

MEMORANDUM

To: **Niko Grigoropoulos** Our Ref: **Intcon-20-01238**

From: **Alistair Buckley** Your Ref: **20/001238/OUTMAJ**

Extn: **2405** Date: **26th June 2020**

Reference: **20/01238/OUTMAJ**

Site: **Sandleford Park, Newtown Road, Newtown, Newbury and Sandleford Park West,
Newtown Road, Newtown, Newbury**

Proposal

Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works. Matters to be considered: Access.

Mineral Resource and Policy Position

The adopted Sandleford Park Supplementary Planning confirms, at paragraph 30, that: "The Sandleford Park site is an area known to contain sand and gravel deposits. The Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) identifies the fact that mineral resources, such as those at the Sandleford Park site, are a valuable, but finite, resource and as such the Replacement Minerals Local Plan for Berkshire (RMLP) includes saved policies 1, 2 and 2a that relate to mineral safeguarding and therefore are relevant to the Sandleford Park development."

Saved policy 1 of the RMLP states that:

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

Saved policy 2 of the RMLP states that:

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.

Saved policy 2A of the RMLP states that:

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.

The Council considers that these policies are clearly aligned to the National Planning Policy Framework (NPPF) Paragraph 143, which requires the identification of local mineral resources that are of importance and the adoption of policies in order that known locations of specific mineral resources of local and national importance are not needlessly sterilised by non mineral development.

The British Geological Survey identifies that the application sites are underlain in part by sand and gravel deposits, and therefore the safeguarding of this resource should be considered in line with the relevant local and national mineral safeguarding policy.

Application History

Previous applications for the site have been submitted in 2015, 2016 and 2018, as applications 15/02330/OUTMAJ, 16/03309/OUTMAJ, 18/00764/OUTMAJ and 18/00828/OUTMAJ. During the course of considering these applications, three reports were submitted to support the consideration of mineral safeguarding at the site:

- Sandleford Park – Minerals Safeguarding: Stage 1 – Desk Study and Site Walkover (January 2013)
- Sandleford Park – Minerals Safeguarding: Site Investigation and Minerals Evaluation (Dec 2014)
- Mineral Resource And Reserve Appraisal (March 2016)

These documents have not been submitted with the current application, however they remain relevant to the consideration of mineral safeguarding at the site. The documents cover both Sandleford east and west areas (including New Warren Farm), however, the mineral resource was

not assessed in the New Warren Farm site that was included in the 18/00828/OUTMAJ application – apparently due to the presence of constraints including a local wildlife site “Once suitable margins are put in place to mitigate impacts on amenity, the landscape and the woodland, this area is unlikely to be suitable for mineral extraction.”

Initially an objection was raised that the submitted information did not fully show that the criteria in Policy 2 of the RMLP could be satisfied, and that extraction of the resource prior to development had not been fully considered (although incidental extraction had been proposed). However, following meetings with the applicant and receipt of a letter dated 13 October 2016 the objection was ultimately lifted and a condition was recommended to be placed on the permission, should it be granted:

No excavations associated with the erection of the buildings hereby approved within each development phase, as identified in the phasing condition xx shall take place until a statement of mineral exploration and associated development management plan for the phase of development has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. The methods to be used for investigating the extent and viability of the construction aggregate mineral resource beneath the areas of the application site proposed for built development.*
- ii. Details of the necessary operations to be carried out to ensure that incidental extraction of construction aggregates that can be viably recovered during construction operations are extracted and put to beneficial use, such use to be agreed in writing with the Local Planning Authority.*
- iii. Details of the timing of the investigative and extraction works, together with the timing of any further detailed submissions required during the construction operations.*
- iv. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.*

The approved scheme shall be implemented in full and complied with throughout the duration of the construction operations.

Reason: To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire and the NPPF to secure the incidental prior extraction of viable underlying mineral deposits as part of the proposed development, as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

It is noted that the applicant has suggested this condition is included within the ‘Planning Conditions’ document submitted with this application.

Ultimately it was considered that although a potentially significant mineral resource existed underneath the site, there was uncertainty over the volume, location and quality of the aggregate deposits, and that on balance constraints existed such that at the stage the development was at, the wholesale reconsideration of the development to maximise the prior extraction of minerals would not be deliverable. In addition, the areas of proposed development within the site were in general alignment with the areas underlain by construction aggregates, and so the proposed incidental extraction approach would be likely to yield a greater volume of minerals than would otherwise be the case and the wholesale reconsideration of full prior extraction would be unlikely to increase potential yields.

A re-submission of the Sandleford Park application excluding the New Warren Farm area (16/03309/OUTMAJ) was then submitted in 2016, to which no objections from mineral and waste officers were raised subject to the condition regarding incidental extraction as previously outlined being imposed should consent be granted.

Two separate applications, which are still pending consideration, were submitted for the Sandleford Park area (18/00764/OUTMAJ) and adjoining New Warren Farm (18/00828/OUTMAJ) in 2018. Essentially, this is the same area as the original 15/02330/OUTMAJ, but under two applications.

The current application (20/01238/OUTMAJ) covers the same Sandleford Park area as application 18/00764/OUTMAJ. The remainder of the allocation site is being brought forward separately as part of the 'Sandleford Park West' development.

An additional Mineral Resource and Safeguarding Assessment (dated November 2017) covering the New Warren Farm area was submitted with application (18/00828/OUTMAJ) in response to a scoping opinion request (16/01136/SCOPE). This assessment covers the area that was previously excluded from the original assessment covering the whole site. This showed that there are approximately an additional 220,000 tonnes of sand and gravel in the New Warren Farm area in a relatively thin and shallow deposit overlaid by a thin layer of overburden.

Approximately 250,000 tonnes of construction aggregate underlay the Sandleford Park site (excluding the New Warren Farm area), however the original constraints and reasons for removal of the initial objection to the proposal in 2015 still exist, particularly that the existing constraints (landscape, heritage, biodiversity) and infrastructure requirements at the site would mean that the wholesale reconsideration of the site to maximise prior extraction of the mineral resource would not be deliverable. The proposed location of the development also aligns with the areas underlain by construction aggregates and so comprehensive prior extraction is unlikely to yield significantly higher volumes of mineral above what could be gained through incidental extraction. The fact that the deposits in the Warren Farm area are relatively shallow corroborate the fact that additional extraction above what is required for the excavations of foundations is unlikely to yield significantly higher volumes of mineral.

Other Comments

The application site boundary is adjacent to an operational and permanently consented waste management facility (Newtown Road HWRC). Therefore, the following saved policy from the Waste Local Plan for Berkshire applies:

Saved policy WLP21:

"...the Local Planning Authorities will seek to safeguard for appropriate waste management purposes...sites where permanent permission is granted for the establishment of waste treatment, recycling, storage and transfer facilities which are considered to be essential to the achievement of the objectives of the Waste Management Plan..."

In addition, the National Planning Policy for Waste states (para 8):

"When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that...the likely impact of

proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities...”

Therefore, these policies are relevant in the consideration of the current applications as the Newtown Road facility is safeguarded from development that would prevent or prejudice its operation. However, when taking the context of the site as a whole, the nearest proposed residential development is at a distance that is unlikely to significantly prevent or prejudice the operation of the facility. Therefore, the development should be undertaken in line with the submitted masterplan to ensure that the distance of this residential development from the operational HWRC is maintained.

Conclusion

The fundamental approach to mineral safeguarding remains unchanged from the 15/02300/OUTMAJ application to which the mineral safeguarding objection was removed, pending the implementation of a condition requiring incidental extraction.

Therefore, it is proposed that the same approach is utilised in this case, namely that no objection is maintained, but that the following condition be imposed on this application, should consent be granted:

No excavations associated with the erection of the buildings hereby approved within any of the development parcels, as identified on Plan xx, shall take place until a statement of mineral exploration and associated development management plan for that parcel of development has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. The methods to be used for investigating the extent and viability of the construction aggregate mineral resource beneath the areas of the application site proposed for built development.*
- ii. Details of the necessary operations to be carried out to ensure that incidental extraction of construction aggregates that can be viably recovered during construction operations are extracted and put to beneficial use, such use to be agreed in writing with the Local Planning Authority.*
- iii. Details of the timing of the investigative and extraction works, together with the timing of any further detailed submissions required during the construction operations.*
- iv. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.*
- v. The approved scheme shall be implemented in full and complied with throughout the duration of the construction operations.*

Reason: To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire and the NPPF to secure the incidental prior extraction of viable underlying mineral deposits as part of the proposed development, as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

No objection is raised with regards to waste safeguarding.

Kind regards,

Alistair Buckley

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