

**Central and Eastern Berkshire**

**Joint Minerals & Waste Plan**

**Habitats Regulations Assessment  
Record of Assessment and Determination**

2022



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# 1. Introduction

## Purpose

- 1.1 This report (HRA Record) summarises the Habitats Regulations Assessment (HRA) of the Central and Eastern Berkshire Authorities Joint Minerals and Waste Plan (herein referred to as ‘the Joint Plan’) to support its adoption by the relevant minerals and waste planning authorities. The Joint Plan has been through Examination and with the incorporation of Main Modifications, has been found sound.
- 1.2 This report should be read in conjunction with:
- HRA Baseline and Methodology Report Revised June 2017<sup>1</sup> (Issues and Options stage of Plan preparation);
  - HRA Screening Report June 2018<sup>2</sup> (Regulation 18 consultation stage of Plan preparation);
  - Bray Quarry Extension Regulation 18 Consultation June 2019<sup>3</sup> (includes HRA screening of this additional site);
  - Focussed Regulation 18 Consultation: Sand and Gravel Provision and Operator Performance February 2020<sup>4</sup> (includes HRA of two additional sites, ‘Area of Search’ and Policy DM15: Past Operator Performance);
  - HRA Screening Report Proposed Submission August 2020<sup>5</sup> (Regulation 19 consultation stage of Plan preparation);
  - HRA Appropriate Assessment August 2020<sup>6</sup> (Regulation 19 consultation stage of Plan preparation); and
  - HRA Addendum February 2022<sup>7</sup> (Regulation 24 Public Examination Main Modifications Consultation).

## The Joint Minerals & Waste Plan

- 1.3 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (collectively referred to as the ‘Central & Eastern Berkshire Authorities’) worked in partnership to produce the Joint Plan which will guide minerals and waste decision-making in the Joint Plan area.

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<sup>1</sup> Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>2</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Screening Report (June 2018) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>3</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Bray Quarry Extension Regulation 18 Consultation (June 2019) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>4</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance (February 2020) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>5</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment (Screening Report) Proposed Submission (August 2020) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

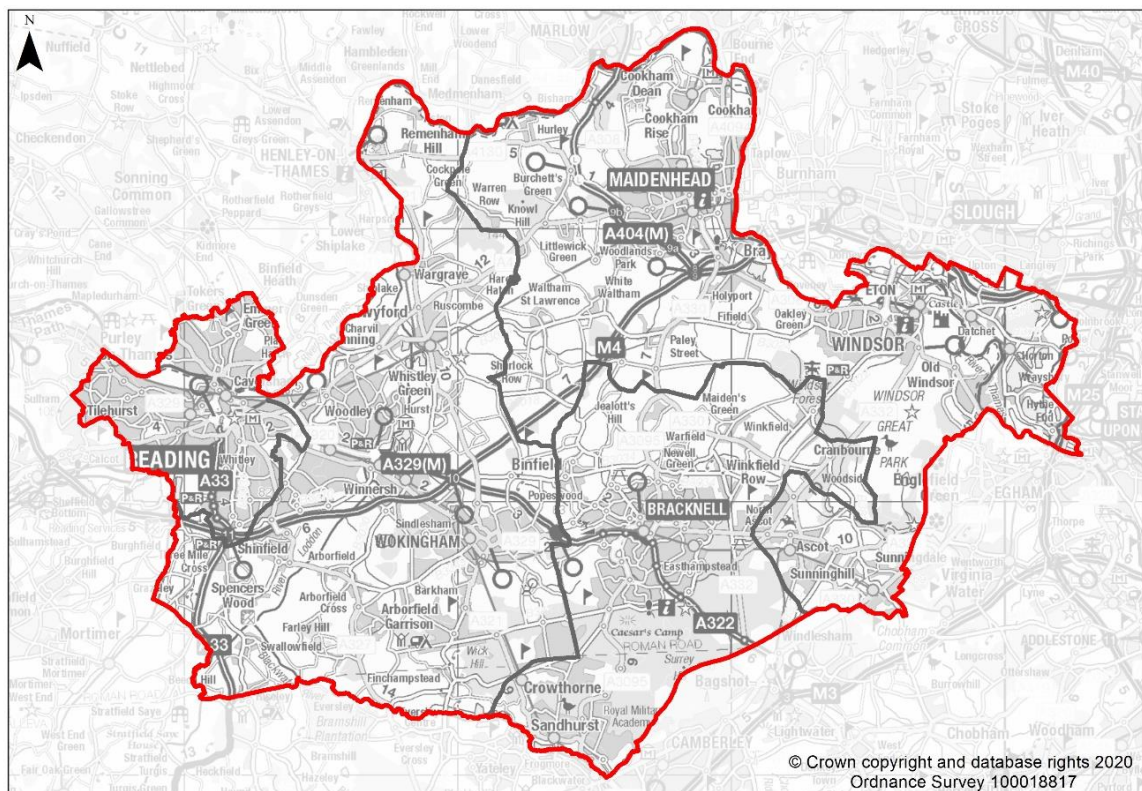
<sup>6</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment (Appropriate Assessment (August 2020) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>7</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Addendum (February 2022) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

These Authorities also worked in partnership to undertake the HRA of the Joint Plan during its preparation.

- 1.4 The Joint Plan builds upon the formerly adopted minerals and waste plans for the Berkshire area, and improve, update and strengthen the policies and provide details of strategic sites that are proposed to deliver the vision.
- 1.5 This is important as out of date plans limit the ability for planning authorities to enable the right development, in the right location, at the right time, and may lead to a greater number of planning applications determined at appeal.
- 1.6 Mineral and waste planning issues are most appropriately addressed jointly so that strategic issues can be satisfactorily resolved. The Joint Plan covers the minerals and waste planning authority administrative areas of Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham (see Figure 1).

**Figure 1: Central & Eastern Berkshire Authorities administrative areas**



## 2. Habitats Regulations Assessment Process

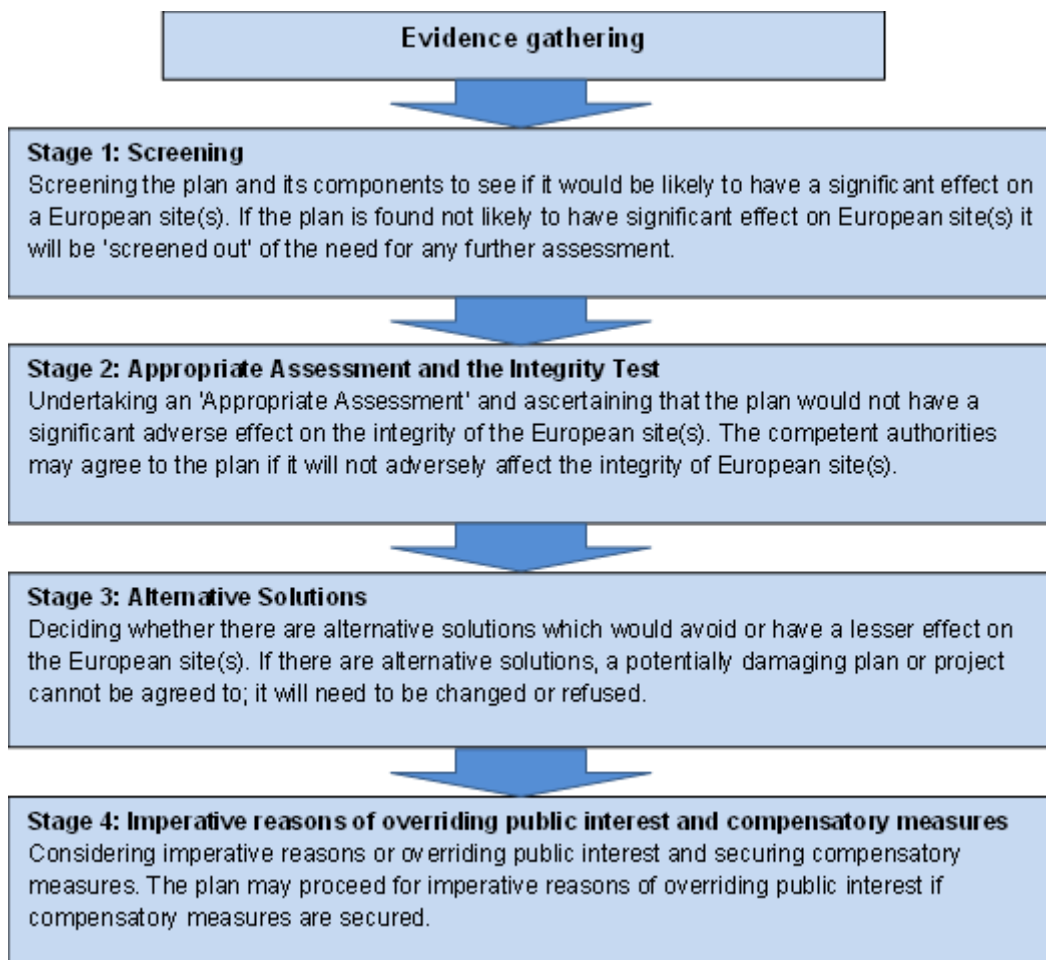
### Requirement for HRA

- 2.1 The need for HRA is set out in the Conservation of Habitats and Species Regulations 2017 (as amended)<sup>8</sup>, commonly referred to as the Habitats Regulations. The Regulations transposed two pieces of retained European law – Directive 2009/147/EC on the conservation of wild birds (the Birds Directive) and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna (the Habitats Directive) – into domestic law.
- 2.2 On 31st December 2020, the implementation Period following the UK's departure from the European Union in January 2020 came to a close. As such the Conservation of Habitats and Species Regulations 2017 are now amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and collectively referred to as 'the Habitats Regulations'.
- 2.3 However, at the time the HRA was undertaken for the preparation of the Joint Plan, the post-Brexit changes had not come into effect. As such, the term '*European Sites*' (collectively used for Special Areas of Conservation (SAC), Special Protection Areas (SPA) and international Ramsar Sites in the HRA documents) will continue to be used here for consistency.
- 2.4 The four-stage approach to Habitats Regulations Assessment set out in 'The Habitats Regulations Assessment Handbook' is summarised in Figure 2, below.

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<sup>8</sup> Conservation of Habitats and Species Regulations 2017 (as amended) - <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

Figure 2: Four stage approach to HRA



Adapted from The Habitats Regulations Assessment Handbook, [www.dtapublications.co.uk](http://www.dtapublications.co.uk)  
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## HRA Baseline and Methodology

- 2.5 The methodological basis for the HRA together with baseline information relating to potentially affected European Sites is provided in detail in the HRA Revised Baseline and Methodology Report<sup>9</sup>.
- 2.6 The HRA methodology, agreed with Natural England, utilised the guidance provided in The Habitats Regulations Assessment Handbook<sup>10</sup>. The handbook is updated regularly and therefore provides the most up-to-date guidance on interpretation of the Habitats Regulations and the process of HRA. This guidance is non-statutory, but '*based on experience, good practice and authoritative published guidance*'.

<sup>9</sup> Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>10</sup> Tyldesley, D. and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, May 2015 edition (DTA Publications Ltd: Berkshire) - [www.dtapublications.co.uk](http://www.dtapublications.co.uk)

- 2.7 Using an applied buffer around the Joint Plan area of 10km, as agreed with Natural England, the Baseline and Methodology Report detailed those European sites found to be wholly or partly within the Joint Plan area and buffer, which are:
- Burnham Beeches SAC;
  - Chiltern Beechwoods SAC;
  - Hartslock Wood SAC;
  - Windsor Forest and Great Park SAC;
  - Thursley, Ash, Pirbright and Chobham SAC;
  - South West London Water Bodies SPA and Ramsar; and
  - Thames Basin Heaths SPA.
- 2.8 For each of the identified European sites, the Baseline and Methodology Report details the following information:
- Site description and locational information.
  - European site Conservation Objectives.
  - Component SSSI Units.
  - European site condition (through SSSI Units).
  - European site vulnerabilities and sensitivities.
- 2.9 'Version 2 – April 2017' of the Baseline and Methodology Report was submitted to Natural England for consultation prior to the formal Regulation 18 consultation process. Natural England stated, in its response to this consultation, that '*...we don't have any specific comments to add in relation to the Baseline and Methodology Report*'. Their response is provided in Appendix 1.
- 2.10 The HRA Baseline and Methodology Report was subsequently revised (June 2017)<sup>11</sup> and provided as part of the public 'Regulation 18 Issues and Options Consultation' that ran for six weeks from 9 June to 21 July 2017, as a 'supporting document for reference only'. Nevertheless, Natural England provided some useful information for the next stage of the HRA process in their general response to this consultation, and their response is provided in Appendix 2.

## HRA Screening

- 2.11 Draft development management, minerals and waste policies and draft proposed site allocations were screened for their potential effects on the integrity of European sites both alone and in-combination with other plans and projects. Site integrity is defined as '*the coherence of its structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified*'.<sup>12</sup>

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<sup>11</sup> Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>12</sup> Paragraph 20 of ODPM Circular 06/2005 on Biodiversity and Geological Conservation.

2.12 The screening process followed the HRA methodology agreed with Natural England, as set out in the HRA Baseline and Methodology Report. The screening process is detailed in the HRA Screening Report<sup>13</sup>.

2.13 The objective of this stage of the HRA was to 'screen out' elements of the Joint Plan that are unlikely to have any significant effect on any European site, either alone or in-combination with other plans or projects; and to identify any aspects of the Joint Plan that could have such an effect, so that mitigation measures can be considered at the next stage of HRA. Significant effect is defined as '*...any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects*'.<sup>14</sup>

2.14 The following potential development hazards were identified and considered as part of the screening process for both minerals (M) and waste (W) activities:

- land take (M&W);
- removal of supporting habitat (M&W);
- noise; vibration; lighting; dust; (M&W)
- water pollution (M&W);
- leachate (W);
- changes in surface / groundwater hydrology (M);
- water use (W);
- traffic (M&W);
- emissions of aerial pollutants / air quality (M&W);
- impact of building (W);
- litter; vermin (W); and
- recreational displacement impacts (M&W).

2.15 To determine if site allocation proposals were likely to have any significant effects on European sites, the following issues were considered:

- could the proposals affect the qualifying interest of the European site (is the site sensitive to the effect);
- the probability of the effect happening;
- the likely consequences for the site's Conservation Objectives (as defined by Natural England) if the effect occurred;
- the magnitude, duration and reversibility of the effect.

2.16 It is a requirement of the Habitats Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in-combination with other plans and projects that may also be affecting the European site(s) in question. It is neither practical nor necessary to assess the 'in-combination' effects of the Joint Plan within the context of all other plans and projects within the region. Principal plans and

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<sup>13</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Screening Report (June 2018) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>14</sup> English Nature (1999) Habitats regulations HR3GN guidance note: The Determination of Likely Significant Effect under The Conservation (Natural Habitats &c) Regulations 1994. English Nature November 1999.



projects, including relevant National Infrastructure Projects, were considered as part of the screening of proposed minerals and waste site allocations.

2.17 The following neighbouring local authorities' Local Plans and other relevant plans and projects, together with their associated HRA work, were considered as part of this assessment:

- Central and Eastern Berkshire Authorities constituent Local Plans and Transport Plans;
- West Berkshire District Local Plan;
- West Berkshire Minerals and Waste Local Plan;
- Slough Local Plan;
- Slough Waste Local Plan;
- Berkshire Replacement Minerals Local Plan;
- Hampshire Minerals and Waste Plan;
- Surrey Minerals and Waste Development Framework;
- Buckinghamshire Minerals and Waste Local Plan;
- Oxfordshire Minerals and Waste Local Plan;
- Chiltern and South Bucks Local Plan;
- Wycombe District Local Plan;
- South Oxfordshire Local Plan;
- Hart Local Plan;
- Spelthorne Local Plan;
- Surrey Heath Local Plan;
- Runnymede Local Plan; and
- London Borough of Hillingdon Local Plan.

2.18 The decision-making process under the Habitats Regulations is underpinned by the precautionary principle, whereby the Competent Authorities (the Joint Plan Authorities) act to avoid potential harm in the face of scientific uncertainty. If it is not possible in a 'likely significant effect' test to rule out a risk of significant effect on a European site on the basis of available evidence, then it should be assumed a risk may exist and needs to be dealt with at the next stage of HRA. This precautionary approach was taken at all stages of the HRA assessment, where faced with scientific uncertainty.

2.19 Screening tables were used to systematically screen Policies, Minerals Sites and Waste Sites, which are provided in sections 5, 6 and 7 of the HRA Screening Report, respectively.

2.20 When undertaking a screening assessment for an HRA, the 'People Over Wind' judgement (Sweetman Ruling)<sup>15</sup> is of particular relevance, which ruled that mitigation cannot be taken into account when considering the screening test for Likely Significant Effects. If significant effects are considered likely a site or policy must, therefore, be screened-in for further consideration. This approach was followed for all stages of screening of the draft Joint Plan.

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<sup>15</sup> Court of Justice of the European Union - 12 April 2018 (Case C323/17).

- 2.21 The Screening Report was provided for comment to statutory consultees, including Natural England, as part of the public 'Regulation 18 Draft Plan Consultation' that ran for ten weeks from 6 August to 12 October 2018. In their response to the consultation, Natural England stated that *'the applied methodology in the screening report is robust, and that likely significant effects, both alone and in-combination, to European sites arising from the plan have been considered.'* Natural England's response to the consultation, which also provided useful information for the next stage of assessment, is provided in Appendix 3.
- 2.22 An additional HRA site specific screening assessment was undertaken for an additional draft proposed site allocation – Bray Quarry Extension. The screening process is detailed in the associated Regulation 18 Consultation Report<sup>16</sup>. This report was provided for comment as part of the 'Additional Regulation 18 (Site Specific) Consultation' that ran for six weeks, from 9 July to 19 August 2019. Natural England had *'no comments to make on this consultation'*. Their response is provided in Appendix 4.
- 2.23 A further HRA screening assessment was undertaken for the 'Focussed Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance', relating to the addition of an 'Area of Search' approach and inclusion of a new draft Policy 15: Past Operator Performance. The screening assessment is included in the associated consultation document<sup>17</sup>. Natural England's response to this consultation included useful information to support the next stage of the HRA process and is provided in Appendix 5.
- 2.24 The screening process, overall, resulted in three policies and six proposed site allocations being screened-in for further consideration as part of an Appropriate Assessment, as follows:
- Policies
- Policy M4: Locations for sand and gravel extraction;
  - Policy W3: Waste capacity requirements; and
  - Policy W4: Locations and sites for waste management.
- Sites
- Poyle Quarry Extensions (CEB18b);
  - Horton Brook Quarry (CEB19);
  - Stubbings Compound (CEB24);
  - Berkyn Manor Farm (CEB25);
  - Monkey Island Wharf (CEB26);
  - Bray Quarry Extension (CEB27); and
  - Horton Brook and Poyle Quarry Extension (CEB30).

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<sup>16</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Bray Quarry Extension Regulation 18 Consultation (June 2019) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>17</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance (February 2020) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

2.25 Policies M4 and W4 were screened-in as they make reference to one or more screened-in proposed site allocations. Policy W3, however, includes waste capacity requirements that could potentially have significant effects on European sites across the Joint Plan area.

### **HRA Appropriate Assessment**

2.26 An Appropriate Assessment was undertaken for screened-in policies and proposed site allocations. This included the three policies listed in paragraph 2.24, but it should be noted that several proposed site allocations were removed from the Joint Plan following the Regulation 18 Draft Plan Consultation. The remaining proposed allocation sites subject to Appropriate Assessment, therefore, were as follows:

#### Minerals sites

- Poyle Quarry Extensions (CEB18b); and
- Horton Brook and Poyle Quarry Extension (CEB30).

#### Waste sites

- Horton Brook Quarry (CEB19); and
- Berkyn Manor Farm (CEB25).

2.27 The HRA Appropriate Assessment report<sup>18</sup> sets out the Appropriate Assessment process in detail. The Appropriate Assessment followed the HRA methodology agreed with Natural England, as set out in the HRA Baseline and Methodology Report<sup>19</sup>.

2.28 In assessing the effects of screened-in proposed site allocations, the Appropriate Assessment considered a number of assumptions relating to the following types of impacts, set out in Section 5 of the HRA Appropriate Assessment Report:

- physical damage / loss of habitat;
- indirect disturbance from noise, vibration and/or light pollution;
- changes to water levels and water quality;
- air pollution;
- dust;
- soil contamination;
- invasive species / vermin / litter;
- physical infrastructure;
- recreational displacement; and
- in-combination effects.

2.29 Potential effects tables (Tables 3 – 6 of the HRA Appropriate Assessment Report) were used to systematically assess the effects of proposed site allocations using mitigation/measures including relevant Development Considerations, Development

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<sup>18</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment (Appropriate Assessment (August 2020) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>19</sup> Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

Management Policies, HRA requirements and Environment Agency permitting requirements.

- 2.30 The Appropriate Assessment established the nature of the potential effects of screened-in site allocations on the integrity of European sites and concluded that none of the site allocations would be likely to have an effect on the integrity of any European site alone or in-combination with other plans or projects, based on the mitigation/measures listed above.
- 2.31 Policies M4 and W3 were subject to Appropriate Assessment as a result of their reference to one or more screened-in sites. Based on the assessment's conclusion for screened-in site allocations, both policies were deemed not likely to have a significant effect on any European site either alone or in-combination with other plans or projects.
- 2.32 Policy W3, however, was subject to Appropriate Assessment based on inclusion of waste capacity requirements that could potentially have significant effects on European sites across the Joint Plan area. The Appropriate Assessment concluded that due to sufficient mitigation/measures being in place in the Proposed Submission Joint Plan, or elsewhere, such as Development Considerations, Development Management Policies, HRA requirements and Environment Agency permitting requirements (as set out in Table 7 of Section 5 of the HRA Appropriate Assessment), Policy W3 would not be likely to have a significant effect on any European site either alone or in-combination with other plans or projects.
- 2.33 It is a requirement of Regulation 105(2) of the Habitats Regulations that the relevant Statutory Nature Conservation Body (Natural England) is consulted at the Appropriate Assessment stage. The Appropriate Assessment report was provided to statutory consultees, including Natural England, for comment as part of the public 'Regulation 19 Proposed Submission Consultation' that ran for six weeks from 3 September to 15 October 2020. Natural England had '*no further comments to add to the Regulation 19 consultation*'. Their response is provided in Appendix 6.

### Joint Plan Main Modifications

- 2.34 Proposed modifications were discussed at the Submission Plan Examination Hearings 28-30 September 2021 and 12 October 2021. A list of Main Modifications were subsequently provided in the Schedule of Proposed Main Modifications<sup>20</sup>.
- 2.35 The proposed Main Modifications were produced to address issues raised by the Inspector, or matters arising from representations through the Examination process.
- 2.36 The Main Modifications relate to the refinement of policy and supporting text to provide greater clarity or the updating of content where appropriate. These modifications do not influence the location, nature or scale of development, but instead add clarity,

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<sup>20</sup> Central and Eastern Berkshire Joint Minerals & Waste Plan Schedule of Proposed Main Modifications Examination Library Reference: MD03 14 December 2022 - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

justification and additional detail in respect of policies and proposals previously included and subject to assessment.

2.37 A Habitats Regulations Assessment of the Main Modifications was undertaken and presented in an HRA Addendum document<sup>21</sup> to identify the potential of the Modifications to materially affect the conclusions of the Appropriate Assessment and/or result in a significant effect on any of the identified European sites in respect of the following potential impacts:

- direct land take and removal of supporting habitat;
- noise, vibration and lighting;
- emission of aerial pollution and particulates;
- water pollution and changes in surface / groundwater hydrology;
- impact of built development;
- traffic;
- recreational related impacts;
- invasive species, vermin and litter.

2.38 The assessment concluded that the Main Modifications would not result in substantive changes to the Submission Plan from the perspective of the Habitats Regulations<sup>22</sup> and the results of this assessment show that the modifications would not lead to any likely significant effects on European sites, either alone or in combination with other plans or projects.

2.39 The HRA Addendum document was provided to statutory consultees, including Natural England, as part of a public consultation that ran for six weeks from 28 February 2022 to 11 April 2022. In their response to the consultation, Natural England stated that it *'does not consider that this Joint Minerals and Waste Plan poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.'* Natural England's response is provided in Appendix 7.

2.40 Inspectors considered all comments received and concluded that the Joint Plan is sound and can be adopted by the Central and Eastern Berkshire Authorities, subject to making the Modifications identified.

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<sup>21</sup> Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Addendum (February 2022) - [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

<sup>22</sup> Conservation of Habitats & Species Regulations 2017 (as amended) - <https://www.legislation.gov.uk/uksi/2017/1012/contents>

### 3. Conclusion

- 3.1 As required by Regulation 105(2) of the Habitats Regulations, *'The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies'*. Natural England was consulted throughout Plan preparation, and throughout the progress of the Habitat Regulations Assessment, and the Central and Eastern Berkshire Authorities have had regard to their representations. These representations are provided in the Appendices of this document.
- 3.2 As required by Regulation 105(3) of the Habitats Regulations, *'The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate'*. The HRA has been provided for formal public consultation and regard has been given to associated representations.
- 3.3 As required by Regulation 105(5) *'A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter'*. The Central and Eastern Berkshire Authorities have provided comprehensive baseline information to support the HRA and comprehensive HRA documentation detailing all stages of the HRA process.
- 3.4 The Habitats Regulations Assessment has concluded that:  
**'the Joint Minerals and Waste Proposed Submission Plan is compliant with the Habitats Regulations and will not result in likely significant effects on any European sites, either alone or in-combination with other plans or projects. For development coming forward on either the allocated sites or non-allocated sites, it is considered that there are sufficient mitigation/measures set out in the Proposed Submission Plan, or elsewhere, such as via HRA requirements, regulatory requirements managed by the Environment Agency and minerals and waste planning authority development management processes.'**
- 3.5 The Main Modifications required by the Planning Inspectorate following Examination in Public were assessed and found to have no material effect on the conclusion of the Appropriate Assessment.
- 3.6 The conclusions of the HRA for the Central and Eastern Berkshire Joint Minerals and Waste Plan are in accordance with the advice and recommendations of Natural England.

## Glossary

### **Appropriate Assessment (AA)**

A self-contained step in the wider decision-making process of Habitats Regulations Assessment (HRA). An Appropriate Assessment is only required where the competent authority determines that the plan or project is likely to have a significant effect on a European site, either alone or in-combination with other plans or projects, and the plan or project is not directly connected with or necessary to the management of that site.

### **Habitats Directive**

Abbreviated term for European Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (1992). It is the aim of this Directive to promote the conservation of certain habitats and species within the European Union and is implemented in the UK through the Habitats Regulations.

### **Habitats Regulations**

Abbreviated term for The Conservation of Habitats and Species Regulations 2017 (as amended), which transposes the European Habitats Directive into UK legislation.

### **Habitats Regulations Assessment (HRA)**

As required by the Habitats Regulations, the identification of any aspects of an emerging plan or project that would have the potential to cause a likely significant effect on European sites (either in isolation or in-combination with other plans and projects), and to begin to identify appropriate mitigation strategies where such effects are identified (see also Appropriate Assessment).

### **In-Combination Effect**

Effects, which may or may not interact with each other, but which could affect the same receptor or interest feature (i.e. a habitat or species for which a European Site is designated).

### **Integrity (European site)**

The coherence of a site's ecological structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of the species for which it was classified.

### **Main Modifications**

Following the Examination in Public Hearings, the Planning Inspector required a number of changes to plan, known as 'Main Modifications', which were considered necessary to address the issues of soundness.

### **Mitigation**

Measures taken to avoid or reduce negative impacts. Measures may include locating the development and its working areas and access routes away from areas of high ecological interest, or timing works to avoid sensitive periods.

### **Precautionary Principle**

An approach which takes avoiding action based on the possibility of significant environmental or other damage, even before there is conclusive evidence that the damage will occur.

**Ramsar Site**

An internationally important wetland designated under the Convention on Wetlands of International Importance especially as Wildfowl Habitat (Ramsar, Iran) 1971 and, as a matter of government policy, are afforded the same protection as a site designated under the EU Habitats and Birds Directives.

**Regulation 18**

Initial consultation stage of the preparation/review of a Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**Regulation 19**

Pre-submission publication representations stage of the preparation/review of a Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**Screening**

Determination of whether a plan or project (or parts therein) are likely to have a likely significant effect on the integrity of International sites alone or in-combination with other plans or projects and therefore whether an Appropriate Assessment is necessary.

**Special Area of Conservation (SAC)**

Sites identified under the EU Habitats Directive (92/43/EEC) supporting habitats or species listed within Annex I and II of that legislation, which form a network of internally recognised sites across Europe alongside SPA and Ramsar sites. Following the UK withdrawal from the EU, these sites are provided equivalent protection under the UK transposition of this Directive - The Conservation of Habitats and Species Regulations 2017 (as amended), as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019.

**Special Protection Area (SPA)**

Sites identified under the EU Directive on the Conservation of Wild Birds protecting sites supporting the habitats of migratory and other particularly threatened species of bird. They form a network of internally recognised sites across Europe alongside SAC and Ramsar sites. Following the UK withdrawal from the EU, these sites are provided equivalent protection under the UK transposition of this Directive - The Conservation of Habitats and Species Regulations 2017 (as amended), as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019.



## **Appendix 1: Natural England Response to Baseline and Methodology Report Consultation**

The following text is Natural England's response, received 24<sup>th</sup> April 2017, to a formal consultation of 'Version 2 – April 2017' of the HRA Baseline and Methodology Report document:

**“Many thanks for sending this through. This has been forwarded to me as I am the lead planning advisor for the authorities involved in this joint minerals and waste plan.**

**At this time we don't have any specific comments to add in relation to the Baseline Methodology Report; however I have attached an Annex which may be of assistance when you look to collect your environmental data for the Habitat Regulations Assessment.**

**If you have any queries please do not hesitate to get in touch.**

**Kind Regards,**

**Amy Steel  
Lead Adviser  
Thames Team  
Sustainable Development  
Natural England  
2nd Floor, Cromwell House  
15 Andover Road  
Winchester, SO23 7BT”**

The generic Annex attached to the above response is provided on the following pages.

# Annex 1 - The natural environment: information, issues and opportunities

## Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)<sup>23</sup> website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)<sup>24</sup>.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>25</sup>. Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)<sup>26</sup>.

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)<sup>27</sup> website and also from the [LandIS website](http://www.landis.org.uk/)<sup>28</sup>, which contains more information about obtaining soil data.

## Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)<sup>29</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)<sup>30</sup> sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any

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<sup>23</sup> <http://magic.defra.gov.uk/>

<sup>24</sup> <http://www.nbn-nfbr.org.uk/nfbr.php>

<sup>25</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>26</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

<sup>27</sup> <http://magic.defra.gov.uk/>

<sup>28</sup> <http://www.landis.org.uk/index.cfm>

<sup>29</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>30</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

environmental assessments.

### Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

### Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)<sup>31</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>32</sup>. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

### Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)<sup>33</sup>) or protected species. To help you do this, Natural England has produced advice [here](#)<sup>34</sup> to help understand the impact of particular developments on protected species.

### Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>35</sup>.

### Ancient woodland and veteran trees-link to standing advice

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

### Biodiversity net gain

Under section 40 of the Natural Environment and Rural Communities Act 2006 Local Planning Authorities are required to conserve biodiversity. The NPPF section 109 states "*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible*". Suitable methods for calculating biodiversity net gain can include the Defra biodiversity offsetting metric and the environment bank biodiversity impact calculator.

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<sup>31</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>32</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>33</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>34</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>35</sup> <http://publications.naturalengland.org.uk/publication/35012>

## Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)<sup>36</sup>).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

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<sup>36</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

## Appendix 2: Natural England Response to Regulation 18 Issues and Options Consultation

Date: 20 June 2017  
Our ref: 217664



Minerals and Waste  
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Dear Sir/ Madam

### **Central & Eastern Berkshire Authorities - Joint Minerals and Waste Plan: Regulation 18 Issues and Options Consultation**

Thank you for your consultation on the above dated 08 June 2017 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **The Plan's vision and objectives**

Natural England advises that the Plan's vision and emerging development strategy should address impacts and opportunities for the natural environment with particular emphasis on designated environmental assets. The plan should take a strategic approach to the protection and enhancement of the natural environment and aim for a net gain for biodiversity considering opportunities for enhancement and improving connectivity.

#### **Sites of Least Environmental Value**

In accordance with the NPPF, the plan's development strategy should seek to avoid areas of high environmental value. Natural England expects sufficient evidence to be provided, through the SA and HRA, to justify the site selection process and to ensure sites of least environmental value are selected, e.g. land allocations should avoid designated sites and landscapes and should consider the direct and indirect effects of development on land within the setting of designated landscapes.

#### **Designated sites**

The Minerals and Waste Plan should set criteria based policies for site allocations to ensure the protection of designated biodiversity and geological sites. Such policies should clearly distinguish between international, national and local sites. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), European sites (Special Areas of Conservation and Special Protect Areas) and Ramsar sites should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced.

#### **Priority habitats, ecological networks and priority and/or legally protected species populations**

The Minerals and Waste Plan should be underpinned by up to date environmental evidence, this should include an assessment of existing and potential components of ecological networks working with Local Nature Partnerships and the development constraints of particular sites, to ensure that land of least environment value is chosen for development, and to ensure the mitigation hierarchy is followed.

Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: [Habitats and species of principal importance in England](#). Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.

Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.

Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g. badger routes, river corridors for the migration of fish and staging posts for migratory birds.

Where a plan area contains irreplaceable habitats, such as ancient woodland and veteran trees, there should be appropriate policies to ensure their protection. The Minerals and Waste Plan should therefore be in line with the Natural England and the Forestry Commission's [standing advice](#) on ancient woodland and veteran trees.

### **Access and Rights of Way**

Natural England advises that the Plan should include policies to ensure protection and enhancement of public rights of way and National Trails, as outlined in paragraph 75 of the NPPF. Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network. The plan should avoid building on open space of public value as outlined in paragraph 74 of the NPPF.

### **Soils**

The Minerals and Waste Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.

The plan should safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future in line with National Planning Policy Framework paragraph 112 to safeguard 'best and most versatile' agricultural land.

### **Air pollution**

We would expect the plan to address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The environmental assessment of the plan (SA and future HRA) should also consider any detrimental impacts on the natural environment, and suggest appropriate avoidance or mitigation measures where applicable.

Natural England advises that one of the main issues which should be considered in the plan and the SA/HRA are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation, which can be damaging to the natural environment.

The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) can be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required. We consider that the designated sites at risk from *local impacts* are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification. [APIS](#) provides a

searchable database and information on pollutants and their impacts on habitats and species.

### **Tranquillity**

The Local Plan should identify relevant areas of tranquillity and provide appropriate policy protection to such areas as identified in paragraph 123 of the NPPF.

Tranquillity is an important landscape attribute in certain areas e.g. within National Parks/AONBs, particularly where this is identified as a special quality. The CPRE have mapped areas of tranquillity which are available [here](#) and are a helpful source of evidence for the Plans and SEA/SA.

### **Water Quality and Resources and Flood Risk Management**

Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 156 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 100-104 of the NPPF.

The Minerals and Waste Plan should be based on an up to date evidence base on the water environment and as such the relevant River Basin Management Plans should inform any development proposed. These Plans (available [here](#)) implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them.

The Minerals and Waste Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focussed on N2K sites, SSSIs and local sites which contribute to a wider ecological network.

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of Sustainable Urban Drainage Systems (SUDS) to achieve this.

### **Climate change adaptation**

The Minerals and Waste Plan should consider climate change adaption and recognise the role of the natural environment to deliver measures to reduce the effects of climate change, for example tree planting to moderate heat island effects. In addition factors which may lead to exacerbate climate change (through more greenhouse gases) should be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected. Green Infrastructure and resilient ecological networks play an important role in aiding climate change adaptation.

### **Duty to Cooperate**

We are supportive of the principle of meaningful, early and ongoing engagement of duty to cooperate bodies in the creation of the Minerals and Waste plan.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Amy Steel on 0208 225 6386 or [amy.steel@naturalengland.org.uk](mailto:amy.steel@naturalengland.org.uk).

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Amy Steel  
Thames Team  
Sustainable Development

## Appendix 3: Natural England Response to Regulation 18 Draft Plan Consultation

Date: 19 October 2018  
Our ref: 254468



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### BY EMAIL ONLY

Dear Sir/Madam

### Planning consultation: Draft Joint Minerals and Waste Plan

Thank you for your consultation on the above dated 03 August 2018 which was received by Natural England on the same day. Apologies for our delay in responding to this consultation. This response follows from the letter dated 20<sup>th</sup> June 2017 – Reference 217664.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### General Comments

The minerals and waste site allocations and activities have the potential to negatively impact the environment, however Natural England believe the draft plan sets out sound policies to ensure the natural environment is protected. Specifically policy DM3, which sets out the criteria against which developments will be judged.

- The layout of policy DM3 is confusing as the list is set out as a, b, a, b, c, c.
- We support the inclusion of the second c, "features of the landscape that function as stepping stones, or form part of a wider network of sites..." however, if these sites are not identified at the plan stage, then there needs to be a set of criteria which sets out whether or not a habitat or land parcel fulfils this function, and can receive subsequent protection.

Natural England provide the following advice about specific elements of the plan:

### European Sites and Habitats Regulations Assessment Screening

There are a number of European sites within the plan area, and within 10k of the plan boundaries, which could be effected by the plan.

- Windsor Forest and Great Park SAC
- Chiltern Beechwoods SAC
- Thames Basin Heaths SPA
- South West London Water Bodies SPA (and RAMSAR)
- Burnham Beeches SAC
- Hartstock Wood SAC
- Thursley, Ash, Pirbright and Chobham SAC/SPA

Natural England have examined the screening report and are satisfied the applied methodology is robust, and that likely significant effects, both alone and in-combination, to European sites arising from the plan have been considered.



We also note that the scoping report makes reference to the possibility of allocated sites providing supporting (or functionally-linked) habitat for the South West London Water Bodies Special Protection Area. Special Protection Areas (SPAs) are classified for rare and vulnerable birds, and for regularly occurring migratory species. Annex 1 bird species associated with the SPA receive protection both within and outside of the SPA boundary. Sites outside of the SPA which support the Annex 1 bird species, often referred to as SPA supporting habitat or 'functionally linked' habitat, play an important role in maintaining the SPA bird population through the provision of additional roosting or feeding areas. Due to the importance of these off-site habitats in maintaining Annex 1 bird populations, the supporting habitat benefits from the same level of protection as the SPA itself. Therefore, any impact to, or loss of, SPA functionally linked habitat would need to be adequately mitigated against or compensated for. The specific restoration plans for proposals affecting the SPA should also be designed in order to serve the SPA species.

If necessary, compensating for the loss of functional habitat would require that any compensatory habitat provision would have to be situated in close-proximity to the SPA or another SPA which supports the same species interest features to maintain ecological coherence of the network. The location of compensatory habitat would require careful planning due to the potential for bird-strike issues to arise. We would add that in accordance with the guidance on article 6 (4) any compensatory measures must be effective at the time the damage occurs on the site concerned. Paragraph 3.15 of the HRA Screening Report, relating to invasive species, correctly identifies the vulnerability of aquatic habitats to invasive non-native species (INNS). It goes on to say that "effective management... should minimise the risk of spread". INNS have the potential to cause LSE to European sites and so this aspect of the plan should be strengthened. As it is currently written, this paragraph suggests 'effective management' of an allocated site is assumed, which is not sufficiently precautionary.

### **Nationally Designated Sites**

The draft plan document clearly sets out, in Annex A, the ecological 'development considerations'. These considerations are wide ranging but many include potential impacts to Sites of Special Scientific Interest (SSSI). At this stage, Natural England are unable to provide detailed comments about the specific allocations and their effects due to a lack of detail. The plan makes it clear that these development considerations will be assessed at the planning application stage. Natural England believe that early engagement with the development proposals at the planning application stage would be mutually beneficial and ask to be made aware of plans and projects as early as possible. Through early engagement with Natural England customers will receive high-level customer service to support an efficient planning application process and achieve development which is more sustainable.

### **Air Quality**

The plan is not likely to result in the construction of new roads, however increases in traffic, or changes to routes, especially of HGVs, could lead to impacts on the environment.

Protected habitats can be vulnerable to the effects of a number of air pollutants such as nitrogen oxides (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and sulphur dioxide (SO<sub>2</sub>). Impact can be caused when pollutants settle on to the ground (deposition) causing nutrient enrichment of the soil (eutrophication) or changes to the soil Ph (acidification). These effects can decrease the ability of a plant species to compete with other plants and can hinder the inherent capacity for self-repair and self-renewal under natural conditions. Nitrogen effectively acts as a fertiliser for plants which thrive on high nitrogen levels, which can then begin to dominate plant communities. This is likely to damage the interest features in protected sites which are notified for their plant communities (for example, the Thames Basin Heaths).

Natural England's publications: [NECR200](#) – 'Potential risk of impacts of nitrogen oxides from road traffic on designated nature conservation sites' and the [Atmospheric Nitrogen Theme Plan](#) may help developers to ascertain what, how, where and when to target their efforts on sites of conservation importance and the areas surrounding them. Theme plans can provide an over-

arching direction or outline approaches to achieve target conservation status of Natura 2000 sites in England, to complement work already underway on individual sites.

Air quality effects to European sites have been considered within the HRA Scoping Report. Natural England's guidance on how to assess the impacts from air quality has been published [here](#), and may be useful.

It should be noted that air quality effects can also impact SSSI's, Local Wildlife Sites (LWS) and other areas of botanical interest. As indicated earlier, these can be considered at the plan stage. Our guidance above does not specifically cover nationally significant sites such as Sites of Special Scientific Interest (SSSIs), which are covered by a different regulatory framework. However, the general principles for air quality assessment outlined here for European Sites are likely to be equally relevant for this and other designations.

### **Restoration Study**

Minerals and waste operations are in a unique situation which enables them to deliver high quality restoration plans to benefit the natural environment at the end of their operation. The restoration plan correctly notes the large potential for high quality restoration programmes to significantly enhance the natural environment, specifically in the context of a suite of international, national and locally designated sites within the plan area. The study also includes good examples of best practice from other places, and sets out over-arching principles which should help to deliver high quality schemes.

Natural England note the contrasting tone between the Restoration Study document and Policy DM8. Although paragraph 7.68 of the Draft Plan references the Restoration Study, it is presumably Policy DM8 against which plans will be assessed. Whilst the Restoration Study is aspirational and contains a good principles which ensure high quality restoration, it does not appear that Policy DM8 ensures this level of high quality restoration is actually implemented. Natural England would suggest the wording of policy DM8 is strengthened to allow planning authorities to better ensure the quality of restoration plans.

### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's [Technical Information Note 049](#).

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and

supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Our other advice can be found at Annex A.

Should the proposal change, please consult us again.

If there are any parts of this response which you would like to discuss please contact me on [jonathan.shavelar@naturalengland.org.uk](mailto:jonathan.shavelar@naturalengland.org.uk)

Yours faithfully

Jonathan Shavelar  
Lead Adviser, Thames Team

## Annex A

Natural England offers the following additional advice:

### Protected Species

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

### **Environmental enhancement**

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 32 and 170 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraph 98 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

## Appendix 4: Natural England Response to Additional Regulation 18 Draft Plan Consultation (Bray Quarry Extension)

Date: 15 August 2019  
Our ref: 288271  
Your ref: Potential Allocation of the Bray Quarry Extension Site



Hampshire Services  
c/o Strategic Planning  
Hampshire County Council  
First Floor  
E11 Court West  
The Castle  
Winchester SO23 8UD



**BY EMAIL ONLY**



Dear Sir or Madam

### **Planning Consultation: Joint Minerals and Waste Plan Additional Regulation 18 Consultation on the Potential Allocation of the Bray Quarry Extension Site**

Thank you for your consultation request on the above Strategic Planning Consultation, dated 9<sup>th</sup> July 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England have **no comments** to make on this consultation.

For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Yours faithfully

Sharon Jenkins



## Appendix 5: Natural England Response to Focussed Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance

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**From:** Behnke, Piotr [REDACTED]  
**Sent:** 28 April 2020 17:41  
**To:** [REDACTED]  
**Subject:** Natural England Response - Central and Eastern Berkshire Authorities Minerals and Waste Plan - Regulation 18 Consultation  
**Importance:** High

Hi [REDACTED]

Having taken a look today we don't believe broadly that there are any show stopping issues for the two sites proposed and we would welcome the proposed policy DM15 Past Operator Performance as this would help ensure that operators were better held to account when putting in applications for other sites where they are known to have been less than forthcoming previously (whether that be in terms of not fulfilling promises to complete restoration in time or in relation to commitments to carry out works as agreed at the time of permission being granted etc).

With regard to the development of the "area of search" method and its accompanying map (Figure 1) as part of Policy M4 this on the face of it makes sense in as much as it does narrow down where the authorities are expecting to see applications come forward and as such should speed up the process for those applying. Providing, as stated in the consultation document, the sites are all still assessed under the regular policies once they come forward.

The larger site adjacent the Stanford End Mill and River Loddon SSSI (Land West of Basingstoke Road) will need to be adequately assessed with regard to hydrological impacts upon on the SSSI river in order to ensure that there aren't potential impacts on the flood regime, groundwater flow or water quality.

As far as the second smaller site between the two existing permitted quarries is concerned (Area between Horton Brook and Poyle Quarry) we wouldn't have any major concerns either, given the location between two existing quarries. The right of way realignment would have to be agreed in theory with the authority and with the Colne Valley Regional Park before anything can be formally proposed. Provided that an agreed alternative route can be decided upon then the proposals for extraction here would have minimal additional impacts given the material can be processed at the adjacent processing plants for the existing quarries. The main issue to highlight here would be the need to ensure the HRA assessment was robust with regard to impacts upon the South West London Water Bodies SPA / Ramsar site and that the potential impacts are given appropriate weight when considered fully in combination with other identified plans and projects as highlighted within appendix B.

I trust that this is useful however do get in touch to confirm or query any points as required.

Regards,

Piotr Behnke  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Appendix 6: Natural England Response to Regulation 19 Proposed Submission Consultation

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**From:** Sweet-Escott, Eleanor <[REDACTED]>  
**Sent:** 20 October 2020 12:26  
**To:** C&E Berkshire Consultation <Berks.Consult@hants.gov.uk>  
**Subject:** RE: NE consultation response 326878 - Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission

Dear Tasha,

Apologies, 20<sup>th</sup> Nov was a typing mistake from me. It was meant to read 30<sup>th</sup> November 2018 as per what you have located below.

Kind Regards,

[REDACTED]

Eleanor Sweet-Escott | Sustainable Development  
**Natural England**

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**From:** C&E Berkshire Consultation <[Berks.Consult@hants.gov.uk](mailto:Berks.Consult@hants.gov.uk)>  
**Sent:** 19 October 2020 17:23  
**To:** Sweet-Escott, Eleanor <[REDACTED]>; C&E Berkshire Consultation <[Berks.Consult@hants.gov.uk](mailto:Berks.Consult@hants.gov.uk)>  
**Subject:** RE: NE consultation response 326878 - Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission

Dear Eleanor

Thank you for your representation to the Central and Eastern Berkshire Joint Minerals and Waste Plan Regulation 19 Proposed Submission Consultation.

Apologies for the delay in getting back to you. I have been looking through our records and have found the following responses from Natural England that we have received throughout the Plan making process for Central and Eastern Berks Joint Minerals and Waste Plan:

Response to Issues and Options Consultation received on 20 June 2017 Natural England ref 217664

Response to Draft Plan Consultation received on 29 October 2018 Natural England ref 254468

Response to Call for Sites received on 30 November 2018 Natural England ref 265774

Response to Additional (site specific) Regulation 18 Consultation on Bray Quarry Extension received 15 August 2019 Natural England ref 288271

Response to Call for Sites received 25 October 2019 ref 298211 / 298309 / 298715

Response to Focussed Regulation 18 Consultation on Sand & Gravel Provision and Operator Past Performance received on 28 April 2020 no reference as this was an email

I have not been able to locate the response dated (as per your note below) 20 November 2018, but have found one for 30 November 2018. Do you have any further details on the response dated 20 November 2018 at all, please?

Many thanks,

[REDACTED]

Tasha Webb  
Minerals and Waste Policy Officer

[Redacted]

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**From:** Sweet-Escott, Eleanor <[Redacted]>

**Sent:** 08 October 2020 10:48

**To:** C&E Berkshire Consultation <[Berks.Consult@hants.gov.uk](mailto:Berks.Consult@hants.gov.uk)>

**Subject:** NE consultation response 326878 - Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission

Dear Central and Eastern Berkshire JMWP,

Thank you for consulting Natural England on the Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission consultation.

We have made a number of comments on this Joint Plan in the past – see email dated 28.4.20 and letters dated 20.6.17, 20.11.18, 15.8.19 and 25.10.19. Thank you for taking our responses into account throughout the process. These previous representations should continue to be taken into account. However, we have no further comments to add to the Regulation 19 consultation.

Kind Regards,

Eleanor Sweet-Escott | Lead Adviser  
Sustainable Development | Thames Solent Team  
**Natural England**

<https://www.gov.uk/natural-england>

All Natural England offices and our Mail Hub are currently closed due to the Covid-19 pandemic – please send any documents to me by email not post – see the latest news on Covid-19 at <http://www.gov.uk/coronavirus>.

Stay alert, control the virus, save lives



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[REDACTED]

## Appendix 7: Natural England Response to Main Modifications Consultation

Date: 17 March 2022  
Our ref: 384740  
Your ref: Joint Minerals & Waste Plan Main Modifications



Mr Ian Motuel  
Planning Policy Manager  
Place Directorate  
Royal Borough of Windsor & Maidenhead  
Town Hall  
St Ives Road  
Maidenhead SL6 1RF

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ  
T 0300 060 3900

**BY EMAIL ONLY** - [planning.policy@rbwm.gov.uk](mailto:planning.policy@rbwm.gov.uk)  
[berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk)

Please note that a copy of this response will also be forwarded to the other Councils in this joint venture

Dear Mr Motuel

### **Joint Minerals & Waste Plan – Main Modifications for Wokingham BC, Bracknell Forest Borough Council, Reading Borough Council and Royal Borough of Windsor and Maidenhead LBC**

Thank you for your consultation request on the above dated and received by Natural England on 28<sup>th</sup> February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Natural England does not consider that this Joint Minerals and Waste Plan poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.**

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Sharon Jenkins  
Operations Delivery  
Consultations Team, Natural England

A summary of this document can be made available in large print, in Braille or audio cassette. Copies in other languages may also be obtained. Please contact Hampshire Services by email [berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk) or by calling 0370 779 5634.

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