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24 September 2007

Our Ref:
Your Ref:

Dear Ms Morton

PLANNING AND COMPULSORY PURCHASE ACT 2004
REPLACEMENT MINERALS LOCAL PLAN FOR BERKSHIRE INCORPORATING THE ALTERATIONS ADOPTED IN DECEMBER 1997 AND MAY 2001
SAVED POLICIES APPLICATION

I am writing with reference to your application of 21 March for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Replacement Minerals Local Plan for Berkshire.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27 September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12: *Local Development Frameworks* and the Department for Communities and Local Government protocol on saving policies. The Secretary of State's decisions concern some policies where there have been representations from a third party expressing views that differ from those of the local authority. Also, her decisions in respect of some policies have the effect of saving policies that an authority requested should not be extended. For clarity, where either or both of these two circumstances apply, the Secretary of State's reasons are set out in the table at the end of this letter.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan-style approach will be supported in forthcoming development plan documents (DPDs). LPAs should

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adopt a positive, spatial, strategy-led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the development plan status of the regional spatial strategy.

Following 27 September 2007, the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.

In relation to the Berkshire Structure Plan 2001, this is saved until July 2008 and we have decided to defer consideration of the minerals and waste policies which you have suggested should not be saved until nearer this time.

Policy Ref	Reason	Extended	Not Extended

Yours sincerely

John Cheston
Senior Planning Officer

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DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND COMPULSORY PURCHASE ACT 2004

POLICIES CONTAINED IN THE REPLACEMENT MINERALS LOCAL PLAN FOR BERKSHIRE

ADOPTED NOVEMBER 1995 INCORPORATING ALTERATIONS ADOPTED IN DECEMBER 1997 AND MAY 2001

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule (1) to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

John Cheston
Senior Planning Officer
Government Office for the South East

24 September 2007

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SCHEDULE

POLICIES CONTAINED IN THE REPLACEMENT MINERALS LOCAL PLAN FOR BERKSHIRE INCORPORATING THE ALTERATIONS ADOPTED IN DECEMBER 1997 AND MAY 2001

Policy Number	Policy Name/Purpose
1	Husbanding resources
2	Prevention of sterilisation
2A	Extraction to prevent sterilisation
6	General considerations for sand and gravel extraction
7	Material considerations for sand and gravel extraction
8	Preferred areas
10	Outside preferred areas applications will normally be refused
11	Strongest presumption against extraction
12	Strong presumption against extraction
13	Strong presumption against extraction all other areas
14	Borrow pits
15	Building sand
16	Chalk, clay and other minerals
17	Oil and gas
18	Appropriate and timely restoration
19	Securing public benefit through restoration
20	Proposals for restoration
21	Content of minerals applications
26	Safeguarding rail depots
28	Ancillary structures
29	Importing aggregates to plant sites

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