

29th March 2022



Mr. Brian Sims
Inspector

Sent by email to: Ian Kemp
Programme Officer
idkemp@icloud.com

Development and Planning

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Planning Team

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Dear Mr. Sims,

RE: Update on the Progress of the West Berkshire Minerals and Waste Local Plan Examination in light of Natural England's Nutrient Neutrality Advice of 16th March

Background/Context

On 16th March 2022, Natural England advised a total of 42 Local Authorities (including West Berkshire Council), that projects and plans affecting protected sites in unfavourable condition due to nutrient pollution are required to provide mitigation, in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The advice covers a further 20 protected sites, in addition to those previously identified, and includes the River Lambourn Special Area of Conservation (SAC) within West Berkshire. Natural England have provided a map of the affected catchment (enclosed) which includes a large area within West Berkshire District, and also includes the site proposed for allocation in the West Berkshire Minerals and Waste Local Plan (MWLP) – 'Chieveley Services'. The particular nutrient of concern in this catchment is phosphorous.

The new advice essentially means that projects and plans, such as the MWLP, can only go ahead if they will not cause additional nutrient pollution to these affected sites. The Council will therefore need to consider any necessary modifications to the MWLP and associated evidence base in the light of this advice.

Proposed Way Forward

Having considered the advice, the Council proposes the following way forward in order to progress the examination of the Minerals and Waste Local Plan to consultation on proposed main modifications as set out by the Inspector in his post hearings note of 01st March 2022.

1. The Council has prepared a Habitats Regulations Assessment (November 2020) submitted in support of the examination of the MWLP (CD008). It is proposed to update this document or provide an addendum to address the Natural England advice, including

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consideration of whether mineral extraction at Chieveley Services is likely to give rise to additional nutrients/water quality implications within the catchment zone.

2. If a likely significant effect (LSE) cannot be ruled out without mitigation, then an appropriate assessment under the Habitats Regulations will need to be undertaken to consider whether LSE can be ruled out, including through the use of mitigation measures.
3. The Council has prepared a Sustainability Appraisal/ Strategic Environmental Assessment (November 2020) submitted in support of the examination of the MWLP (CD003 series). It is proposed to update this document or provide an addendum, if necessary, to address the Natural England advice. The Inspector has asked that the SA/SEA be updated to take into account the main modifications in any event so any updates in light of the Natural England advice can be undertaken concurrently.
4. Depending on the outcome of the updated HRA (and SA/SEA) there may be a need for further modifications to the MWLP, in particular Policy 31 and supporting text paragraphs 5.27 – 5.30 to reflect any requirement for mitigation.
5. Any further main modifications and updates to the HRA and SA/SEA can then be included in the forthcoming consultation on main modifications, enabling any third parties to be able to comment on the changes, which can then be considered by the Council, and the Inspector.

Conclusion

The Council believes that the above steps should be sufficient to allow the examination of the MWLP to proceed, taking into account the updated Natural England advice and need to consult upon any updates to the evidence base and main modifications. We would be grateful if the Inspector could indicate whether he concurs with this view and proposed way forward.

We have attached all relevant correspondence from DHLUC and Natural England to assist the Inspector with the background to this issue, however please do not hesitate to contact us should any further clarification be required.

Yours Sincerely,

Bryan Lyttle
Planning Policy Manager

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