable for aggregates recycling are included in the Waste Local Plan (Policies WLP1, 23 and 24), and not in the Minerals Local Plan.
be maintained. In the past, permission for their extraction has generally been sought to serve specific local purposes, rather than to provide general market supplies. There is no consistent pattern of year-by-year production of them. In these circumstances, it is not considered appropriate or necessary to seek to maintain landbanks of these minerals. When considering any future applications for their extraction, the issue of need will be judged on its merits as they appear at the time, with particular regard to whether the mineral concerned is needed to meet a particular local requirement (see Policy 16 in Chapter 6).

OIL, GAS AND COAL

3.33 Between the mid-1960s and the mid-1980s, seismic surveys were carried out over much of the county by companies hoping to locate possible reserves of oil and gas. Some exploratory boreholes were also drilled in the late 1970s by the then National Coal Board, as part of the national stock-taking of Britain's long-term coal reserves.

3.34 So far as is known, all these surveys have drawn a blank. There are therefore believed to be no reserves of oil, gas or coal underlying Berkshire which are of commercial interest.

3.35 Government policy is to encourage maximum economic exploitation of the country's own reserves of oil and gas, consistent with the protection of the environment. Should any commercial reserves of these minerals be identified in Berkshire, the local planning authorities will take account of this government policy and advice when assessing the 'need' to allow these reserves to be exploited (see Policy 17 in Chapter 6).

ALL MINERALS

Meeting the needs of individual operators

3.36 The local planning authorities consider that their responsibility consists in ensuring that the market generally has adequate supplies of construction materials, and not in maintaining individual operators in production. Accordingly, the authorities will not provide favoured treatment to an individual operator when considering applications which seek to extend the life of his own landbank closer to the period of seven years.

3.37 This provision applies equally to suppliers of material for the general market and to operators who use the minerals which they win principally for the on-site manufacture of specific products. There is now only one such operator in the county at present, at Beenham, producing roofing tiles. This operation uses locally-won sand and gravel.

3.38 The local planning authority accepts the existence of this factory operation at its present site, and does not seek to curtail its present activities there. The authority also acknowledges that the circumstances of this company are different from those of general market suppliers, in that

* it has invested substantial sums in permanent buildings and fixed plant at their present site;
* it employs (or has the potential to employ) considerable numbers of people;
* it does not produce any aggregates for sale as such on the general market;
* it produces specialist products which serve market areas which are substantially wider than those of general aggregates suppliers;
* the maintenance of adequate reserves to ensure continuity of supply of minerals that fall within a defined quality control specification is important to the company.
3.39 Taken together, these factors necessarily affect assessments on the general issue of need. However, the local planning authority will expect any applications for mineral extraction to supply the Beenham factory to be acceptable in environmental terms (ie impacts, methods of working, restoration and aftercare), in accordance with the policies of this Local Plan and other relevant planning considerations. It will not therefore give permission for the continuation of local mineral extraction to supply this site regardless of the other merits or demerits of the extraction sites which might be proposed.
4 WHERE SHOULD FUTURE SAND AND GRAVEL EXTRACTION TAKE PLACE?

Introduction

4.1 The amount of extraction for which provision is made in Chapter 3 derives from a detailed assessment of the suitability of individual sites in Berkshire to supply aggregates, linked to an awareness of the 'desired' rate of provision arising out of national and regional guidance. The processes of assessing acceptable future production rates — and hence the amount of land which this Plan should identify — and of identifying the precise sites where future mineral working would be tolerable are very closely linked. Therefore, although these processes are described separately in this Plan, in practice they all form part of a single, closely integrated exercise.

General approach

4.2 One of the main functions of the Replacement Local Plan is to provide guidance concerning the necessary scale and desirable locations of minerals working over the period to 2006 and beyond. When drawing up the Plan, the County Council concluded that, so far as possible, the Plan should adopt the approach of identifying 'Preferred Areas' for mineral extraction, that is to say areas where — subject to various detailed matters, as described in Chapter 5 — there will be a general presumption in favour of extraction being allowed.

4.3 This 'Preferred Areas' approach is considered preferable to a more broadly-expressed 'Areas of Search' approach, such as was used in the original Minerals Local Plan. This is because

* The Preferred Areas approach provides clearer guidance and greater certainty to both the general public and the minerals industry about the chances of land being disturbed, or not being disturbed, during the plan period.

* It also gives the local planning authorities the greatest degree of control over the scale, location and impacts of extraction at each site. This is because it allows the authorities to lay down in advance detailed requirements which must be satisfied before planning permission can be granted at each Preferred Area — relating for example to the method of working the site, or the desirable form of restoration or after-use, or the routes which lorries must take when travelling from the site, and so on.

* The Preferred Areas approach is also considered to be a firmer and fairer basis for making decisions on subsequent planning applications, because it allows the relative merits of different sites to be assessed all at one time during preparation of the Local Plan, rather than being considered in isolation at the time of each individual planning application.

* Policies identifying Preferred Areas with a presumption in favour of extraction allow the more effective implementation of complementary policies identifying clear presumptions against extraction elsewhere.

4.4 Government advice (in MPG I) also states that Minerals Local Plans should indicate areas for possible future mineral working. It favours the identification of 'specific sites' and 'preferred areas' for future working (while acknowledging that there may not be much distinction between these categories), ahead of more generalised 'areas of search'. The advice recognises that, among other things, good knowledge of the mineral resources in the plan area is critical to the identification of preferred areas.

4.5 In the case of sharp sand and gravel, comprehensive information is available about the location and (in general terms) the likely quality of mineral deposits throughout Berkshire. This mineral is therefore well suited to the Preferred Areas approach.

4.6 In the case of soft sand, however, the position is more complicated. The geological deposits in which soft sand is found are much more variable than are the deposits of sharp sand and gravel. As a result, reliable information about the distribution of commercial reserves of soft sand is not available.
Because of this, and bearing in mind also the relatively small amounts of soft sand which Berkshire produces, it is considered that it would not be possible or appropriate for the Replacement Plan to seek to define Preferred Areas for the extraction of soft sand.

How much land should be identified?

4.7 Table 2 indicates the scale of extraction which would have to be permitted between the start of 1999 and the end of 2006 if the level of provision indicated in Policy 3 is to be maintained throughout and at the end of the Local Plan period.

**TABLE 2** NEW PERMIS SIONS REQUIRED BEFORE THE END OF 2006 SO AS TO MAINTAIN A SEVEN-YEAR LANDBANK OF PERMITTED RESERVES

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permissions required to maintain production at 2.3mt/yr 1999-2006</td>
<td>18,400,000</td>
</tr>
<tr>
<td>Additional permissions required to allow production at 2.3mt/yr to the end of 2013</td>
<td>16,100,000</td>
</tr>
<tr>
<td><strong>Less</strong></td>
<td></td>
</tr>
<tr>
<td>Permitted reserves 31 December 1998</td>
<td>est 18,300,000 t</td>
</tr>
<tr>
<td><strong>INTERIM BALANCE TO FIND</strong></td>
<td>16,200,000 t</td>
</tr>
<tr>
<td>Plus 15% safety margin</td>
<td>2,430,000 t</td>
</tr>
<tr>
<td><strong>FINAL BALANCE TO FIND</strong></td>
<td>18,630,000 t</td>
</tr>
<tr>
<td><strong>Less</strong></td>
<td></td>
</tr>
<tr>
<td>Sites awaiting legal agreements 31 December 1998</td>
<td>nil</td>
</tr>
<tr>
<td>Other sites where renewals of permission were pending 31.12.98</td>
<td>nil</td>
</tr>
<tr>
<td>Allowance for building sand permissions¹</td>
<td>718,000 t</td>
</tr>
<tr>
<td><strong>PERMISSIONS NEEDED BEFORE THE END OF 2006 FOR EXTRACTION OF</strong></td>
<td></td>
</tr>
<tr>
<td>SHARP SAND AND GRAVEL FROM HITHERTO UNIDENTIFIED SITES</td>
<td>17,912,000 t</td>
</tr>
</tbody>
</table>

¹ Calculated on the assumption of a continuation of production at 150,000 t/yr (see paragraphs 5.43-5.45), minus current permitted reserves at active sites.

4.8 Table 2 includes an allowance for a 15% contingency provision or 'safety margin' in the Plan's allocations. This additional allowance is considered to be desirable:

(i) in case individual Preferred Areas do not yield as much mineral as is currently expected.

(ii) in case parts of some Preferred Areas have to be excluded from eventual planning permissions to take account of more detailed information which might become available when an application is submitted, eg as a result of environmental impact assessments (see paragraphs 8.5 to 8.10) or of archaeological evaluations (see paragraphs 8.11 to 8.23);

(iii) in case some of the identified Preferred Areas do not become available to the industry during the plan period.

4.9 Bearing in mind the relative certainty about the availability of many sites gained during the preparation of this Plan, it is considered that an additional allocation equivalent to around 15% of the initial 'requirement' provides a reasonable balance between the need to guard against the above contingencies, and the need not to undermine the objective of greater certainty which is one of the
main reasons for favouring the Preferred Areas approach. Since there is always the possibility of additional 'windfall sites' coming forward (see paragraphs 5.26-5.28), this level of provision is considered to provide adequate flexibility in providing for future extraction.

4.9A As indicated in the Table, this means that to secure provision at the rate of 2.3mt/year to the end of 2013, it would be necessary to identify sites for the extraction of just under 18 million tonnes of sharp sand and gravel. It should be noted that this figure is just a snapshot of the position existing at the end of 1998, and that the level of new permissions 'required' over this period will change as new planning permissions are granted, or as extraction proceeds at permitted sites.

4.10 It is stressed that any such contingency provision of Preferred Areas does not mean that any more land will necessarily be released for extraction than is required to meet the levels of provision referred to in Chapter 3. It merely provides a 'safety margin' to cover the above contingencies. It also has the advantage of giving a slightly greater choice to the industry as to which sites they consider for working.

The identification of the Preferred Areas

4.11 It is a fact of geology that many of the workable deposits of minerals in the country lie beneath high-grade agricultural land, or land of particular amenity, conservation, scientific or historic interest. This applies to the sand and gravel deposits of Berkshire too. It is also a fact that in a crowded county such as Berkshire, there are few if any locations where mineral extraction could take place without affecting some people's living conditions. In identifying the Preferred Areas, it is important to strike a balance between meeting the needs for aggregates and protecting the county's environment and other important interests.

4.12 The County Council therefore looked very closely at all the land in Berkshire which is believed to be underlain by deposits of sharp sand and gravel. This land has been assessed to identify the areas where, on a balance of all the issues, the County Council judged that mineral extraction could be accommodated with the least harm to environmental and other interests.

4.13 In carrying out these assessments, the County Council had full regard to national and local policies designed to safeguard areas which are of particular importance for the reasons set out in paragraph 4.11, or for other reasons. Account was also taken of the matters set out in relevant Structure Plan policies, and also of a more detailed 'checklist' of issues which have a bearing on the acceptability of mineral working from individual sites or areas. The Council also took into account the prospects for securing longer-term improvements to the appearance of an area, or improved provision of facilities for recreation or nature conservation etc, which might be achieved as part of a comprehensive package of proposals for the extraction, restoration and after-use of potential Preferred Areas.

4.14 The process of identifying the Preferred Areas may be summarised as follows:

(i) The application of a 'sieving' technique to identify, and thus to exclude from further consideration

* sites which the County Council judged should be excluded on principle from consideration because of the national or county-wide importance of the protective policies which apply to them;
* other sites which were judged to be subject to local constraints which impose overriding objections of principle to mineral extraction.

1 Details of the latest available statistics of Berkshire's permitted reserves, and a revised calculation of Table 2 to the most recent available base-data, will be included in the annual monitoring reports on this Plan.

2 However, as stated in paragraph 3.17, it should not be assumed that if the overall landbank stands at over seven years, all further applications for extraction will be automatically refused.
4.15 Despite the reduction in the rate of provision for extraction which results from the reduction of Berkshire's apportionment figure as described in paragraph 3.7, it is still necessary to make provision for very considerable amounts of future extraction. The process just described is a rigorous way of identifying areas where mineral working is unacceptable, and where it can be accommodated with the least harm. The local planning authorities consider that the selection resulting from this process is that least damaging to the county's environment and its people's living conditions, both in terms of minimising the impact of the operations themselves and of securing longer-term benefits to offset that disturbance.

4.16 The areas identified as a result of these assessments are the 'Preferred Areas'. One other site (Kennethholme Farm at Midgham) has also been included as a Preferred Area in accordance with a provision of the 1995 version of this Local Plan, under which sites which at that time had been accepted in principle for mineral working by resolution of the County Council, but where planning permission for extraction was in the end not issued, were added to the list of Preferred Areas.

4.16A The Preferred Areas are listed in Table 3 and shown on the Proposals Map. Appendix 3 describes them more fully, highlights the practical issues which will need to be taken into account when mineral extraction proposals are prepared, and identifies the local planning authorities' restoration requirements for each site.

### TABLE 3 PREFERRED AREAS

<table>
<thead>
<tr>
<th>Preferred Area</th>
<th>Est yield (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chamberhouse Farm, Thatcham</td>
<td>1,100,000</td>
</tr>
<tr>
<td>Bath Road/Brimpton Road, Midgham</td>
<td>875,000</td>
</tr>
<tr>
<td>Kennethholme Farm, Midgham</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Woolhampton Quarry</td>
<td>200,000</td>
</tr>
<tr>
<td>South-East of Theale</td>
<td>635,000</td>
</tr>
<tr>
<td>South-East of Theale</td>
<td>481,000</td>
</tr>
<tr>
<td>Raghill Farm, Aldermaston</td>
<td>500,000</td>
</tr>
<tr>
<td>Smallmead, Reading</td>
<td>240,000</td>
</tr>
<tr>
<td>Manor Farm, Slough</td>
<td>1,130,000</td>
</tr>
<tr>
<td>Riding Court Farm, Datchet</td>
<td>1,750,000</td>
</tr>
<tr>
<td>North of Horton</td>
<td>3,800,000</td>
</tr>
<tr>
<td>Railway land, Kingsmead, Horton</td>
<td>133,000</td>
</tr>
<tr>
<td>Old Slade, Colnbrook</td>
<td>150,000</td>
</tr>
</tbody>
</table>

**TOTAL** 12,076,000

Preferred Areas 6 and 9 from the 1995 version of the RMIP have been omitted, as planning permission has now been granted for extraction from both sites.

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3 The process of identifying the Preferred Areas which were included in the Draft Plan is explained more fully in a separate Background Paper.

4 One further Preferred Area, which was in Buckinghamshire until 1995 and had previously been designated as a Preferred Area in the adopted Minerals Local Plan for that county, was added in the Alterations to this Plan adopted in 1997.
4.17 The provision in Table 3 falls some 5.8 million tonnes short of the level of provision indicated in Table 2. For the 2001 Alterations, the local planning authorities have not identified additional Preferred Areas to meet this apparent ‘shortfall’. This is largely due to uncertainties about the levels of provision that may be required for the period after 2006, pending the issue of new government advice in a revised version of MPG6. The authorities also note that production in Berkshire in recent years has been consistently well below the ‘provision level’ of 2.3mt/year, and that on the basis of average production of aggregates in the 1990s (around 1.45mt/year), the existing permitted reserves would last until mid-2011 – only 18 months short of the period covered by this Plan – without having to disturb any of the Preferred Areas in Table 3, let alone having to move into any currently-unidentified sites. In these circumstances, the identification of new Preferred Areas in the 2001 Alterations to the Plan is not considered to be either appropriate or necessary.

4.17A Moreover, government guidance is clear that it is not necessary for mineral planning authorities to identify at the start of the plan period all the resources needed for the seven year ‘landbank period’ after the official end-date of the Plan. It is however necessary for the authorities to be able to demonstrate that such resources can be brought forward should this be necessary. Accordingly, the local planning authorities confirm that, through the process of regular review of the Plan, additional resources will be brought forward, if necessary and appropriate (having regard to the latest available government guidance, to prevailing strategic policies, and to any other material considerations), to ensure continuing provision of aggregates from Berkshire.
5 POLICIES FOR SAND AND GRAVEL EXTRACTION

Introduction

5.1 Chapter 5 sets out the policies which will apply when the local planning authorities are considering applications for the extraction of sand and gravel.

* The first section of the chapter presents broad principles which will apply in the case of all types of sand and gravel.

* The second section sets out the more detailed policy framework for considering applications for the extraction of sharp sand and gravel. It provides policies establishing the 'Preferred Areas' approach, which not only identifies areas where extraction will in principle be allowed, but also establishes clear presumptions against extraction elsewhere.

* The final section sets out the special considerations which will apply to proposals for the extraction of soft sand.

GENERAL CONSIDERATIONS

Key principles

5.2 Policy 6 explains the basic principles which are taken into account when the local planning authorities are considering planning applications for the extraction of sand and gravel.

Policy 6 Proposals for sand and gravel extraction will be judged in accordance with Policies 7 to 24 of this Plan. In all cases, planning permission will only be granted if the local planning authority is satisfied

(i) that an acceptable balance has been struck between the need for the mineral and all relevant environmental, agricultural, amenity and other relevant planning considerations; and

(ii) that the details of the proposal, including the proposals for the method of working, site restoration, after-care and after-use, satisfy the detailed requirements set out in this Plan.

5.3 The issue of need has already been considered in Chapter 3, but the conclusions of that chapter do not stand alone when planning applications are being decided. The balance between need and environmental concerns is fundamental to the decision on every application, whether inside or outside the Preferred Areas. The way in which this balance is struck in each individual case will have strict regard to Policies 7 to 15. The local planning authorities also consider that applications will only be acceptable if all details contained within them are in accordance with the other policies and provisions of this Plan. Crucially, this applies as much to the details of what happens to the site after extraction (see Chapter 7) as to the details of the surveys or other works to be carried out before extraction or the details of the actual extraction operation itself (see Chapter 8), or to the details of any associated structures or operations which are proposed in connection with mineral extraction (see Chapter 10).

General environmental considerations

5.4 Policy 7 will be used to assess the general environmental impacts of sand and gravel extraction proposals, as part of the 'balancing act' required by Policy 6.
Policy 7

Within the framework provided by Policy 6, the merits of all applications for the extraction of sand and gravel will be assessed having regard to all material considerations, including

(i) the likely effects of the proposal on living conditions, and the likely effects of the traffic which it would generate;
(ii) the need to protect the character and amenities of individual settlements, and to protect important open gaps between settlements from development which would cause long-term harm to the land's function;
(iii) the need to protect sites or areas of ecological, geological, archaeological, historic, or architectural importance;
(iv) the desirability of protecting Grade 1, 2 and 3a farmland, and the likely effects of the proposal on farm structure;
(v) the need to protect woodland, areas of attractive landscape, and individual landscape features;
(vi) the need to protect existing recreation sites, and to protect and enhance the recreation value of the public rights of way network;
(vii) the need to guard against environmental damage resulting from changes to the water table;
(viii) the need to protect water bodies and other water features, and to protect the water environment generally, including the protection of the flow, quantity and quality of water supplies, and protection against increased risks of flooding to property and people;
(ix) the need to minimise disturbance by securing the phased release of extraction sites; by encouraging (subject to all other planning considerations) the orderly progression of working and restoration in areas where extraction is to take place or is already taking place; and by resisting the unnecessary spread of working to new areas.

5.5 Examples of detailed issues deriving from the general considerations contained in Policy 7 are set out in Appendix 5. Not all the issues in the Policy will necessarily be relevant to every application for mineral extraction, and similarly these issues do not necessarily cover all the considerations which may be relevant to the decision on any particular application. However, the protection of living conditions in individual houses and in settlements both close to and away from the mineral site (Policy 7) is always a major consideration in the decision on any application. This applies both to the direct effects of excavation - noise, dust, visual intrusion, and so on - and to the less direct but no less significant effects of lorry movements to and from sites which can on occasion affect a greater number of people. It should be noted that any specific problems affecting individuals which arise from the carrying out of extraction operations in accordance with a permission granted by the local planning authority are private matters between the individual and the mineral operator, with no liability on the local authority.

5.6 Planning constraints affecting the decisions on proposals for mineral working are of various types. They range from constraints of national importance, or relating to areas defined or protected by statute; through constraints established by Structure Plan policies; to constraints of more local significance. Constraints of any of these types may be decisive in decision-making on any particular application. Exactly how this approach is applied to each mineral is considered more fully in the later sections of this chapter.
The Green Belt, and Gaps between settlements

5.7 It is government policy that the extraction of minerals need not be incompatible with Green Belt objectives provided that high environmental standards are maintained and that the site is well restored. The fact that a site lies within the Metropolitan Green Belt is not therefore of itself a constraint against the principle of mineral extraction.

5.8 One of the functions of the Metropolitan Green Belt is to prevent neighbouring settlements merging as a result of the spread of development across the open countryside between them — though this function is not performed to the same degree by every piece of land in the Green Belt. Outside the Green Belt, a similar role is fulfilled by the 'significant open areas' referred to in Policy C6 of the Berkshire Structure Plan. Applications for mineral extraction in areas which fulfil this role (whether or not in the Green Belt) will be judged having regard to their long-term impact on this function of the land, as well as in terms of the considerations set out in paragraph 5.7.

Phasing the release of sand and gravel sites

5.9 The local planning authorities consider it of great importance to phase the release of sand and gravel sites in order to prevent the concentration of activities in any particular area at any one time in a way which would cause unacceptable harm to the area's character or environment, or to local people's living conditions.

5.10 The policies and other provisions of Chapter 3 of this Plan, along with the site details in Appendix 3, provide a strong phasing mechanism which will ensure that large numbers of new sites are not released for extraction simultaneously. There are considerable reserves in the county which already have planning permission (see Table 2, in Chapter 4), and the local planning authorities expect these to provide the bulk of production in the county over the next few years. To accord with the provisions of Chapter 3, additional acceptable sites will only be released as required to ensure that the county's landbank remains topped up to the required level, and to maintain the ability to achieve the stipulated annual production rate.

5.11 In all cases, to further the aim of avoiding over-concentration of extraction activities, the local planning authorities normally intend to control the release of land to ensure that there is no more than one active mineral extraction operation in any individual Preferred Area at any one time. This is addressed in the sections on 'Timing and Phasing' in the statements for relevant Preferred Areas in Appendix 3.

Protecting biodiversity

5.11A The Unitary Authorities recognise the importance of conserving and encouraging biodiversity, reflecting the commitment entered into by world leaders at Rio in 1992 to take action to stop the global loss of plants and animals and their habitats. The objectives of biodiversity will be taken into account in considering proposals for mineral extraction or site restoration, and without prejudice to other general considerations referred to in this section of the Plan, or to site-specific guidance elsewhere in the Plan, proposals that would risk significant damage to habitats or species contrary to the aims or specific targets of a Biodiversity Action Plan will not, in principle, be favoured. (On the encouragement of biodiversity through the restoration of mineral sites, see paragraph 7.14A.)

POLICIES FOR THE EXTRACTION OF SHARP SAND AND GRAVEL

Policy for Preferred Areas

5.12 Although the designation of the Preferred Areas, as described in Chapter 4, implies a general presumption that those areas are suitable for sand and gravel extraction, this does not mean that every planning application within them will inevitably be approved regardless of all other considerations.
Policy 8

In the Preferred Areas indicated on the Proposals Map and shown in more detail in Appendix 3, there will be a presumption in favour of allowing applications for the extraction of sharp sand and gravel, so long as

(i) the requirements of Policy 6 are all satisfied; and

(ii) the proposals have full regard to the statement of detailed requirements for each area as set out in Appendix 3, or such other amended requirements as may be agreed with the local planning authority so long as these fully address the issues and respect the principles contained in that Appendix, and do not diminish the standard of development as provided for in that Appendix.

5.13 It follows from Policy 8 that the presumption in favour of allowing extraction will only apply if all three of the following requirements are satisfied:

(i) an acceptable balance is struck between the need to release more land for extraction and all other planning considerations applying to the site at the time of the application, having regard (among other things) to the provisions of Chapter 3 regarding the level of provision for future production, the maintenance of a landbank, and the assessment of need in the determination of individual applications;

(ii) the application satisfies the general requirements of this Plan relating to the details of working, restoration, after-use, etc; and

(iii) the application has full regard to the detailed principles and requirements for the Preferred Area in question, as set down in Appendix 3 of this Plan.

5.14 In considering any application, the local planning authority will have regard to the extent to which the details of the proposed operation would minimise the environmental disturbance created by the proposed workings. It will be expected that the details of an application will provide for the highest standards of site operations and the minimisation of resultant environmental disturbance. If any individual proposal indicates something less than these standards, this fact will be taken into account in considering whether or not an 'acceptable balance' has been struck in terms of Policy 6.

5.15 It is not expected or intended that extraction will necessarily take place right up to the boundaries of the Preferred Areas shown in Appendix 3. In practice, as the Appendix indicates, some land within those boundaries will have to be excluded from any permissions for extraction in order to provide buffers to individual houses, or to protect other interests of importance on or close to the site. The precise boundaries of acceptable working at individual Preferred Areas will be established through the submission and consideration of planning applications.

5.16 The remaining provisions of Policy 8 are designed to ensure that mineral working causes the least possible disturbance, and to achieve in the longer term the best possible environmental benefits to offset against this shorter-term disturbance. It is therefore of prime importance that applications should only be approved if they satisfy both these provisions.

5.17 Table 3 and the Proposals Map show that six of the Preferred Areas, which between them are expected to produce over a third of the total yield of all the Preferred Areas, lie in the Kennet Valley between Thatcham and Theale. The extensive reserves of sand and gravel in this stretch of the Kennet Valley are already being worked in a number of places. The local planning authorities consider that working of acceptable sites within this stretch in a relatively concentrated fashion affords the best opportunity for securing the longer-term landscape improvements and other public benefits of the type referred to in paragraph 4.13, as compared with more gradual and piecemeal extraction over a much longer period. However, these advantages can only be secured if operations in the valley take place in a planned and co-ordinated fashion, with the local planning authority taking the lead in directing and controlling the way in which this stretch of the valley is excavated and restored. To this end, a landscape and restoration strategy has been drawn up for this section of the valley (see paragraphs 7.32-7.33 and Appendix 3). Applications for extraction from individual Preferred Areas in

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the valley will have to have full regard to this strategy, as well as to all the other more site-specific provisions set out for each Preferred Area in Appendix 3.

5.18 The statements for each Preferred Area, and for groups of Preferred Areas, in Appendix 3 are intended to set out clear, positive requirements and a minimum level of benefits in respect of the working of each site. They are based on current knowledge and the current situation. The local planning authorities may be prepared to consider some departure from them, provided that the resultant scheme deals with all the issues and principles contained in the Appendix, and that it would at least maintain the quality of development which the Appendix seeks to secure. Wherever possible, the local planning authorities will look to applications to make provision for appropriate public or environmental benefits (consistent with the prevailing legal framework and national policy guidance), to offset the disturbance resulting from extraction, and to help meet the government's objective of preserving or enhancing the overall quality of the environment once extraction has ceased (see paragraph 2.14 and Chapter 7).

- Paragraph 5.19 and Policy 9 referred specifically to the approach to be adopted in respect of nine sites where, at the time of preparing the earlier version of the Plan, the principle of granting planning permission had been agreed, but the issue of the permissions was awaiting the completion of associated legal agreements. Subsequently, planning permissions have been issued at eight of the sites, and refused at the ninth. The content of paragraph 5.19 and Policy 9 is now completely superseded, and they have therefore been deleted from the Plan under the 2001 Alterations.

Policies outside Preferred Areas

5.20 The Preferred Areas are believed to be capable of supplying enough sharp sand and gravel to meet the levels of provision set out in Chapter 3 for the period of this Plan (subject to the content of paragraphs 4.17 and 4.17A). There should therefore be no need to look outside these areas for additional extraction sites for sharp sand and gravel. Furthermore, because of the rigorous way in which the Preferred Areas have been selected, they are by definition considered to be the least damaging potential sites for sand and gravel extraction in terms of the effect on people's living conditions and the environment. It therefore follows as a general principle that outside the Preferred Areas there will be a presumption against planning permission being granted.

5.21 Policies 10 to 13 establish how applications outside the Preferred Areas will be considered. Policies 11-13 are intended to be read in the general context provided by Policy 10.

Policy 10 Outside the Preferred Areas, applications for extraction of sharp sand and gravel will normally be refused. In considering whether or not to make an exception to this general presumption, the local planning authorities will take account of

(i) whether there is a need to disturb land outside the Preferred Areas in order to maintain provision for the levels of production set out in Policy 3, or the landbank figure indicated by Policy 4;

(ii) whether that need could be more acceptably met elsewhere than on the application site, having particular regard (among other things) to the presumptions against extraction in specific areas indicated in Policies 11 to 13;

(iii) whether the proposals overcome or accommodate all constraints deriving from the considerations set out in Policy 7.

Policy 11 There will be the strongest presumption against allowing the extraction of sharp sand and gravel from

(i) the North Wessex Downs Area of Outstanding Natural Beauty;
(ii) designated Sites of Special Scientific Interest (including classified and proposed Special Protection Areas, designated and candidate Special Areas of Conservation, and Ramsar sites and Nature Conservation Review and Geological Conservation Review sites);

(iii) statutory nature reserves;

(iv) scheduled ancient monuments, and other monuments of national importance;

(v) land owned by or covenanted to the National Trust;

(vi) common land, and town or village green;

(vii) registered parks and gardens of special historic interest, and registered battlefields;

(viii) the sites and settings of Grade I and Grade 2* listed buildings;

(ix) statutory Green Belt land;

(x) land within built-up areas.

Policy 12 There will be a strong presumption against allowing the extraction of sharp sand and gravel from

(i) Areas of Special Landscape Importance, Wildlife Heritage Sites (including Regionally Important Geological/Geomorphological Sites), parks and gardens of county importance, non-scheduled archaeological sites meriting preservation in situ, Conservation Areas and the sites and settings of Grade 2 listed buildings, and the immediate settings of rivers and canals; and

(ii) allotments and land in established recreational use.

Policy 13 There will be a strong presumption against allowing the extraction of sharp sand and gravel

(i) from land outside any of the areas of land specified in Policies 11 and 12 but which would adversely affect any of those areas; or

(ii) which would adversely affect the function of land important to the character or amenities of individual settlements, including land important to the separation of settlements.

5.22 Although it is not intended to permit sand and gravel extraction outside the Preferred Areas, it is not practicable to apply a blanket ban on extraction outside them because of the general planning principle that every application must be judged on all its merits. The fact that a site lies outside a Preferred Area cannot be assumed to outweigh every other consideration in favour of an application in every case. Policies 10 to 13 therefore provide the framework against which the merits of applications outside the Preferred Areas will be judged, in the context of the general principles established by Policies 6 and 7.

5.23 Policy 10 echoes the general provision that the decision on all applications involve balancing issues of need and environmental disturbance. However, proposals for extraction of sharp sand and gravel

1 This refers only to a very small area of land at Ankerwycke (near Wroxbury) which is protected under the special provisions of the Green Belt (London & Honic Counties) Act 1976. The position in the remainder of the Green Belt will be set out in paragraphs 5.7 to 5.8.
outside the Preferred Areas will normally only have a chance of favourable consideration if it is demonstrated that permitted areas and the remaining unconsented Preferred Areas collectively are not capable of maintaining the levels of provision set out in Chapter 3, and that this is likely to lead to a continuing serious shortfall in the county's ability to meet the requirements set out in that chapter.

5.24 Outside the Preferred Areas it will also be necessary to show that such need as may exist cannot be more acceptably met elsewhere. In interpreting the words "more acceptably" in Policy 10(ii), the local planning authorities will have close regard to the provisions of Policies 11 to 13, which (echoing government guidance, and as indicated in the Berkshire Structure Plan) set up a broad hierarchy of 'presumptions' based on the nature and severity of the constraints applying to particular areas of land (see paragraph 5.6 and Figure 5). The land defined by Policy 11 is subject to nationally- or internationally-important or statutorily-defined constraints (items i to ix in the policy), or else extraction from it would create such disturbance and disruption that it is considered that it should be subject to the strongest presumption against extraction (item x). Policy 12(i) refers to those areas of 'county importance' the more general protection of which is provided for in Berkshire Structure Plan policies C7, ENB-9, EN7, EN6 and EN10 respectively1, while Policy 12(ii) highlights the importance attached to safeguarding and enhancing recreation sites which is implicit in Structure Plan policies R2-3. Policy 13 reflects the provisions of Structure Plan policies C5-6, and of paragraph 5.8 of this Plan. It should be noted that in addition to the constraints of international, national and county importance referred to in Policies 11-13, more local constraints (including those defined in the Unitary Authorities' Local Plans, and relevant considerations from Appendix 5) will also be taken into account in deciding on the acceptability of working individual sites outside the Preferred Areas. This is reflected in Figure 5.

![Figure 5](image)

The relative "in principle" acceptability of extraction from areas subject to different designations or constraints

5.25 It follows from the above policies and provisions that in general the intention is that, if sites for extraction have to be found from outside the Preferred Areas, they should be sought first in areas which are subject only to local constraints, other local issues, or concerns over the practical considerations of the proposed operation; then - if no suitable sites can be identified in such areas - in areas subject to county constraints; and only as a last resort (and then only in very special circumstances, as indicated in government guidance) in areas which are subject to national or international constraints. Applications for planning permission for extraction outside the Preferred Areas will be assessed accordingly.

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1. Some of these Structure Plan policies also refer to land which is subject to national constraints and which will therefore be subject to the strongest presumption against extraction. Policy 12 will apply to all other land to which these Structure Plan policies relate.
Changes to constraints

5.25A The areas and constraints listed in Policies 11 to 13 reflect national and strategic policy advice as at the time of the [date] Alterations. When considering future planning applications both inside and outside Preferred Areas, account will be taken of any changes in national or strategic (regional or Berkshire-wide) policy advice that may have appeared in the meantime, and the practical scope of the policies will be adjusted accordingly. Details of any additional constraints that should be regarded as falling within the terms of these policies, or any adjusted emphasis to be placed on existing constraints, will be given in the annual Monitoring Reports on this Plan. It is stressed that this flexibility in respect of these policies relates only to the assignment of constraints to, or as between, Policies 11 to 13, and not to the basic principle of the hierarchy of presumptions which the policies enshrine.

Mineral extraction in association with other development

5.26 Development is sometimes proposed which involves considerable amounts of mineral extraction even though this is not the main purpose of the proposal. Examples might be the construction of a reservoir, or the formation of a void for waste disposal. The local planning authorities will judge the mineral extraction component of any such proposals strictly in accordance with the principles laid down in this Plan.

5.27 In exceptional circumstances, it may be that the justification for the development is particularly strong, and all concerns relating to mineral extraction (other than the 'policy presumptions' set out in Policies 10-13) have been satisfactorily met. In such a case, the normal presumption set out in Policy 10 may be set aside, even if the site is not in a designated Preferred Area.

5.28 In 1995, the Secretary of State for the Environment granted planning permission on a major planning application submitted by the (then) National Rivers Authority for the construction of a Thames flood relief channel in the Maidenhead-Windsor-Eton area (see Appendix 6). The scheme involves the extraction of over 2 million tonnes of sand and gravel from land in Berkshire, although it is not being developed for that purpose. The line of the channel is not identified as a Preferred Area, but the application was considered by the planning authorities and the Secretary of State on its planning merits, taking into account the principles discussed above. In addition the Environment Agency is to prepare a Flood Plain Management Plan for the section of the Thames Valley between Datchet and Walton Bridge in the period 1999-2001. The Plan will seek to maximise flood storage capacity and protect flood flow, and a key element of this will be the management and restoration of gravel extraction sites in the area.

Borrow pits

5.29 In addition to the general demands for aggregates, some major construction projects, such as road-building schemes, require a substantial amount of aggregate to be supplied over a relatively short period of time. In particular cases it may be possible to import aggregates through a temporary rail depot—see paragraph 9.35. More often it may be necessary to open up a new pit close to the project site in order to ensure the availability of the necessary supplies and to avoid putting heavy and concentrated flows of traffic on to public roads. Such a pit is known as a 'borrow pit'. Policy 14 sets out the requirements which must be satisfied before permission for a borrow pit will normally be granted.

Policy 14 Outside the Preferred Areas, proposals for borrow pits to serve major construction projects will be acceptable so long as

(i) material from the pit is only used in connection with the specific project with which it is associated;

(ii) extraction from the site will cause less environmental disturbance than would result from using material won from established sources of supply, and so long as the local planning authority is satisfied that none of the Preferred Areas identified in this Plan is able to meet the particular needs of the project;
(iii) the pit is sited and operated so as to minimise environmental disturbance;

(iv) provision is made for the rapid restoration of the pit following extraction, preferably using only materials from elsewhere on the construction site; and

(v) the location and operation of the pit have full regard to the issues set out in Policy 7.

5.30 In considering borrow pit proposals in terms of item (ii) of the policy, the local planning authorities will have regard to whether, in the light of the purpose for which the material from the proposed borrow pit is required, the use of materials from existing sources or Preferred Areas would constitute wasteful use of aggregates, in the sense referred to in paragraph 3.1.

5.31 Of particular importance is item (iv) of the policy. Borrow pits can often be restored by using surplus material from elsewhere on the construction site (eg in constructing a new road, there are usually elements of both 'cut' and 'fill' involved; if the amount of 'cut' exceeds the amount of 'fill', the surplus material can be used to restore any borrow pit which was the source of some of the 'fill'). In all cases, the local planning authorities will require to be satisfied, before granting permission, that appropriate arrangements for restoration of the borrow pit have been made and will be implemented promptly. In this connection, the provisions of Chapter 7 of this Plan dealing with restoration and after use will apply as much to borrow pits as to all other new mineral extraction operations in the county.

5.32 The local planning authorities consider that the issues of the requirement for additional aggregates and of spoil disposal should be treated in detail in Environmental Statements submitted with planning applications for major construction schemes. The authorities will also press to ensure that appropriate provision for these matters is secured before contracts for the development are let.

**Sharp sand and gravel: Summary**

5.33 The local planning authorities consider that in principle planning permission for sand and gravel extraction is only likely to be granted in the Preferred Areas. Elsewhere permission is unlikely to be granted except in very special circumstances. It is expected that such exceptions will be very few. No proposal allowed in such circumstances will be regarded as establishing a precedent for setting aside the policies outside the Preferred Areas in any other case. In deciding whether such exceptions should be made, there are different strengths of factors which would have to be taken into account in considering any proposal (on its merits) to see if an exception to the general principle can be justified.

5.34 Any permissions granted for extraction outside Preferred Areas, whether as 'windfalls' in association with other development or in other circumstances covered by Policies 10 and 14, will represent additions to the county's overall landbank of permitted mineral reserves. They will therefore reduce the call on the designated Preferred Areas to maintain that landbank.

**SOFT SAND**

5.35 This section of the Plan sets out the local planning authorities' policies for the extraction of all types of soft sand. Particular attention is paid to policies for building sand - that is, soft sand which is of a suitable quality for use in making mortar or plaster, or in asphalting. No other mineral can readily substitute for building sand in these uses. The local planning authorities therefore consider it appropriate to apply different policies towards building sand from those applying to other types of sand and gravel.

5.36 The Survey Map shows the distribution of the two geological deposits in which deposits of soft sand may be found. The sands from the Reading Beds tend to be of a better quality than those from the Bagshot Beds, and some have in the past proved suitable for use as building sand. The Bagshot sands are of a quality which makes them in general only suited to use as fill.
5.37 Even within the Reading Beds deposits, occurrences of building sand are extremely variable. In the past, the attention of mineral operators has concentrated on the Cold Ash/Hermitage area, with some lesser interest in the area of Knowl Hill/Waltham St Lawrence. Deposits of this mineral are frequently associated with landscapes of scenic value: the Cold Ash/Hermitage area lies partly inside the North Wessex Downs AONB, while Knowl Hill is part of an area defined in the Structure Plan as being of Special Landscape Importance.

5.38 Both of Berkshire's current workings of building sand are in the AONB near Hermitage. There are currently no other sites where soft sand is extracted, although there is permission for extraction at Knowl Hill in association with the extraction of clay for tile-making. Small amounts of soft sand are also dug from sites elsewhere in the county where the principal mineral extracted is sharp sand and gravel.

5.39 Berkshire's past production of building sand has been around 100-150,000 tonnes a year. This is only about 2% of the South East region's total production. Some neighbouring counties have much more extensive deposits of this mineral, and their contribution to regional production is accordingly much higher. For example, in 1989 Surrey and Hampshire produced 26.5% and 8.5% respectively of total regional output.

1 - BUILDING SAND

Preferred Areas?

5.40 As was explained in paragraph 4.6, the lack of comprehensive information on the location of commercial deposits of building sand means that the local planning authorities consider there is no sound base on which to identify Preferred Areas for its extraction. In these circumstances, the approach to be adopted for this mineral is different from that applied to other types of soft sand, or to sharp sand and gravel.

5.41 The fact that much of the interest in extraction of this mineral relates to sites in the AONB poses particular difficulties, and it is therefore considered that the issues relating to extraction inside and outside the AONB need to be considered separately.

Inside the AONB

5.42 As indicated, recent extraction of building sand in Berkshire has concentrated on the AONB north of Newbury. In order to protect the landscape and other interests of the AONB, the rates of release of sites and of production at individual sites have been controlled to restrict maximum annual production to a figure of around 140,000 tonnes.

5.43 The local planning authorities consider that it would be unreasonable for Berkshire to seek to avoid making any contribution to local and regional demands for this mineral. Minerals can only be dug where they occur naturally, and so the authorities consider that - so long as suitable sites are found - a continuation of past rates of extraction in the AONB could be accepted. However, subject to a modest upward rounding of the past maximum production level, the authorities do not wish to see any increase in the amount of disturbance to the AONB which would inevitably result from allowing higher production levels.

5.44 New applications in the AONB will only be acceptable if the local planning authority is satisfied that the details of the application are acceptable in terms of Policies 6 and 7, of the three issues set out in Policy 10, and of the presumptions contained in Policies 11 to 13. In this respect, the authority will pay particular attention to the impacts of any proposal on the immediate landscape character of the site and the area, the impacts of traffic on the AONB, and the cumulative impacts of any local concentration of operations in a relatively small area. It remains very firmly the authorities' view that there should be the strongest presumption against any applications which would adversely affect the special character and appearance of the AONB.

5.45 An upper limit of 150,000 tonnes a year will be applied as the maximum acceptable from sites in the AONB. It is stressed that this is in no way a 'target' figure to be striven for either by the local planning authorities (when considering the issue of need) or by mineral operators. Neither is there any
Outside the AONB

5.46 Outside the AONB, the local planning authorities will consider any applications for the extraction of building sand on their merits in the light of Policies 6 and 7, of the issues in Policy 10, and of the presumptions contained in Policies 11 to 13. There would be no initial presumption either for or against allowing such applications.

5.47 The local planning authorities will set no fixed upper limit on production levels outside the AONB. However, all production of building sand (whether from within the AONB or outside it) will contribute towards the production levels of sand and gravel set out in Policy 3. The authorities will expect levels of building sand production to remain very low in relation to production levels of sharp sand and gravel, to avoid unreasonably restraining future production levels of the latter material.

Policy 15 Applications for the extraction of building sand will be judged on their merits having strict regard to the provisions of Policies 6 and 7, to the issues in Policy 10, and to the presumptions in Policies 11 to 13. Notwithstanding Policy 11(0), the local planning authorities will be prepared to grant permissions for the extraction of up to 150,000 tonnes a year from sites within the North Wessex Downs AONB, so long as all other requirements of these policies are met and the authorities are satisfied that the AONB will not be adversely affected by the operations proposed.

2 - SOFT SAND OTHER THAN BUILDING SAND

5.48 Soft sands suitable only for use for ‘non-specialist’ purposes, such as fill, are in effect meeting the same demand as poorer-quality sharp sands and gravels for which detailed provision is made in the section of this chapter dealing with sharp sand and gravel. Applications for extraction of this material will therefore be judged in precisely the same terms as applications for the extraction of sharp sand and gravel outside Preferred Areas (Policies 10-14). In general, because site-specific provision for production of materials suitable for use as fill has been made in the Preferred Areas, there will be an initial presumption against allowing the extraction of soft sand from other sites for this purpose. The strength of this initial presumption will vary according to the planning constraints applying to the site concerned, as indicated in Policies 10-13.

5.49 In determining any application which proposes the extraction of both building sand and other soft sand from the same site, the local planning authorities will have regard, among all other considerations, to the relative proportions of the two materials which it is proposed to extract, and to whether the total amount of disturbance caused is justified by the amount of building sand to be extracted.

5.50 In furtherance of Policy 1, before determining any application proposing the extraction of soft sand (and particularly if it is claimed that the material to be extracted is building sand), the local planning authorities reserve the right to seek detailed information on the precise geological nature of the material concerned, and the prospective end-uses to which it is proposed that it will be put.

INTERPRETING THE PROPOSALS MAP

5.51 The Proposals Map presents generalised information at a scale of 1:50,000 regarding the areas affected by the constraints detailed in Policies 11-13, but only in respect of areas underlain by sharp sand and gravel. Within those limitations, the details on the map are believed to be correct as at the date of preparing the map. However, they are only a snapshot of the position at one point in time,
and the areas affected by particular constraints can change. When considering individual applications for the extraction of any minerals, the local planning authorities will assess the site against the latest available information on the extent of the constraints in Policies 11-13. This assessment will determine which of those policies should apply to the site in question, regardless of what may be the notation of the site on the Proposals Map as printed.
6 POLICIES FOR OTHER MINERALS

Chalk, clay, and other minerals apart from oil and gas

6.1 The geological outcrops of chalk and clay in Berkshire are fairly extensive, but as indicated in Chapter 3 the demand for new workings is extremely limited. There is also no requirement to maintain 'landbanks' of these minerals. Accordingly no proposals are made in this Plan as to where future extraction might take place. New applications for their extraction, or for that of other minerals not at present worked in the county (apart from oil and gas), will be considered on their merits in terms of the general principle set out in Policy 6 and of relevant provisions of Policies 7 to 14. The issue of 'need' for chalk or clay will be assessed as indicated in paragraph 3.32.

Policy 16 Applications for the extraction of chalk or clay, or of minerals not at present worked in the county (apart from oil and gas) will normally only be permitted if

(i) the minerals are shown to be required to meet a specific local need which cannot be met from existing permitted sites or by secondary and recycled aggregates; and

(ii) the need for the mineral outweighs all environmental, agricultural, amenity and other relevant planning considerations; and

(iii) the proposal is acceptable in terms of national or county constraints, as set out in Policies 11 to 13; and

(iv) the details of the proposal, including the proposals for the method of working, site restoration, after-care and after-use, satisfy the detailed requirements set out in this Plan; and

(v) proposals for related plant and buildings are acceptable in terms of Policy 28.

Oil and gas

6.2 Although no commercial reserves of these minerals are known to exist in Berkshire, reserves of oil and gas have been located and are being worked in some neighbouring counties. Policy 17 is therefore included in this Plan to safeguard the local planning authorities' position should they receive any applications for preliminary exploration works, or should any possibly exploitable reserves be located.

Policy 17 Proposals relating to oil and gas will be judged in accordance with the following principles:

(i) Proposals to carry out exploratory drilling will normally be permitted unless they would cause harm to sites or areas which are particularly sensitive in environmental terms, and provided that they are accompanied by satisfactory schemes of working and restoration;

(ii) Proposals for further drilling at the appraisal stage will be considered on their merits in terms of the issues listed in Policy 7 of this Plan, having particular regard to the long-term suitability of the site for commercial production and distribution;

(iii) Proposals for the commercial production of these minerals, or for the establishment of related plant, will be judged strictly on their merits in
terms of the key principles set out in Policy 6 and the issues listed in Policy 7. Applications will normally only be permitted if

(a) the need for the development outweighs all environmental, agricultural, amenity and other relevant planning considerations; and

(b) the proposal is acceptable in terms of national and county constraints, as set out in Policies 11 to 13; and

(c) the details of the proposal, including the proposals for the method of working, site restoration, after-care and after-use, satisfy the detailed requirements set out in this Plan; and

(d) proposals for plant and building are acceptable in terms of Policy 28.

6.3 Proposals for the exploitation of any reserves of oil and gas may only be carried out under a licence granted by the Department of Trade and Industry. A single 'Petroleum Exploration and Development Licence' now covers the exploration, appraisal, and production stages. The actual operations proposed at each of these stages require specific consent from the DTI, and also under town and country planning legislation. Policy 17 sets out the local planning authorities' policy towards any proposals received at any of these stages.

6.4 Exploratory drilling is of itself unlikely to have a substantial impact on the environment, so long as adequate measures of restoration are carried out when drilling is completed. However, if a potentially productive reserve is located, it will be necessary to ensure that proposals for exploration do not harm the appearance and character of the affected area. Proposals for exploratory drilling will normally be acceptable so long as there are stringent environmental safeguards. The precise site for the drilling must be selected so as to minimise the environmental impacts of the operation. Proposals for exploratory drilling will be resisted if they would cause harm to particularly sensitive areas, such as the open downland within the North Wessex Downs AONB. The grant of planning permission for exploratory drilling will not imply any commitment to allowing appraisal drilling or commercial exploitation of any reserves found. Proposals for appraisal drilling, commercial exploitation, and plant for gathering and distributing any reserves which are to be exploited, will be judged in terms of the same range of issues as apply to any other proposals for mineral extraction in the county.

6.5 Policy 17 has been drafted to accord with the guidance given in DoE Circular 2/85 'Planning Control over Oil and Gas Operations'. The local planning authorities will have regard to this Circular when considering aspects of oil or gas operations which are not expressly covered by this policy.

6.6 Before exploratory drilling takes place, holders of DTI licences generally undertake seismic surveys to help locate the most promising drilling sites. These surveys do not normally require express planning permission, but the licensees are required to liaise with local authorities to ensure that appropriate precautions are taken to protect buildings, structures, and environmentally sensitive areas from any adverse effects of the surveys. The government's licences do not absolve the licensee from ensuring that no damage is done to property close to seismic survey routes. The former County Council drew up a schedule of standard conditions which must be complied with by those carrying out seismic surveys. These conditions cover the responsibilities of the local planning authorities both as planning and as highway authority.
7 **RESTORATION AND AFTER-USE**

**GENERAL PRINCIPLES**

The commitment to a high standard of restoration

7.1 Mineral extraction is a necessary activity, but rarely a welcome one. One way of minimising its impact is to ensure that the land taken for mineral operations is restored at the earliest opportunity, and that it is capable of an acceptable use after working has come to an end. This is expressly stated in government advice as being one of the primary aims of planning control over mineral working. This chapter sets out the local planning authorities' general approach in meeting that aim. By so doing, it should be read as amplifying and explaining the provisions of Policy 6(ii).

7.2 Changing public attitudes and recent government statements demand higher standards of restoration, and the local planning authorities are firmly committed to achieving these. The minerals industry generally recognises the need for responsible management of minerals sites both during and after extraction. This has been reflected in generally improved standards of restoration in recent years – though there remains room for further improvement. A key issue in dealing with mineral extraction is therefore how to achieve this improvement.

7.3 The local planning authorities consider that this can best be done by setting and demanding the highest standards of site restoration, and are therefore committed to securing this, whatever the proposed landform or after-use. Whether a restoration scheme is 'acceptable' in terms of Policy 18 (see below) will be judged taking this requirement into account.

**Mineral extraction as an opportunity for public benefits**

7.4 The local planning authorities see the role of site restoration as being much more than just to return land to a 'satisfactory' condition after extraction. The authorities consider that restoration should be regarded and used as a means to achieving, wherever possible and appropriate, a high level of wider public and environmental benefits such as

- improvements to the long-term appearance of the landscape;
- the creation of a greater diversity of habitats for wildlife;
- the provision of new opportunities for public access and recreation; and
- the alleviation of flooding;

7.5 In this way, mineral extraction can be seen not simply as a short-term disfigurement of the landscape, but also in the longer terms as a means to the desirable ends of landscape enhancement and of improving the provision of facilities for general public benefit. In this context it is considered that so far as possible (consistent with the prevailing legal framework and national policy guidance) the achievement of public environmental benefits should relate not just to the specific extraction sites, but to their wider surrounding area as well.

7.6 The policies and other provisions of this chapter are designed to secure these objectives.

**Agricultural restoration?**

7.7 It is government policy that where mineral extraction is proposed on agricultural land, one of the issues in deciding the application is the feasibility of a high standard of restoration to an appropriate after-use. This requirement applies equally to all agricultural land. Government advice in MPG7 states that moves to diversify the rural economy should not lead to the significant loss of high quality agricultural land, and thus even if non-agricultural after-uses are proposed on the best and most versatile agricultural land (defined in PPG7 as land in Grades 1, 2 and 3A of the MAFF Agricultural Land Classification system), the methods used in restoration
and after-care should be designed to enable the land to retain its long-term capability to be farmed to its full potential. Although MPG7 recognises that a wider range of non-agricultural after-uses may be appropriate on land of lower agricultural quality, it is emphasised that reclamation to such uses (whether on high or lower-grade farmland) does not mean that there can be any lessened commitment to high standards in the reclamation and recycling of land taken for mineral working.

7.8 Government advice goes on to say that restoration to non-agricultural uses "should not be chosen because they are perceived as 'easier options'. They require equal commitment by mineral operators, mineral planning authorities and any other parties involved to achieve high standards of implementation."

7.9 The local planning authorities fully support these views, and will apply them strictly when considering individual planning applications for mineral extraction.

**Wet or dry restoration?**

7.10 Many of the mineral reserves of Berkshire (including several of the Preferred Areas) lie in the county's river valleys. Digging out the gravel from these sites would lower the ground surface below the level of the water table, resulting in the formation of lakes. The sites could only be restored to dry land by importing filling materials of one kind or another on to the site. Customarily in river valleys filling has been with dry, inert waste: filling with household refuse, or other fast-decomposing wastes, can create unacceptable pollution problems.

7.11 One other means of restoring sites to dry land would be not to fill them, but to arrange for them to be kept dry by means of permanently-operating pumps. However, the underlying geology of Berkshire is not well suited to this form of treatment. Equally importantly, for technical reasons restoration of this type is not acceptable in river floodplains. It is therefore rejected as a restoration option for Berkshire.

7.12 There are many potentially-conflicting interests involved in the decision as to whether a valley site should be restored wet or dry. These included concerns over the effect of wet restoration on the local landscape character, the acceptability (or otherwise) of proposals to restore wet pits by importing filling material, the opportunities which wet restoration offers to meet demands for more water-based recreation, the wish to avoid the permanent loss of farmland, and so on. The result can be in some cases that no form of restoration can be achieved which satisfies the technical and environmental wishes of all interested parties.

7.13 The local planning authorities consider that it is inappropriate to express a view that dry restoration is always to be preferred to wet, or vice versa. Much depends on the particular local circumstances. To seek to strike a balance between all interests and concerns inevitably means that some future sites will have to be restored wet and others dry. The guidance given elsewhere in this Plan over the restorations of individual Preferred Areas seeks to strike such a balance, but it is based on a concern that as far as possible the restoration of mineral sites should aim to reflect the original landscape character of the area.

7.14 It is important to note that 'wet' restoration does not inevitably mean the creation of large expanses of unbroken water. Thoughtful pre-planning of mineral extraction operations can ensure the retention of lines of trees or other landscape features which can break up the appearance of the flooded areas left after extraction. Land can also be restored to various types of smaller-scale 'wetland' habitats, perhaps involving a degree of filling which result in a landscape (e.g. a reed-bed or carr) whose appearance can belie its 'wet' nature. Mineral operators will be encouraged to pursue such methods of restoration in suitable cases.
Encouraging biodiversity

7.14A To complement the provisions of paragraph 5.11A regarding extraction, the objectives of biodiversity will be taken into account in considering proposals for restoration of a mineral site, and without prejudice to other general restoration objectives referred to in this section of the Plan, or to site-specific guidance elsewhere in the Plan, proposals that would help in achieving the aims of or specific targets for particular habitats or species in Biodiversity Action Plans will, in principle, be favoured.

The need for early planning of restoration and after-uses

7.15 It is essential that mineral operators should plan for the restoration and after-use of sites at the same time as they are planning the extraction operations, and in the same level of detail. This includes planning to ensure the availability of materials for restoration, as well as planning the details of the eventual landform of the site. Restoration details must not be treated as an afterthought: the whole mineral extraction operation should be designed with the final character, appearance and after-use of the site clearly in mind. Such details as which parts of the site should be worked and which should not, which trees and hedges on the site should be retained, the phasing of operations, the treatment of soils and the location of soil storage mounds, and so on, should all be determined with a view to facilitating the quickest and most effective form of site restoration. (On after-uses, see also paragraphs 7.19-7.20)

DETAILED POLICIES

1 ENSURING APPROPRIATE AND TIMELY RESTORATION

7.16 The local planning authorities will require all applications for mineral extraction, and other applications relating to/involving the restoration of mineral sites, to conform strictly to the provisions of Policy 18. This policy seeks to ensure that restoration is undertaken without undue delay, and that the restored landscape is designed to harmonise with its surroundings and to maintain the character of the area, and is designed for and compatible with its intended after-use. It therefore reflects the advice in MPG7 that an important element of the national framework for sustainable development is to ensure that land taken for minerals is reclaimed at the earliest opportunity, and to a standard suitable for the intended use.

Policy 18 (i) Before they will be prepared to grant planning permission for mineral extraction, the local planning authorities will require to be satisfied that the land will be progressively restored within a reasonable timescale to an appropriate standard and an acceptable landform, landscape character and ecological character which are appropriate to its location and its intended after-use.

(ii) When considering other applications relating to the restoration of present or former mineral workings, the local planning authorities will be guided by the aim of ensuring the completion without undue delay of site restoration to an appropriate standard and an acceptable landform, landscape character and ecological character which are appropriate to its location and its intended after-use.

The local planning authorities will impose conditions to secure these ends on any planning permissions granted, and may request the completion of legal agreements to secure matters which cannot be secured by planning conditions.

7.16A Policy 18(i) will apply in the case of applications for new mineral extraction. Policy 18(ii) will apply, for example, in cases where applications are made to extend the period for site restoration beyond that originally approved, or to vary the form of restoration on all or part of a site.
7.17 Policy 18(i) requires the local planning authorities to be satisfied on a number of matters relating to restoration and after-use before they will be prepared to grant planning permission for mineral extraction. It should be noted that this requirement applies both to the technical acceptability of the proposals and to their prospects for successful implementation. The latter is discussed further below (paragraphs 7.22-7.23A). The use of planning obligations to secure restoration requirements is discussed in paragraphs 8.29 to 8.30; see also paragraphs 7.36 and 7.41.

7.18 In support of the former, the local planning authorities will require the matters referred to in that policy to be treated in appropriate detail in the documents submitted as part of the application. Applications which do not treat these issues adequately will clearly be unable to satisfy Policy 18. They will also be regarded as unsatisfactory in terms of Policy 21(3) (see Chapter 8), relating to effective restoration and implementation of an acceptable after-use.

7.19 Site restoration cannot be properly planned without knowing the after-use to which it is intended that the site should be put. The local planning authorities will therefore expect all applications for extraction to be accompanied, not just by detailed restoration plans, but also by a statement of the intended after-use of the site, of the way in which the proposed restoration will allow that after-use to be implemented, and of how it will be managed in the long term. Statements of intended after-use should be as detailed as possible: for example, generalised references to 'nature conservation' or 'recreation' should be avoided, in favour of more detailed indications of the types of habitat to be created, or the types of recreation for which the land is to be prepared.

7.20 The local planning authorities acknowledge that it is not always possible for a mineral operator to ensure, at the time when his application for extraction is in preparation, that a particular detailed after-use will take place at the point in the future when restoration has ceased. Policies towards particular land-uses (e.g. agriculture) can change over time, and new types of recreation can come unexpectedly to the fore (e.g. the recent upsurge of interest in jet-skiing). For this reason, the guidance given in this Plan on the question of suitable after-uses for individual areas is couched in relatively general terms. The level of certainty of and commitment to particular after-uses in individual planning applications should reflect the likely time-scale between the submission of the application and the expected initiation of the after-use; but within this constraint they will be expected to be as detailed as possible.

7.21 During the 1990s, the County Council prepared strategy documents for nature conservation, landscape, and rights of way. These statements all include provisions relating to the restoration of mineral workings. In addition other bodies such as the Districts/Borough Councils (through their Local Plans and separate Biodiversity Action Plans), English Nature, the Countryside Agency (formerly the Countryside Commission and the Rural Development Agency), the Environment Agency, and the Berkshire Nature Conservation Forum all have policy documents relevant to or bearing on mineral working and restoration. Operators should have regard to these documents when preparing their restoration proposals for individual sites.

7.21A In recent years, an apparent shortage of inert filling materials has led to delays in the restoration of some sites, which in turn has led to the submission of applications to extend the time-period allowed for restoration. In considering any future applications of this type, or other applications which incorporate a lengthening of the approved period for restoration, the local planning authorities will have regard to the provisions of Policy 18(ii), and will consider case-by-case whether some variation to the form of restoration would be a preferable means of securing the prompt and acceptable restoration of the site. If the site concerned is subject to Contingency Restoration conditions (see below), a further option would be for the authority to invoke the requirements of these conditions pending the assured availability of suitable materials to allow the completion of the original restoration scheme.

The prospects of successful implementation

7.22 When assessing proposals against Policy 18, the local planning authorities will take into account the likelihood of the proposed restoration being successfully achieved within a reasonable
timescale, and the prospects for the successful implementation and long-term management of the intended after-use. Among the issues relevant to this consideration will be

- the availability of any fill materials which would be required to achieve the restoration of the site (compare paragraph 7.21A);
- the level of commitment shown by the applicant towards achieving the proposed restoration and securing the proposed after-use;
- the operator’s past record of achieving successful restoration and complying with planning conditions, bearing in mind any known improvements in restoration techniques; and
- whether the period proposed for the restoration of the site appears both reasonable and realistic.

More is said about long-term management issues in paragraph 7.41 below.

7.23 It is expressly stated in government advice that:

"where there is serious doubt about whether satisfactory reclamation can be achieved at a particular site, then there must also be a doubt whether permission for mineral working should be given."

In the view of the local planning authorities, this same provision holds good in respect of the achievement of the intended after-use and its long-term management. Whether any such doubt stems from technical or more personal considerations, the authorities will give considerable weight to it in the determination of planning applications for mineral extraction.

7.23A Government advice (MPG7) expressly states that responsibility for the restoration and aftercare of mineral sites lies with the operator and, in the case of default, the landowner. Applicants should therefore demonstrate with their application the likely financial and material budgets for restoration, aftercare and after-use, and how they propose to make provision for such work during the operational life of the site. As MPG7 states, this is important to avoid future dereliction and the possibility that the costs of reclamation of mineral sites might have to be borne by other public or private sources.

Contingency Restoration

7.24 The local planning authorities will seek to avoid the situation arising whereby a shortage of available filling materials, or some other similar difficulty beyond the operator's control, prevents the achievement of a restoration scheme which relies on the import of such materials to the site. To make sure that the site is not left looking 'unfinished' in these circumstances (i.e. when the intended and agreed restoration and after-use scheme has not been completed), the local planning authorities will normally impose a condition requiring that, if in the authority's opinion these circumstances have arisen or appear likely to arise, the operator must submit and implement a Contingency Restoration Plan.

7.25 The Contingency Restoration Plan should set out the principles and standards to be applied to any land left unfilled if the above situation should arise. The decisions as to when or whether a Contingency restoration Plan should be submitted and implemented will be for the local planning authority alone. The requirements of the condition may not be invoked by a mineral operator as a means of evading his primary responsibility to restore the site in the manner required by the full site restoration scheme.

7.26 Restoration carried out under a Contingency Restoration Plan will be considered to be of an interim nature only, and it will still be expected that in due course the full approved restoration scheme will be implemented. The existence of an approved Contingency Restoration Plan, or its implementation, will not be considered by the local planning authority to remove the operator's obligation to complete the full restoration in accordance with the original consent to the authority's satisfaction. In the event that negotiation does not resolve any problems in this respect, the local planning authorities will not consider the existence of such a Plan to prejudice
any enforcement action which they may consider appropriate to ensure the full restoration to their satisfaction of the site concerned.

Minimising the amount of disturbed land

7.27 To minimise the environmental disturbance caused by mineral extraction, the local planning authorities wish to keep to a minimum the amount of land at each mineral site which has been worked but is not yet restored. Restoration plans must therefore provide for the restoration of each part of the site to begin as soon as extraction from that part has ceased or as soon as practicable thereafter, and that once started it keeps pace with the rate of extraction. To further the aim of securing restoration without undue delay, the local planning authorities will expect the restoration of worked-out parts of a site to continue even if extraction from the remainder of the site lapses or ceases for any reason.

7.28 To secure these aims, in appropriate cases the local planning authorities will impose conditions on new permissions limiting the amount of land at a site which may be disturbed but unrestored at any one time, and/or requiring restoration of disturbed parts of a site to continue even if production from the site is halted either temporarily or permanently.

2 RESTORATION AIMS AND STRATEGIES

7.29 The remaining policies of this Chapter set out the aims to which restoration and after-use proposals should be directed. Above all, they seek to ensure that mineral extraction becomes in the longer term a means to the desirable ends of landscape enhancement and of improving the provision of facilities for general public benefit, both on extraction sites and (so far as possible) in the wider surrounding area to which the extraction relates. Policies 19 and 20 set out these objectives, and the latter also gives force to the more specific guidance given in Appendix 3 on the longer-term aims to which restoration and after-use schemes in the individual Preferred Areas should be directed.

Policy 19 When considering applications for mineral extraction, the local planning authorities will seek to secure environmental and other public benefits (including, where appropriate, recreational benefits) through

(i) the restoration, after-care and after-use of extraction sites; and

(ii) the environmental conservation and enhancement of the wider surrounding area to which the proposed extraction relates, and the promotion of recreational opportunities within this area.

Policy 20 Proposals for restoration, after-care and after-use of the Preferred Areas must conform to and not prejudice the broad aims and strategies indicated in Appendix 3.

The benefits of restoration strategies

7.30 The advantages of setting out broad restoration aims and strategies for individual areas and groups of areas well in advance of the release of sites for mineral extraction have already been seen in one area of the county - the Blackwater Valley. Here a detailed study was prepared in the 1970s by Berkshire, Hampshire and Surrey County Councils, to provide guidance as to which parts of the valley were suitable for extraction and which were not, and on the desirable phasing of extraction operations. It set out a clear intention for the future of the valley after mineral extraction, and indicated the forms of restoration and after-use which were to be aimed for in order to achieve this intention. The strategy document has provided the basis of
subsequent control of mineral operations in the valley, and has been successful in putting the County Councils in the driving seat over the planning of the longer-term, post-extraction character and role of the valley.

7.31 The local planning authorities consider that the experience of such a strategy for the Blackwater Valley provides a valuable lesson which ought to be adopted in other areas likely to be subject to extensive mineral extraction over a prolonged period - in particular to set out a vision for the future character of such areas after mineral extraction, and to indicate the forms of restoration or after-use necessary to secure this.

7.32 While the present Plan does not seek to provide quite the same level of detailed guidance for future mineral extraction areas in the county as did the Blackwater Valley Study, its aims are the same. For this reason, a restoration strategy has been drawn up for the Kennet Valley (the location of the greatest concentration of existing workings and of Preferred Areas), to enable the local planning authorities to take the lead in directing and controlling the way in which they are excavated and restored (see paragraphs 5.17 and Appendix 3). This strategy sets out clear principles about the future landscape character, and-use and landform of this area, which the authorities consider will be best achieved if mineral operations there take place in a planned and co-ordinated fashion.

7.33 The local planning authorities consider this is a particularly significant issue in the Kennet Valley. They will therefore consider convening a Working Party to guide and monitor implementation of the strategy for this area. Such a Working Party could include representatives of the District and Parish Councils, the mineral companies, and other interested groups.

7.34 In addition, for all Preferred Areas, whether subject to the overall strategies above or not, more detailed restoration guidance is given in Appendix 3. The detailed restoration and after-use suggestions given for each Preferred Area will not necessarily be regarded as the only acceptable forms of restoration and after-use for each site, particularly bearing in mind possible doubts over long-term land uses (see paragraphs 5.18 and 7.20). However, compliance with these suggestions will be regarded as satisfying in broad terms the aims of achieving a high level of wider public and environmental benefits. Any alternative forms of restoration or alternative after-uses which may be suggested in planning applications will have to be demonstrated to conform to, and not to prejudice, the broad strategies for particular areas in Appendix 3.

Public benefits in the wider surrounding area

7.35 In presenting indications of desirable patterns of restoration and after-use, the local planning authorities consider it important not to limit to the site of the mineral deposit itself the area within which opportunities are sought and provided for landscape enhancement and the provision of other public benefits. Mineral extraction operations frequently cause major disturbance in a wider area than just the immediate extraction site, and the local planning authorities consider it reasonable that wherever possible this should be recognised through the preparation of restoration schemes which do not just limit themselves to the mineral site alone, but also make provision for the wider surrounding area to which the extraction relates. This approach also affords the opportunity to ensure that the environmental, recreational and other public benefits achieved through the restoration of extraction sites are linked up in a systematic way, and not restricted by the perhaps arbitrary or artificial boundaries of the mineral site or deposit.

7.36 The provision of such benefits away from the mineral site can be negotiable through or in association with the planning process. In accordance with Policy 19(ii), the local planning authorities will therefore look to the mineral operators to make provision for such off-site improvements wherever possible - for example, on other nearby and related land owned or controlled by the same mineral operator or landowner. These may take a variety of forms - for example, specific landscape enhancement measures, or the provision of specific public facilities, or wider countryside management initiatives - and might be provided by the operator either directly or indirectly (e.g. by contributing to their funding).
OTHER RESTORATION ISSUES

Restoration Bonds

7.37 It is sometimes suggested that mineral operators should be required to deposit a sum of money as a restoration bond at the time when planning permission for extraction is given. This would then be used as a guarantee of the implementation of the approved restoration scheme.

7.38 Although the idea of seeking restoration bonds may appear to have some attractions, legal advice indicates that such bonds cannot be insisted upon. Following a study into the effectiveness of restoration conditions and the need for bonds, in 1996 the government decided that it would not introduce new provisions to enable financial guarantees or bonds to be required under the planning system, for either financial or technical default on restoration.

7.39 It is therefore government advice that financial guarantees to ensure the reclamation of mineral sites should not normally be required. However, MPG7 accepts that there may be exceptional cases where it will be reasonable for a mineral planning authority to seek a financial guarantee to cover restoration and aftercare costs through a voluntary agreement at the time of granting planning permission, and gives examples of such situations. It points out that, even in such situations, guarantees should not be necessary where a developer is contributing to an established mutual funding scheme. The local planning authorities will take account of the totality of government advice on this subject, as set out in paras 86-96 of MPG7, when considering individual applications.

After-care

7.40 To secure a high standard of site management after the completion of initial site restoration, the local planning authorities will normally impose after-care conditions on permissions for mineral extraction if the after-use of the land is to be for agriculture, forestry, or nature conservation or other amenity purposes. After-care conditions are designed that the land is brought up to and maintained at a standard suitable for the intended after-use. They will apply for a period of five years after restoration has been completed.

7.41 Maintenance and management after the five-year after-care period cannot be secured by means of planning conditions. Nonetheless, for amenity purposes in particular, a clear commitment to and provision for effective long-term management is vital if the intended high standard of restoration is to be achieved and maintained. In appropriate cases, the local planning authorities will therefore seek to enter into legal agreements with mineral operators and/or other relevant parties, if it appears desirable and feasible to seek to secure control over a longer period.

Restoration techniques

7.42 This Plan does not present detailed advice on best restoration practice. Much valuable advice on this subject is contained in the DETR’s Mineral Planning Guidance Note on ‘The reclamation of mineral workings’, and from bodies such as the Ministry of Agriculture Fisheries and Food, and English Nature. The local planning authorities will take such advice into account when considering planning applications.

The restoration of old workings

7.43 The local planning authorities recognise that some old mineral workings have not been well restored in the past. This has generally been because the need for thorough and sensitive restoration was not so well recognised in the past, and because in general the conditions imposed on old planning permissions were much less rigorous than those imposed today. For the same reasons, some current pits which are being operated under longstanding permissions have not until recently been subject to restoration conditions of the standard which would be required today.
Legislation now requires the local planning authorities to instigate reviews of the conditions applying at mineral working sites, in order to bring them up to modern standards. This includes ensuring that the permissions incorporate provisions governing future extraction, restoration and after-care of sites, even where the original permissions may not have covered all these topics. Reviews of permissions granted before 1948 under `Interim Development Orders' (IDO), and reviews of sites where the main planning permission was granted between 1948 and 1982, have already been started (and by mid-1999 had mostly been completed). The revised permissions at IDO and pre-1982 sites, and other permissions granted since 1982, are now subject to a requirement for `periodic review' every 15 years, to ensure that their conditions are kept constantly up to contemporary standards.

The act of reviewing an old permission does not give the planning authority the right to withdraw the permission altogether, and the authority is liable to pay compensation if any of the new conditions which they impose would materially affect the site's asset value. Nevertheless, these arrangements for the regular review of old permissions should help to secure better standards of operation at active mineral sites, and should also ensure that current and future operations at mineral sites do not leave a legacy of poor restoration.

The legal requirement to review old permissions only applies to sites where extraction or restoration had not been completed at the date when the review was due (whether or not the site was operational at that date). It therefore does not apply to sites that have been restored in accordance with the conditions originally imposed, but where that restoration has proved to be unsatisfactory by modern standards; nor to older sites where extraction or restoration took place before the introduction of planning controls on mineral working in the early 1940s. In such cases, it may not be possible for the planning authorities to take effective action to secure satisfactory restoration.

However, if a landowner (or his representative) wishes to prepare a scheme designed to secure modern standards of restoration and aftercare for such a site, this will in principle be welcomed. In preparing such a scheme, regard should be paid to the policies of the Waste Local Plan for Berkshire (WLP). In particular, attention is drawn to WLP Policies WLP20 and WLP25, which limit the disposal of non-inert waste to certain Preferred Areas identified in this Plan, and limit the disposal of inert waste to certain other Preferred Areas and to other mineral extraction sites where waste disposal is necessary to achieve satisfactory restoration. The intention is that this should refer to current or future mineral extraction sites, whose restoration is regarded as (in principle) a higher priority than the treatment of sites that have existed in their current condition for some years. In principle, therefore, proposals to deposit waste as a means of restoring a former mineral site, or to change the restored levels of such a site, will conflict with the policies of the Waste Local Plan, and will not be supported.

CONCLUSION: OPERATORS' RESPONSIBILITIES

It is clear from the earlier sections of this Chapter that the local planning authorities consider that mineral operators have very considerable responsibilities to the community at large over the issue of site restoration. In return for the necessary but unwelcome disturbance which mineral extraction unavoidably causes, operators should take into account the need to repay the community by planning and providing for longer-term public benefits through the restoration and after-use of their sites and enhancement of the surrounding areas. The local planning authorities are aware that the industry generally, and individual companies in particular, are proud of their efforts elsewhere to produce high standard restoration, and to do more than the minimum works which might be necessary in order to restore sites in an attractive and beneficial way. The authorities hope and expect that they will do the same in Berkshire. The policies in this Plan, and the guidance in Appendix 3, set out the authorities' views on how this can be best achieved, and the local planning authorities will expect applications to conform to that guidance.
8 OTHER ISSUES IN THE SUBMISSION AND DETERMINATION OF PLANNING APPLICATIONS

8.1 Earlier chapters have set out the local planning authorities' attitudes and policies concerning the basic issues involved in applications for mineral extraction. This chapter sets out the authorities' attitudes and policies on a number of other relevant matters. These are:

- the content of planning applications;
- the need for environmental impact assessment;
- the treatment of archaeology in the process of determining applications;
- the need for conditions or legal agreements in association with the grant of planning permission; and
- the need for early consultations between mineral operators and the local planning authorities over various matters relating to the pre-planning of mineral operations.

CONTENT OF PLANNING APPLICATIONS

Details required

8.2 In order that the local planning authorities can assess whether or not a planning application satisfies all the other requirements of this Plan, appropriate documentation must be submitted with the application. Policy 21 sets out the minimum requirements in this respect.

Policy 21  Every application for mineral extraction must be accompanied by

(1) a comprehensive description of existing site conditions; and

(2) a working plan indicating all aspects of the extraction operation; and

(3) a restoration plan showing how the site is to be restored and managed after extraction so as to facilitate the introduction and continuing implementation of suitable after-care measures and an acceptable after-use; and

(4) a written statement providing comprehensive supporting details, including details of the relationship of the proposals to the wider surrounding area.

8.3 Between them, the documents required by Policy 21 should provide written or illustrative details, or both (as appropriate), of:

(i) current features on the site: current levels, ecological and landscape survey (including details of the position and condition of trees and hedges), the routes of overhead and underground services and of public rights of way, the position of any current site access, the locations of significant structures, etc;

(ii) the results of site exploration work: borehole data, soil depths, hydrological and hydrogeological data (including details of the results of investigations into the flooding, land drainage, and water resource implications of the proposal), the results of archaeological research (see paragraphs 8.11-8.23), etc.
(iii) details of the proposed working; location and depth of working; details of areas which will not be worked; the measures being taken to protect margins and to screen the site to minimize the perceived effects of mineral working; the order, direction, phasing and timing of extraction and restoration; the locations of proposed plant, stockpiles, internal roads, and the site access; details of trees etc which are to be retained; details of measures proposed to safeguard or divert rights of way; etc;

(iv) an explanation of the steps which are to be taken to overcome or accommodate relevant issues and constraints arising out of the other policies of this Plan, including (if the site is outside a Preferred Area) a statement of the need for further planning permissions to be granted, and why that need cannot or should not be met from within the Preferred Areas;

(v) details of the final levels and the landscape of the restored site (including underwater contours on sites to be restored) and how these are to be achieved (including details of any necessary filling operations, and volume calculations of both extraction and infill); details of the drainage of the restored land; proposals for new planting after extraction; etc;

(vi) details of the proposed after-use of the site, and the way in which the proposed restoration will facilitate the implementation of this (whilst fully acknowledging the constraints on a mineral operator which are set out in paragraph 7.20); details of proposed site management during and after the after-care period and beyond; etc;

(vii) the relationship of the proposals to the surrounding area, including details of the locations of houses, schools etc close to the site and the measures being taken to mitigate any adverse effects on them (eg from noise, dust, mud, and air pollution); details of proposed lorry routes to and from the site; details of how the restored site levels and other aspects of the restored site will relate to or affect the surrounding area; details of any proposals for enhancing the area beyond the extraction site (where appropriate); etc.

8.4 MPG1 provides detailed advice on one topic that is frequently of particular concern when proposals for mineral working are being considered—the control of noise. The MPG gives advice on how this topic should be addressed in the preparation of planning applications (including carrying out pre-application noise surveys), as well as on the measures that can be taken to keep noise from mineral working to acceptable levels. Mineral operators are encouraged to have regard to the content of MPG11, and to relevant advice about acceptable noise levels in PPG24 'Planning and Noise', in the preparation of planning applications. For their part, the local planning authorities will be guided by the advice in the MPG and PPG - as regards both the content of applications, and the nature and adequacy of the detailed measures proposed to minimise noise - when assessing planning applications for mineral extraction.

ENVIRONMENTAL IMPACT ASSESSMENT

Introduction

8.5 Applications which involve the working of a large area or a sensitive smaller one, or which involve considerable filling after extraction, may have to be subject to a process known as Environmental Impact Assessment (EIA; formerly known simply as 'Environmental Assessment'). EIA is intended to ensure that the environmental effects of major developments are taken into account at the earliest possible stage in the planning and decision-making process. An important benefit of EIA is that it requires the developer to identify the environmental effects of his proposal and to indicate the steps being taken to mitigate them.

8.6 For the developer, EIA involves the preparation and submission of an 'Environmental Statement'. This Statement should be submitted to the planning authority, at the same time as the planning application, for assessment by the planning authority. The detailed procedures governing EIA and the preparation of Environmental Statements are set out in DETR Circular 2/99 'Environmental Impact Assessment'.

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When Environmental Impact Assessment will be required

8.7 Under the new EIA Regulations introduced in 1999, EIA is always required in association with applications for quarrying where the surface area of the site exceeds 25 hectares.

8.7A For smaller sites, EIA is required for quarrying or related development if:

(i) the site is in a sensitive area (in Berkshire, this means the AONB, or an SSSI, or a scheduled ancient monument), or

(ii) the development proposed consists of anything other than the construction of buildings or other ancillary structures where the new floorspace does not exceed 1000 sq metres;

provided in either case that the development is likely to have significant effects on the environment. In amplification of this term, Circular 2/99 states that:

"the likelihood of significant effects will tend to depend on the scale and duration of the works, and the likely consequent impact of noise, dust, discharges to water and visual intrusion. For clay, sand and gravel workings ... EIA is more likely to be required if they would cover more than 15 hectares or involve the extraction of more than 30,000 tonnes of mineral per year."

8.7B EIA is also always needed in connection with waste disposal operations with a capacity exceeding 100 tonnes per day, and may be needed if the site is in a sensitive area or if the area of the development exceeds 0.5 hectare, depending on the significance of the associated environmental effects. These considerations may be relevant when preparing applications that involve infilling as part of site restoration.

8.7C The Courts have confirmed that applications for the review of conditions at mineral sites (see paragraph 7.44) are also subject to the EIA process. Hence in all such cases, the mineral planning authority must consider the need for EIA, and they will require an Environmental Statement if the site exceeds the threshold figure of 25ha, or on a smaller site if the project is judged likely to have significant environmental effects.

8.8 The local planning authorities will be guided by this advice when deciding whether in their opinion EIA is required in any particular case. Applicants have a right of appeal to the Secretary of State against any decision by the authorities that EIA is required. Any decision by the local planning authority, or by the Secretary of State on a proposal referred to him, that EIA is not required will not be interpreted as accepting that the proposal does not have 'significant environmental effects', and that therefore environmental considerations will play no part (or no significant part) in the eventual decision on the proposal. That would be to prejudice the decision-making process, and to limit unreasonably the local planning authorities' ability to decide the application on all its merits.

Policy 22

The local planning authorities will require an Environmental Statement to be submitted with a planning application where, having regard to the provisions of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and DETR Circular 2/99, it appears to them that proposals for mineral extraction or related development will constitute 'EIA development'. Any decision not to require such a statement in a particular case will not preclude the authority, when taking the decision on the overall merits of the application concerned, from judging that the environmental effects of the proposal are sufficient to justify refusing planning permission.

- Figure 6, which presented a flow-chart setting out the EIA procedures as they applied to applications for mineral extraction under the former (1988) Regulations, has been deleted in the 2001 Alterations. The 1999 Regulations do not lend themselves so readily to the preparation of a simple flow-chart, and it is considered more appropriate for developers and others to refer to the full descriptions of the process in the Regulations and in Circular 2/99 rather than to over-simplify that process for inclusion in this Plan.
Environmental Impact Assessment and the Preferred Areas

8.9 The process of identifying the Preferred Areas described earlier in this Plan took account of many of the issues required by EIA. But it does not obviate the need for EIA for these sites in appropriate cases, in order to allow all the issues required by an EIA to be considered in more detail, and to consider how the details of the particular application meet the requirements set out in paragraph 8.5. On the basis of current information and government guidance, the local planning authorities consider that Environmental Statements will be required with applications for extraction from Preferred Areas 1, 2A, 10, 11 and 12, and that they may be required in future applications at Preferred Areas 2 and 7. Current information suggests that the effects of extraction from the other Preferred Areas would not be so significant as to require an Environmental Statement, having regard to the prevailing advice in the 1999 Regulations and Circular 2/99. However, if information which becomes available in future suggests that significant effects would be likely to arise, the local planning authorities reserve the right to require an Environmental Statement at any of the other Preferred Areas.

8.10 Some of the Preferred Areas are very large, and mineral operators may not wish (or be in a position) to put in a single application covering the whole of a particular area. However, an application for part of a Preferred Area may have significant implications for, and impact on, the whole of that area. In such circumstances, the local planning authorities reserve the right to seek an Environmental Statement covering the whole of a Preferred Area even if the application is for only a part of it – even if smaller than the threshold sizes indicated in paragraphs 8.7-8.7B.

ARCHAEOLOGY

8.11 Archaeological remains are a finite and non-renewable resource. Government advice is that appropriate management is essential to ensure that they survive in good condition. In particular, care must be taken to ensure that they are not needlessly or thoughtlessly destroyed.

8.12 Protecting the county’s archaeological heritage is an important objective of the Berkshire Structure Plan. It is widely recognised that the preservation, management and promotion of a representative sample of sites and their settings is essential, because of their intrinsic archaeological and historic value, coupled with their value as an educational resource and landscape and leisure amenity for future generations. It is also considered important that provision is made for the appropriate investigation and recording of archaeological sites which are not judged to be worthy of permanent preservation before their destruction.

8.13 This section on archaeology has been drawn up having regard to two current national guidance documents – the Department of the Environment’s Planning Policy Guidance Note on Archaeology (PPG16), and the Confederation of British Industry’s revised Code of Practice for Mineral Operators on Archaeological Investigations, both published in 1991. Both documents confirm the appropriateness of earlier practice in Berkshire on archaeological matters.

8.14 By its nature, mineral extraction is liable to cause irretrievable damage to many aspects of our environmental heritage. However, in contrast to most other aspects of that heritage where the surviving evidence is visible above the ground surface, the nature of the archaeological resource dictates that our understanding of it is based on only partial evidence. The local planning authorities have therefore set up a procedure to ensure that decisions affecting the archaeological heritage are based on adequate information.

8.15 Details of all known archaeological sites and finds are recorded on the countywide Sites and Monuments Record (SMR), which is constantly updated as new information becomes available. The local planning authorities will expect the Written Statement accompanying the application to indicate the likely impact of the proposal on known archaeological interests, and the steps which will be taken to safeguard those interests.

8.16 The procedure followed by the local planning authorities when considering the archaeological implications of an application for mineral extraction is shown in Figure 7. Two stages of this procedure merit further explanation – evaluation, and other site investigations.
Figure 7 - The archaeological response to planning applications for mineral extraction

**Pre-application Activities** (see para 8.22)

- Application for Mineral Extraction in Preparation
  - Operator Discusses Archaeological Implications with County Council as Part of General Pre-application Discussions Is Archaeological Importance of Site Known?

  **Yes**
  - Evaluation Brief Prepared
  - Brief Agreed
  - Evaluation Carried Out
  - Application Submitted

  **No**
  - Evaluation Required
  - Brief Not Agreed

**Consideration of the Application**

- County Council Assesses Implications
  - Archaeology of No or Very Limited Interest
    - Site Merits Further Investigation Before Extraction
      - Investigation Brief Prepared
      - Brief Costed
      - Brief Agreed
      - Brief Not Agreed
      - Details of Necessary Legal Agreement Agreed
    - All or Part of Site Merits Preservation In Situ
      - Necessary Modifications to Application Discussed
        - Modifications Agreed
        - Modifications Not Agreed

**Recommendation to Committee (assuming no other unresolved objections)**

- Refuse
- Approve Possible Withdrawing Brief Condition
- Approve Subject to Completion of Legal Agreement
- Refuse

**Subsequent Action**

- P.P. Issued
- Legal Agreement Completed
- P.P. Issued
- Extraction

**Key**

- Extraction - Actions by County Council
- Approve - Actions by mineral operator
- Brief Agreed - Joint action
Evaluation

8.17 Although local surveys and other broader exercises designed to improve our knowledge of the archaeology of the county have been carried out in recent years, few areas have been studied in detail. The archaeological importance of potential mineral extraction sites is therefore not always fully known. When faced with a planning application for extraction, therefore, the information immediately available may not be sufficient for the local planning authority to make an informed judgement about the site's archaeological importance. Without this, the authority is unable to assess whether the site is one which should be preserved intact, or whether it is one where investigation and recording are required, or whether a simple 'watching brief' is required during extraction to monitor any archaeological finds which may be made – or indeed whether the site is of any archaeological interest at all.

8.18 In these circumstances, the local planning authority will normally require the mineral operator to carry out a limited archaeological evaluation of the site before the application can be determined. The purpose of such an evaluation is to provide sufficient information about the archaeological interest and likely importance of the site, so that the nature of the archaeological constraints can be identified and an informed judgement can be taken on the appropriate archaeological response to the proposal. Such a procedure is, therefore, merely seeking comparable information to that provided on other aspects of mineral applications, eg transportation, landscape or hydrological implications, to enable informed consideration of the proposal. The local planning authority will not require a full archaeological excavation of the site prior to the determination of a planning application.

8.19 Details of the necessary evaluation works will vary from site to site, but typically a desk-based assessment of the site followed by a 2% site sampling might be appropriate. The brief for the evaluation will be set by or must be agreed with the local planning authority before it is carried out. In this way the authority can advise on the areas of the site to which it appears that particular attention should be paid, and on the most suitable methods of survey. The authorities can also advise on suitable bodies to carry out the evaluation, and will monitor fieldwork to ensure appropriate professional standards are maintained.

8.20 In deciding whether or not such an evaluation is required in any particular case, the local planning authority will have regard (amongst other things) to any information about the site already contained in the Sites and Monuments Record, to experience of archaeological finds at similar sites, and to its judgement as to the likelihood of archaeological sites hitherto unknown or of undefined importance being encountered during the proposed working. It should not be assumed that a request for an evaluation necessarily means that there are no other objections to the application being approved.

Policy 23 In order to allow an informed judgement to be made on the archaeological implications of an application for mineral extraction, the local planning authorities will, in appropriate cases, require the results of an archaeological evaluation of the site to be submitted before the application is determined. The brief for such an evaluation must be agreed with the local planning authority before the evaluation takes place.

8.21 It is stressed that a requirement for an archaeological evaluation will not be an automatic response to each and every application for mineral extraction. If the local planning authority considers that it already has sufficient information on which to make a proper judgement on the archaeological importance of the site, evaluation will not be required.

8.22 Figure 7 indicates that ideally any necessary evaluation should be carried out before submission of an application for mineral extraction. In this way, the results of the evaluation can be taken into account in drawing up other details of the proposed working. It will not in itself be unacceptable to the authority if an applicant chooses to defer evaluation until after submission of the application. But it should be understood that opting for a late evaluation will inevitably delay the processing of the application by the authority, and could require substantial revisions to the application to be carried out in order to accommodate the results of the evaluation. The local planning authorities therefore strongly urge mineral operators and other applicants to carry out necessary evaluations before submitting a planning application.
8.23 The identification of the Preferred Areas has been carried out taking into account our current knowledge or expectations of the archaeological importance of mineral-bearing land in the county. But there remain gaps in our knowledge of the archaeology even of the Preferred Areas. Appendix 3 therefore indicates that evaluation will be required in connection with applications for a number of the Preferred Areas. If these evaluations indicate that parts of the Preferred Areas are of such archaeological importance that they should be preserved intact, then that consideration will prevail over the presumption indicated in Policy 8. In any such cases the local planning authorities will seek to minimise the area sterilised to protect the archaeological resource, and in general will not expect to exclude in this way more than 5-10% of any of the Preferred Areas from extraction – though higher or lower figures may be appropriate in particular cases. Precise details of any areas to be excluded in this way will be discussed with the applicant before planning permission is granted. Exclusion of such an area will not rule out the requirement to carry out other site investigations (see below) on the balance of the site if this is judged to be appropriate.

Other site investigations

8.24 Once sufficient information is available to allow an informed judgement to be taken on the appropriate archaeological response to an application, the next stages in the processing of the application will be as shown in Figure 7. The destruction of sites not meriting permanent preservation may be acceptable, but only if accompanied by adequate investigation and recording. The appropriate scale of this exercise will vary from case to case, and will be determined by the local planning authorities' archaeological advisers. It may involve a lengthy excavation and post-excavation operation, but, in other cases a brief photographic or measured survey may suffice. In the absence of central and local government resources, mineral operators should in formulating proposals make provision for the work necessary to facilitate the replacement of in situ deposits by a documentary record.

8.25 As Figure 7 makes clear, investigations of this type will not be required to take place before the decision is taken on the relevant application. Neither will they be required if existing records or evaluation show the site to be of no archaeological importance. However, in these circumstances the local planning authority may impose a condition on any permission requiring a 'watching brief' to be maintained during the early stages of operations in each phase of the site, in order to record any archaeological evidence which is discovered before it is finally destroyed.

Policy 24 The local planning authorities will seek to ensure that archaeological sites and monuments meriting permanent preservation are left undisturbed and appropriately managed, and that elsewhere provision is made where necessary for an appropriate level of archaeological investigation prior to damage or destruction. Where appropriate the requirement for this provision will be safeguarded by planning conditions. Conditions may be imposed, or planning obligations may be sought, to ensure that no development takes place within the area of archaeological interest until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

8.26 Wherever possible, the local planning authorities will seek to cover archaeological concerns at sites where extraction is judged acceptable by means of planning conditions. The authorities will seek planning obligations (see paragraph 8.29) to cover any concerns which cannot be secured by conditions.

Discoveries during site investigations or mineral extraction

8.27 Important but unexpected archaeological discoveries may on occasion be made during site investigations or subsequent mineral extraction – though proper evaluation prior to the grant of planning permission should minimise the chances of this happening. If these discoveries are such as to merit their preservation intact, the local planning authority will seek agreement with the mineral operator to secure this. But it is recognised that by this stage the operator will have a valid planning
permission, and revocation (in whole or in part) of that permission could prove prohibitively expensive. In these circumstances, the authority will look to the operators to adopt a responsible attitude in co-operating over the preservation (if possible) of the site, or over the suspension of extraction operations for a sufficient period to allow the detailed recording of the site prior to its destruction. Provisions to cover such 'windfall' discoveries may be included in the planning obligation referred to in Policy 24.

**CONDITIONS AND PLANNING OBLIGATIONS**

8.28 In order to ensure that necessary mineral extraction has the minimum adverse environmental effects, and to help achieve the longer-term benefits which can follow extraction, the local planning authorities will impose suitable conditions on all permissions for extraction. Among other things, these conditions will be designed to ensure that the operator complies with all the details of the approved plans during extraction; that day-to-day operations at the site are carried out with respect for the local environment and for the interests of nearby residents; and (as explained in Chapter 7) that restoration in accordance with those plans follows closely after extraction. As also explained in Chapter 7, the authorities will also impose after-care conditions to secure the appropriate management of the site for five years after restoration has been completed.

8.29 Not all the concerns raised by planning applications can always be covered by planning conditions. Planning obligations in the form of legally-binding agreements can be used to supplement the controls imposed by planning conditions - for example:

* to control related activities away from the site (such as, in appropriate cases, linking the phasing of two extraction operations by the same operator at different pits);

* to secure financial contributions from mineral operators towards necessary off-site works (such as the improvement of road junctions which will be used by gravel traffic, or carrying out works away from the site to overcome objections in relation to flooding or land drainage issues);

* to secure direct implementation by mineral operators of schemes for off-site environmental conservation and enhancement (including recreational opportunities), or to secure contributions towards the implementation of such schemes;

* to secure extended monitoring, maintenance or management of the site at the end of the five-year after-care period.

8.30 Such agreements cannot be insisted upon by the local planning authorities; they must be entered into voluntarily by the mineral operator, or offered unilaterally by him. However, in cases where extraction would only be acceptable in planning terms if the matters covered by these legal agreements are secured, the authorities will normally refuse the application if the operator is unwilling to enter into the agreement. For this reason, it will be necessary for relevant legal agreements to have been signed before planning permission for the extraction is formally granted.

**THE NEED FOR EARLY CONSULTATION**

8.31 Operators are strongly urged to discuss their proposals with officers or advisers of the local planning authority well in advance of submission of their planning application. In this way it will be possible to cover many of the concerns expressed in this and earlier chapters, and in Appendix 3 of this Plan, by

* establishing more precisely the issues which should be treated in the application documents, as well as highlighting the matters which are likely to be of greatest concern to the authority in deciding the application and those to which the applicants should pay the closest attention in preparing their formal application;

* establishing the scope, timing and details of any desirable landscaping or planting of the site prior to its extraction, to help reduce the impact of the proposed operations;
establishing whether there is a need for submission of a formal Environmental Statement with the application, and what its scope should be;

* establishing the extent of current knowledge of the archaeological importance of the site;

* establishing whether there is a need for an archaeological evaluation of the site to be carried out before the application can be determined, and the details of any such evaluation;

* establishing what would be an acceptable after-use for the site, so that plans for extraction, restoration and long-term maintenance can be drawn up accordingly;

* establishing the need for off-site environmental conservation and enhancement (including recreational opportunities), and how such schemes could be best achieved;

* establishing whether there is a need for studies, in advance of submission of a planning application, to establish the existing surface water and groundwater profile. (In some cases, this may require monitoring for up to two years before an application is submitted); and

* establishing whether there is a need for consultation with other agencies (such as English Nature or English Heritage, and service and transport agencies) over particular aspects of the proposed development. (Early direct consultation with relevant specialist bodies is also encouraged in the preparation of all planning applications for minerals development.)

8.32 The drilling of boreholes or the making of other excavations in order to test the quality of a mineral deposit – which are normally ‘permitted development’ under the General Permitted Development Order – may require planning permission if they

* are within 50 metres of an occupied house, hospital or school;

* are within the Area of Outstanding Natural Beauty;

* are within a Site of Special Scientific Interest; or

* are within a site of archaeological importance.

Operators are again strongly urged to consult the local planning authority at a very early stage in the consideration of a possible extraction site. This will enable a potential operator to identify if any of these constraints affects the area in which he is interested, and to tailor his site exploration programme accordingly. Consultation may also be needed with the Environment Agency prior to the drilling of boreholes, to meet that Agency’s statutory requirements.
IMPORTING AGGREGATES BY RAIL

Introduction

9.1 Government guidance indicates that a substantial and increasing proportion of aggregates demands in South East England is expected to be met by the 'importing' of aggregates to the region from marine, rail-borne and sea-borne sources.

9.2 As discussed below, at present such imports consist almost exclusively of primary material such as limestone. However, looking to the future, there is potential for increased use of a range of secondary and recycled materials in substitution for primary aggregates. Such materials include colliery spoil, china clay waste, power-station ashes, and blastfurnace and steel slag produced in other parts of the country, as well as demolition and construction industry wastes and asphalt road planings which are produced locally as well as elsewhere.

9.3 Chapter 3 has explained that Berkshire's recent aggregates consumption has been up to 50% higher than the county's sand and gravel production. Because of its inland position, Berkshire cannot receive direct imports of marine-dredged or sea-borne aggregates.

9.4 Rail therefore provides the principal means of importing 'non-local' aggregates to Berkshire. These imports may come directly from the quarry, colliery, china clay working, power station or steelworks; or indirectly from ports where marine-dredged and (more likely) sea-borne aggregates can be offloaded on to trains. Once they reach this county, these aggregates have to be taken from the trains and reloaded into lorries to be taken to the place where they are needed. This activity takes place at rail aggregates depots.

9.5 Policy 5 of this Plan provides for the import of aggregates to Berkshire by rail to continue. This chapter considers the implications of that policy.

Rail aggregates imports to Berkshire - the current position

9.6 There are currently two major rail aggregates depots operating in Berkshire, located on adjacent sites at Thale (see Survey Map). The aggregates brought into this depot consist chiefly of crushed limestone won from quarries in the Mendips (Somerset). Early in 1992, planning permission was granted on appeal for the establishment of a small rail-served stone-coating depot on land at Padworth, partly overlapping the site of a larger depot permitted in the 1970s but never constructed. Planning permission also exists for the construction of a major aggregates-importing depot, with associated concrete-batching and stone-coating plants, on a site at Colnbrook north of the A4 and east of the Staines branch railway line.

9.7 At present, the limestone brought into Berkshire is used principally as roadstone or as fill. Very little of the crushed rock imported to the region by rail is used for concrete-making, chiefly because it is cheaper to use locally-won sand and gravel for this purpose. But it can be suitable for use in concreting (the same material is used for making concrete in other regions), so it is possible that its use for this purpose in the South East in general, and in Berkshire in particular, will increase in time.

9.8 The depot at Thale operated by Foster Yeoman Ltd has in the past handled over 1 million tonnes of crushed rock a year (though recent figures have been below this level), and that operated by Hanson Aggregates (formerly ARC) has received planning permission for improvements which would increase its maximum throughput to about 650,000 tonnes a year. Between them, therefore, these depots could handle each year an amount of aggregate equivalent to over two-thirds of the level of provision made in this Plan for sand and gravel extraction from Berkshire, or an amount which exceeds recent levels of actual production from the county's sand and gravel pits.

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1 On the planning history of the latter site, see also the section 'Planning history' on page 149. The development permitted on appeal in 1992 had not been undertaken at the time of the 2001 Alterations to this Plan, and it is likely that the permission has now expired.
However, by no means all of the aggregates imported to these depots are used in Berkshire. Rail depots of this scale are essentially suppliers to the regional market rather than just the local one. In recent years, about half of the aggregates imported by rail to the depots at Theale were 're-exported' to counties outside Berkshire, including London.

Complementing these 're-exports', Berkshire also uses aggregates brought into the county by road via rail depots in other nearby counties and in West London. A balance sheet of Berkshire's consumption of hard rock in the later 1980s is shown in Table 4. Figures for more recent years are not available, but they would inevitably reflect the general decline in levels of aggregates use since 1989.

<table>
<thead>
<tr>
<th>TABLE 4 AVERAGE ANNUAL BALANCE SHEET FOR HARD ROCK, 1985-1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct imports by rail to depots in Berkshire</td>
</tr>
<tr>
<td>1,300,000</td>
</tr>
<tr>
<td>Less Material brought to rail depots in Berkshire but used outside the county</td>
</tr>
<tr>
<td>630,000</td>
</tr>
<tr>
<td>Hence, total imported to and used in Berkshire</td>
</tr>
<tr>
<td>670,000</td>
</tr>
<tr>
<td>Plus Material brought into Berkshire by road from rail depots in other SE counties</td>
</tr>
<tr>
<td>160,000</td>
</tr>
<tr>
<td>Hence, total consumption of rail-borne rock in Berkshire</td>
</tr>
<tr>
<td>830,000</td>
</tr>
<tr>
<td>Plus Rock produced in Berkshire</td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td>Plus Rock imported by road direct from quarries outside Berkshire</td>
</tr>
<tr>
<td>200,000</td>
</tr>
<tr>
<td>TOTAL CONSUMPTION OF ROCK IN BERKSHIRE</td>
</tr>
<tr>
<td>1,030,000</td>
</tr>
</tbody>
</table>

All figures are in tonnes. These figures are rounded averages of the actual figures for 1985, 1987 and 1989, save for the figure for road imports, which is the approximate 1985 figure (1987 and 1989 figures are not available).

- Paragraph 9.11 has been deleted under the 2001 Alterations. Its content is either duplicated elsewhere in Chapter 9, or else was rendered out-of-date by the addition of Colnbrook and Payle to Berkshire in 1995.

The importance of rail depots

9.12 Bringing aggregates to Berkshire by rail has already relieved some of the pressure for mineral extraction in the county. As an illustration, in the peak production years of the late 1980s, when aggregates production nationally was at high levels comparable to those recorded in an earlier 'boom' between 1964 and 1973, aggregates production in Berkshire was substantially lower than the county's production in that earlier period (Berkshire's average annual production 1964-1973 was about 3.8mt/year, with a peak of 5.3mt in 1971; whereas in the late 1980s production averaged only about 2.5mt/year). Without the Theale depots, it is likely that pressure for much higher levels of local production would have been experienced in the late 1980s. The importance of rail depots in helping to meet the county's needs for aggregates is likely to be maintained and probably to increase further in the future, as national and regional policies for reducing levels of local mineral extraction, and moves to increase the use of secondary and recycled aggregates, begin to take effect.

9.13 On a wider front, the rail depots of Berkshire and of other counties in the South East make a significant contribution to the aggregates needs of other counties, reducing in turn the pressures for mineral extraction in the region. Indeed, the greatest value of rail aggregates depots is their regional role in supplying areas - such as London - which have only very limited remaining resources of sand
and gravel, and in helping towards the aim of husbanding the region's aggregates resources generally. This role too may be expected to increase in importance as the impacts of reducing levels of local extraction of primary aggregates, and moves to increase the use of secondary and recycled aggregates, are felt throughout the region.

Future depot requirements in Berkshire

9.14 Berkshire is in principle well located to receive further supplies of aggregates by rail from (especially) South West England, both to meet its own needs and to meet some of the needs of other parts of the region. However, attempting to assess the scale of depot requirements in the county for the period covered by this Plan is fraught with difficulties. These result above all from the many uncertainties which affect such an assessment — for example, uncertainties relating to

* precise levels of aggregates demand in individual counties or other parts of the region;
* the proportion of this demand which might be met from 'non-imported' sources, ie locally-produced primary and secondary aggregates;
* the levels of aggregates which might be imported to the county by road direct from quarries or wharves in other counties;
* the extent of spare capacity in existing depots in Berkshire, and the likelihood (having regard to both operational and environmental considerations) of that spare capacity being utilised;
* the amount of material which might be available to the county and region through depots outside Berkshire, and whether (having regard to the expected increase in imports of sea-borne aggregates to the region — see paragraph 3.24) more of the material currently re-exported from Berkshire's depots will become available to Berkshire in future;
* the continuing availability to the region of rock supplies from the South West, where there is strong local opposition to continued quarrying to supply the South East.

9.15 Because of these many uncertainties, the local planning authorities do not consider it to be practicable or realistic to specify a figure for the additional depot capacity which might be required in Berkshire during the period covered by this Local Plan.

9.16 However, in planning for the importing of aggregates it is necessary to take a longer-term view. It is the firm intention of the local planning authorities that the level of local production of sand and gravel should continue to decline over time, but it cannot be guaranteed that the level of aggregates demand in the county or region will fall, or fall at the same rate. It is therefore prudent to assume that there will be an increased requirement for importing capacity in the county as time goes on — for the importing both of primary and of secondary and recycled aggregates, as noted in paragraph 9.2.

Problems of increasing depot capacity

9.17 The local planning authorities recognise the importance of importing aggregates as a means of reducing pressure for local mineral extraction, and recognise too the implications of the regional aggregates supply policy. The authorities therefore support the principle of the increased use of rail for importing aggregates (while acknowledging that decisions about the acceptability of additional quarrying in the source areas are the responsibility of the mineral planning authorities in those areas, having regard to government guidance and all other relevant considerations). But this support must be qualified because of the environmental impacts which rail aggregates depots can have. A depot handling 500,000 tonnes each year can generate over 200 lorry movements a day, and this volume of traffic often cannot be readily accommodated on local roads. The handling of aggregates at the depot can also create problems of noise, dust and vibration, while the necessary structures and stockpiles can be unsightly.

9.18 These problems can be compounded by the wish of operators to locate additional plant at the depot site — perhaps plant for making concrete or concrete blocks, or for coating the imported rock with
Chapter 10 considers in more detail the acceptability of these activities at rail depot sites.

9.19 As a way of reducing environmental effects on rural roads and areas, there may in principle be some merit in establishing smaller depots nearer to the main points of consumption, to complement the existence of larger depots elsewhere. Ideally, smaller depots would be in existing industrial areas. Their establishment would help to reduce the lengths of lorry journeys to and from the depots, and thus in principle reduce road damage, accident risk, and environmental impacts. But depots in these locations can create problems of their own, for example by generating more lorry movements through built-up areas than would be the case with larger depots which are better located in relation to the primary road network.

9.20 In short, rail depots can create permanent and more concentrated environmental disturbance than temporary (though sometimes long-term) mineral working. Thus allowing the establishment of new rail depots is not necessarily a problem-free alternative to allowing the continued or increased extraction of sand and gravel.

9.21 An alternative to the construction of new depots would be to allow the capacity of the existing depots to increase. Both existing depots at Theale operate under limitations on their hours of working which, if eased, would potentially allow their capacities to increase. Proposals to relax these conditions in the past have run into environmental problems, chiefly relating to the effects of extended hours of operation on nearby residents. However, bearing in mind the likely future need to increase depot capacity in the county and the difficulty of finding well-located sites (especially sites well located in relation to the road network), it may be appropriate in future to assess these environmental issues in the context of the wider benefits which an increase in capacity at Theale would bring to the county and region as a whole.

Future policies

9.22 There will be an increasing need for aggregates to be imported to serve the markets in the parts of the region closest to the capital. Policies for future development at existing depots and for the establishment of new ones must therefore take account of regional concerns as well as of more local requirements and issues. Nevertheless, the recognition of these factors must take due account of environmental considerations.

9.23 Proposals for the establishment of new depots or the expansion of existing ones will therefore be decided on the balance of the issues of need and environmental impact. Permission will only be granted if the local planning authority is satisfied that an acceptable balance has been struck between the need for the depot or new facilities and any environmental objections to the proposal. The authorities consider that the establishment of such facilities may cause harm to important environmental interests in many – perhaps most – instances, and that in such cases the issue of need will be a material consideration in the determination of the proposal.

9.24 In considering the issue of need, the local planning authorities accept that the provision of additional importing capacity is in principle beneficial to the county and region. However, case by case the authorities will require to be satisfied that the development proposed would lead to an increase in the total amount of aggregates imported to the region. Depots which seek merely to provide an alternative unloading point for aggregates which are already brought into depots in the region will not normally be acceptable, unless they involve clear environmental improvements. The local planning authorities will also have regard to whether the increase proposed could be acceptably accommodated at existing or permitted depots.

9.25 Assessment of the environmental considerations of proposals for new rail depots will have regard to the issues listed in Policy 7.

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3 These words were first written into this Plan before the grant of permission on appeal in 1993 for some increase in the scale and hours of operation at Foster Yeoman’s depot at Theale. Any future proposals at the Theale site will continue to be assessed having regard to the principle set out in the last sentence of paragraph 9.21, as well as of all other relevant planning considerations. However, the local planning authority will not interpret this sentence as encouraging the continuing and gradual relaxation of the limitations applying at the Theale depots, regardless of all other local environmental concerns.
9.26 Because an increase in the level of aggregates imports may be needed at least in part to help satisfy London's aggregates requirements, some pressure for new rail depots is likely to be felt in the areas closest to the capital. In Berkshire, these areas (outside the main settlements) are in the approved Green Belt. In such areas the normal presumption against development in the Green Belt will apply to proposals for rail depots unless the applicant is able to demonstrate that very special circumstances exist sufficient to justify setting that presumption aside. An overriding need for the additional capacity to be provided in the form proposed may be such a 'very special circumstance'; but it will be for the applicant to demonstrate both that such a need exists, and that it can be met in no other way than through the construction of a new or extended depot.

Policy 25 The local planning authorities will support the development of new rail terminals for importing primary and/or secondary aggregates from outside the county, and the improvement of facilities for this purpose at existing depots, but will consider all relevant planning applications against the considerations set out in Policy 7 and, where appropriate, the need for the depot.

Identifying and safeguarding possible depot sites

9.27 This Plan does not include proposals for particular sites to be used as rail depots. This is partly because of the doubts about the extent of any new capacity which will be needed over the period of the Plan (see paragraphs 9.14-9.15), and partly because of a lack of any firm basis for 'committing' individual sites for this purpose.

9.28 However, it is also important to plan for the longer term. Because sites which might be suitable for rail depots are a scarce resource, the local planning authorities consider it appropriate to seek to safeguard from other forms of development sites which appear suitable in operational terms for the establishment of new rail aggregates depots. The former County Council therefore carried out an assessment of potential sites, having regard in particular to the following operational criteria:

- depots have to be located to match the operational requirements of Railtrack's track and signalling system;
- they normally require sidings of significant length to allow for the manoeuvring and handling of trains (but see also paragraph 9.32 below);
- they must be located on routes with capacity to accommodate aggregates trains; and
- they require a good access to the primary road network, or to other suitable roads.

9.29 In the light of this study, the County Council concluded that three sites - at Padworth, Pingewood and Slough - should be safeguarded for possible depot use. The Council also supported the continuing safeguarding of a site at Poyle which was identified in the Surrey Minerals Local Plan (1993) and which transferred into Berkshire in 1995, and the safeguarding of the site at Colnbrook referred to in paragraph 9.6, pending construction of the depot. These sites are shown on the Proposals Map, and described in more detail in Appendix 7. This Appendix also sets out the concerns which must be addressed in any planning application for a depot at any of these sites.

9.30 The act of safeguarding these sites implies no presumption in favour of their use as rail depots, because the sites have not been assessed to see whether there would be overriding environmental objections to the establishment of a depot, or whether the other requirements of Policy 25 and Appendix 7 are satisfied. These are matters which can only be resolved on an application-by-application basis.

9.31 Similar safeguarding provisions will also be applied in respect of any site where planning permission is granted for the establishment of a new depot, pending the establishment of the depot itself.

9.32 The local planning authorities cannot rule out the possibility of other sites coming forward for the establishment of rail depots in the future. Just as there will be no presumption in favour of the establishment of rail depots at the sites named in Policy 26 below, neither will there be an automatic presumption against the development of a new depot at other sites merely because the site is not...
named in the policy. It is also possible that more lower-capacity depots could be established, for example if use were to be made of self-discharging trains, which require a shorter length of siding. All applications will be judged on their merits in the light of Policy 25.

Policy 26  
The local planning authorities will seek to safeguard

(i) sites at Padworth, Pingewood, Slough, Poyle and Colnbrook as indicated on the Proposals Map and in Appendix 7, and

(ii) any sites where planning permission is given for the establishment of new rail aggregates depots,

from development which would prejudice their use as rail aggregates depots.

The safeguarding of the sites at Padworth, Pingewood, Slough and Poyle will not imply any presumption in favour of their use as rail depots. Any planning applications for the establishment of depots at these sites will be judged strictly in terms of Policy 25.

OTHER ISSUES RELATING TO RAIL AGGREGATES DEPOTS

The content of planning applications

9.33  
The local planning authorities will expect applications for new rail aggregates depots, or for changes to existing arrangements at established depots, to be accompanied by full supporting information. Under new Regulations introduced in 1999, applications for new depots will have to be subject to Environmental Impact Assessment (see paragraphs 8.5-8.6) if they are in a sensitive area such as the AONB or if the site area exceeds 0.5 hectares, and if it is considered that the development is likely to have significant effects on the environment. Supporting guidance in Circular 2/99 states that "in addition to the physical scale of the development, particular impacts for consideration are increased traffic, noise, emissions to air and water. Developments of more than 5 hectares are more likely to require EIA.

9.33A  
Whether or not any particular proposal requires EIA, the local planning authorities will expect rail depot applications to include a description of the likely effects on the environment of the proposed development, and of the measures envisaged in order to avoid, reduce or remedy any adverse environmental effects. Examples of some of the more detailed issues which should be addressed, as appropriate, in individual applications are given in the section headed 'General comment' on page 150. Applications should also include a clear statement of the way in which the proposal relates to the concerns on need set out in paragraph 9.24. Details will also be required of expected levels of activity at the depot (including the expected number of train movements involved), of expected levels of road traffic generation from the site, and of intended rail routes to the main road network. Proposals for the sites named in Policy 26 must also address the specific concerns regarding those sites which are contained in Appendix 7.

Policy 27  
Every application for the establishment of a new rail aggregates depot, or for additional or altered facilities or working arrangements at existing depots, must be accompanied by full details sufficient to enable the local planning authority to assess the application. In appropriate cases, these details should include a statement of the likely environmental effects of the development and of the traffic to be generated by it, along with details of the measures proposed to avoid, reduce or remedy those effects. Where required by the provisions of the Environmental Impact Assessment Regulations 1999 and DETR Circular 2/99, these details should be supplied in the form of a formal Environmental Statement. In the case of the sites listed in Policy 26(i), applications must also address the issues relating to the site as detailed in Appendix 7.
9.34 The provisions of this Plan relating to conditions and planning obligations (paragraphs 8.28-8.30) and to early consultation (paragraph 8.31) apply with equal force to proposals for rail depots as to those for mineral extraction.

Temporary depots

9.35 The local planning authorities may be prepared to allow the establishment of temporary rail depots for importing aggregates for use in association with specific development or civil engineering projects. Any applications for such depots will be considered on their merits in the light of Policy 25, with additional weight given if appropriate to the desirability of importing materials by rail for the project in question. Appropriate provision must be made in any application for the satisfactory reinstatement of the site once the depot facilities are no longer required.
10 PLANT AND BUILDINGS

Introduction

10.1 The operation of a mineral site may require the erection of various associated structures or buildings. For example, sand and gravel dug from the ground generally requires washing, grading and sorting before it can be put to use. These tasks are carried out by mineral processing plant. Separate plant, known as manufacturing plant, is needed if the sand and gravel is to be used to make a product such as concrete or asphalt. Gravel pits and other mineral sites may also need such ancillary structures as site offices, weighbridges, conveyor belts, or vehicle maintenance buildings.

10.2 Certain buildings and structures can be erected at a mineral site without separate planning permission, because a general permission is granted for them under the General Permitted Development Order. The policies of this chapter will apply in respect of developments which are not covered by this general permission. They will also be applied in cases where, in order to protect local amenity, the local planning authorities consider it appropriate to remove these 'permitted development' rights at particular sites.

General policy

10.3 To minimise environmental and traffic impacts, there are advantages in locating processing and manufacturing plant at the pits where their raw materials are produced. But these are essentially industrial activities, which can be tolerated in locations outside settlements only because, and for so long as, they are related directly to the mineral extraction operation taking place at the same site.

10.4 Similarly, there can be advantages in siting these activities at rail aggregates depots. But for the same reasons, they would only be acceptable in such locations for as long as the depot remains in operation.

10.5 Policy 28 sets out the issues which will be taken into account in deciding applications for the erection of plant or other structures at extraction sites or rail depots.

Policy 28 The local planning authorities will normally permit the erection at mineral extraction sites or rail aggregates depots of mineral processing or manufacturing plant, or of structures ancillary to a minerals use, so long as:

1 in the case of processing plant, the plant is required to process material extracted from the pit at which it is located, or brought into the depot by rail; and

2 in the case of manufacturing plant,

(i) the substantially greater part of the minerals used in the manufacturing process are extracted from the pit concerned, or brought into the depot by rail, and

(ii) the manufacturing activities at all times remain ancillary to the primary use of the site as a mineral extraction site or an aggregates importing depot, as the case may be; and

3 in the case of ancillary development, the development is required and used solely in connection with the administration or servicing of the pit concerned; and

4 in all cases, the processing, manufacturing or ancillary activities (as the case may be) could not be more satisfactorily carried out at an existing or permitted plant, or in an existing or permitted structure; and

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in all cases, the plant or other development is removed and the site satisfactorily restored as soon as continuous production of minerals from the site ceases, or when the use of the site as a depot for the import of aggregates by rail ceases; and

in all cases, the plant or other development can be and is sited, designed, constructed and landscaped so as to minimise adverse impact on the amenities of the area and to give rise to no overriding environmental objections; and

in all cases, the traffic generated by the plant or other development would not give rise to overriding environmental or other objections; and

in all cases, the size, type, nature and construction of the plant or other development are appropriate to the nature and scale of the permitted mineral extraction or aggregates importing operation for which it is required or with which it is associated; and

in the case of sites located in the Green Belt,

(i) the development is genuinely required in association with a mineral extraction or importing activity which is itself acceptable in terms of Green Belt policy;

(ii) there are no alternative locations for the proposed development on land nearby which is not situated in the Green Belt;

(iii) all buildings and structures are located and designed to minimise their impact upon the openness of the Green Belt.

It is important to note that such developments will only be acceptable if there are no overriding environmental or traffic objections, and if there are no existing or permitted locations where the activities could be carried out more satisfactorily in environmental or traffic terms. Moreover, the plant or structures must be appropriate to the nature and scale of the operation proposed. Thus for example the policy will not be interpreted as indicating the acceptability of processing plant at a pit producing material of a type normally sold 'as raised', nor of manufacturing plant where the primary raw material is imported from elsewhere even though the greater part of the minerals used may be won from the site.

Because different types of plant have different environmental impacts, it will not follow that just because one type of plant is accepted at a particular site, then other plants are automatically acceptable. Each proposal, or each component of a combined proposal, will be considered on its individual merits in terms of the relevant issues from Policy 28.

Plant and buildings at mineral sites are also acceptable only on the condition that they are removed when extraction from the site has ceased. Mineral extraction is only a temporary use of land. It would be contrary to wider objectives (eg for the protection of the countryside, and for the prompt restoration of all mineral workings) to allow activities and structures whose only justification was their relationship to a mineral working to remain in place or in operation when that mineral working has ceased.

In interpreting the term "continuous production" from point 5 of Policy 28, the local planning authorities will disregard periods when the pit is briefly inactive for operational reasons, or is inactive simply because of a temporary fall-off in demand. But the authorities will consider that the requirement to remove plant and buildings should come into effect if, for example, extraction has ceased because the pit is substantially worked out, and there seems no realistic prospect of any limited remaining reserves being worked in the foreseeable future (eg because they are sterilised by some other development on the site).
In considering applications for the erection of plant, the local planning authorities will have regard to the relationship between the size of the proposed plant and the size of the reserves to which that plant is related. Applications will be unlikely to be favoured if it appears that, in order to justify the cost or size of the proposed plant, the operator will be looking to extend his operations in due course on to land where extraction would be unlikely to be permitted, or to import material to it now or some time in the future (see Policy 29 below). At smaller sites, the use of temporary low-level plant will normally be preferred to the erection of ‘permanent’ plant which may need a lifetime of up to 15 years to pay for itself.

In some cases, it is preferable for material to be taken from the working face of the pit to the processing plant or stockpile by means of a conveyor, rather than by using lorries on public roads. In accordance with Policy 7, the local planning authorities will take into account the adverse environmental impacts of proposed conveyor routes when applications for mineral extraction are being decided. In general, routes which involve the conveyor crossing roads, footpaths, bridleways, rivers, or canals above ground level will not be favoured.

### Importing aggregates to plant sites

To avoid intensifying or prolonging activities at a mineral extraction site beyond what is strictly necessary to treat the minerals won from that site, the local planning authorities will normally resist proposals to process or otherwise treat at one site aggregates which have been won at another. The principle in Policy 29 will apply equally to proposals to import aggregates to a plant on an active gravel pit, and to proposals to import to a plant which has been worked out or where extraction has ceased.

**Policy 29**

The import to a processing or manufacturing plant of material won elsewhere, and used for the same purpose as the minerals extracted from the pit at which the plant is located, will normally be refused.

The principle in Policy 29 will not normally apply to the use of an existing plant to process materials won from an extension to the original pit, so long as no overriding environmental objections derive either from the presence of the plant on its present site, or from the transporting of minerals to it from the extension. The presumption may also be set aside in particular cases where there are clear environmental advantages in doing so, with no associated environmental disadvantages such as the continued retention of an unacceptably-located plant.

### Notwithstanding Policy 29.

Notwithstanding Policy 29, there are a number of sites in the county where mineral extraction no longer takes place but which are used to process minerals won at other sites. At such sites, and at any new ‘remote’ plant sites which may be permitted in the future as exceptions to Policy 29, the content of Policy 28 will apply to proposals for additional plant or structures, subject to the following variations:

- the terms "the pit at which it is located" in proviso 1, and "the pit concerned" in provisos 2 and 3, will be interpreted as including other permitted mineral workings which may lawfully send their extracted material to the site concerned for processing;
- the term "a mineral extraction site" in proviso 2 will be interpreted as "a site for mineral processing";
- the term "continuous production of minerals from the site" in proviso 5 will be interpreted as referring to the continuous supply of mineral to the site for processing.

### Developments not covered by the policies of this chapter

The provisions of Policy 28 will not apply to proposals for plant or buildings for use for the manufacture of end-products such as bricks and tiles, or any structures of permanent construction. Proposals for such developments will be judged on their merits in terms of their environmental and traffic impact and of all other relevant considerations (including other planning policies, e.g. for the...
protection of Green Belts or Areas of Outstanding Natural Beauty). This judgement will take into account also the possible impacts which would result from having to transport the mineral elsewhere for manufacturing, and the possible long-term consequences of erecting a building at a mineral site whose lifetime is expected to be longer than that of the pit itself.

10.15 Subject to the previous paragraph, the policies of this chapter will be applied to all proposals for new plant or buildings, or to proposals for the renewals of temporary permissions of established plant or buildings. But some established plant and buildings have permanent planning permissions, and there are therefore only very limited opportunities for the local planning authorities to apply the aims or policies of this chapter to them. The authorities will take every reasonable opportunity to do so. This might involve for example the completion of legal agreements to secure the removal of an intrusive permanent plant at one site in return for a grant of temporary permission for a replacement plant elsewhere.

Plant and buildings away from extraction sites and rail depots

10.16 In some circumstances – for example, when there are no active gravel workings within a suitable journey-time of the point of demand – proposals may be made for the erection of permanent manufacturing plant (e.g. concrete-batching plants) on sites away from mineral sites or rail depots. In deciding these proposals, the local planning authorities will take into account (among other things) environmental and traffic impacts. The authorities support the principle of the establishment of permanent plant on suitable sites, so long as the need for the additional manufacturing capacity is demonstrated. But in terms of strategic policy, "suitable sites" will normally mean sites in established industrial areas. The permanent establishment of these activities on sites outside built-up areas will not therefore normally be supported.
IMPLEMENTATION, MONITORING AND REVIEW

Implementation

11.1 The policies of this Plan will be implemented principally through the normal development control process. The local planning authorities will be guided by them when making decisions on planning applications for mineral extraction or related development, and in deciding on the conditions which should be attached to any permissions.

Monitoring

11.2 The monitoring and review of regional aggregates policy is, in the first instance, the responsibility of the South East Regional Aggregates Working Party (SERAWP), and the preparation of revised national guidelines on aggregates provision is the responsibility of central government. The local planning authorities will continue to work with SERAWP on all matters relevant to regional minerals planning.

11.3 The Berkshire Unitary Authorities will liaise with each other and with local planning authorities outside Berkshire over matters of common concern relating to minerals planning. In particular, the Berkshire authorities individually and collectively will endeavour to ensure that the policies of other local plans (including their own District- or Borough-wide Local Plans) would not conflict with or prejudice the implementation of the policies of this Plan, nor lead to the unacceptable sterilisation of mineral resources.

11.4 The local planning authorities are committed to regular monitoring of operations at mineral extraction sites and sites of related activities in Berkshire, to ensure that planning conditions and the terms of legal agreements are being complied with. The authorities will take appropriate action (including enforcement action if necessary) to remedy breaches of planning control. Regular meetings will be held with major mineral operators in the county to review progress and any problems at individual sites.

11.5 Annual reports will be prepared on the operation of this Plan. These will consider above all the continuing effectiveness and appropriateness of the Plan's policies regarding levels of production and the size of the county's landbank, along with the implications of the grant of any 'windfall' permissions.

Review

11.6 The Replacement Minerals Local Plan as altered in 2001 provides policies covering the period to the end of 2006, and aims to make provision for a seven year landbank of sand and gravel permissions at that date. Following the completion of the current review of national guidance, consideration will be given to the need for a full review of the Plan (see paragraph 2.19A). In any event, national guidance requires that the Plan be reviewed in five years. In accordance with statutory requirements, there will be full public involvement in future reviews of this Plan.