

TITLE	Central and Eastern Berkshire Joint Minerals and Waste Plan: Sand and Gravel Provision and Operator Performance Regulation 18 Consultation
FOR CONSIDERATION BY	The Executive on Thursday, 30 January 2020
WARD	None specific
LEAD OFFICER	Director of Locality and Customer Services - Sarah Hollamby
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks agreement to undertake a focussed consultation on the Central and Eastern Berkshire Joint Minerals and Waste Plan, focussing on sand and gravel provision and past performance of Minerals and Waste operators.

The Joint Plan will provide a robust strategy to demonstrate how action has been taken to address the future supply of minerals and sustainable management of waste.

This consultation is a further stage of the plan preparation process, following a Draft Plan consultation in summer 2018, and an Issues and Options consultation in 2017.

RECOMMENDATION

That the Executive agree:

- 1) the Central and Eastern Berkshire Joint Minerals and Waste Plan: Sand and Gravel Provision and Operator Performance Regulation 18 Consultation for public consultation;
- 2) the proposed consultation framework;
- 3) that any minor amendments to the Central and Eastern Berkshire Joint Minerals and Waste Plan: Sand and Gravel Provision and Operator Performance Regulation 18 Consultation and material to support this consultation be delegated to the Director of Localities and Customer Services, in consultation with the Lead member for Planning and Enforcement.

EXECUTIVE SUMMARY

Councils are required to plan for the future production of minerals and the management of waste disposal. It is a requirement to review and update local plans – the documents that contain the council's planning policies, which are the starting point for determining planning applications.

Minerals and waste planning policies date from 1998 and 2001. The preparation of a new local plan will ensure that our planning policies are effective in managing development proposals.

Due to the nature of minerals and waste matters, it is better to plan at a larger geographical scale. In response, Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead (RBWM) and Wokingham Borough Council have agreed to work together to review and update the existing planning policies through the preparation of a Joint Minerals and Waste Plan (Joint Plan).

The next step in preparing the Joint Plan is a focused consultation to be held between Monday 10th February and Friday 20th March 2020.

The consultation seeks information and feedback on three aspects. Firstly, on two areas of land recently promoted through a 'call for sites' process:

- Land West of Basingstoke Road, Spencers Wood - located in Wokingham Borough for the extraction of sand and gravel
- Area between Horton Brook and Poyle Quarry - located in the Royal Borough of Windsor and Maidenhead for the extraction of sand and gravel.

Secondly, despite the promotion of the above sites, insufficient minerals sites to meet needs have been identified. In order to demonstrate a positive steps towards meeting needs, an 'Area of Search' has been identified where geological data suggests that sand and gravel are present. The acceptability of the production of minerals would be assessed through the planning application process.

Thirdly, a new policy is proposed that seeks to ensure the past performance of minerals and waste operators forms part of the material considerations taken into account in future decision making.

Following this consultation, a further consultation on the pre-submission version of the Joint Plan is anticipated in summer 2020, followed by submission to government for examination.

BACKGROUND

County councils and unitary authorities have responsibility for planning for the future production of minerals and for the management of waste disposal within their administrative area. Local plans should be regularly reviewed, and where necessary updated. Without effective planning policies, there would be no real control or influence over where and how minerals are produced, or where waste facilities are located.

In Berkshire, planning policies for the production of minerals and for the management of waste are contained in the Replacement Minerals Local Plan for Berkshire (adopted in 1995 but subject to Alterations in 1997 and 2001) and the Waste Local Plan for Berkshire (1998).

Minerals and waste are matters that are better planned for on a larger geography than an individual unitary authority. In response, Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead (RBWM) and Wokingham Borough Council have agreed to work together to review and update the existing planning policies through the preparation of a Joint Minerals and Waste Plan (Joint Plan).

Slough Borough Council is not part of this joint arrangement due to local complications linked to the potential expansion of Heathrow Airport, but will be closely engaged due to the functional links between the areas. West Berkshire Council is preparing a Minerals and Waste Local Plan for its borough.

CONSULTATION

Local plans must be prepared in consultation with the local community and other stakeholders. The councils undertook an Issues and Options consultation in 2017, and consulted on a Draft Joint Plan in 2018. A summary report of the representations made is available on the Joint Minerals & Waste consultation website.¹ Following a late site promotion, a targeted consultation on an extension to the Bray Quarry minerals site in the Royal Borough of Windsor and Maidenhead was also undertaken in the summer 2019.

NEXT STEPS

The next step of preparing the Joint Plan is undertaking a focused consultation on the proposed policy approach of identifying 'areas of search', on two newly promoted sites and a new policy approach on operator past performance. The representations received will help to confirm the policy approaches and allocations to be taken forward.

The amended plan will then be subject to a further consultation and subsequently submitted to the government for examination.

CONSULTATION OVERVIEW

The proposed consultation has been guided and endorsed by the Joint Member Sounding Board which met on 4 December 2019. The Board consists of

¹ www.hants.gov.uk/berksconsult

representatives from each of the four authorities. The full Draft Consultation is provided in Appendix 1.

Areas of Search

National planning policy requires councils to plan for the sufficient production of minerals. Several 'call for sites' have been undertaken in order to identify potential sites which may meet future needs. Despite this, insufficient minerals sites have been identified. This has been exacerbated by the withdrawal of land at Bridge Farm, Arborfield for minerals production by the landowner.

In order to demonstrate positive steps to meeting needs, it is recommended that the Draft Plan identifies 'areas of search' where geological data suggests sand and gravel resources is present. The acceptability of the production of minerals would be subject to consideration of impacts through the planning application process.

The 'areas of search' do not include areas which national planning policy advises development should be avoided. In addition, areas with potential minerals resource have been excluded where they are under 3ha on non-viability grounds. Built up areas are also excluded.

A plan of the area of search is within the consultation document at Appendix 1.

As identifying areas of search does not guarantee planning applications coming forward, or that any applications will be found suitable, further engagement with neighbouring council is being undertaken given the potential increase in demand on them for sand and gravel.

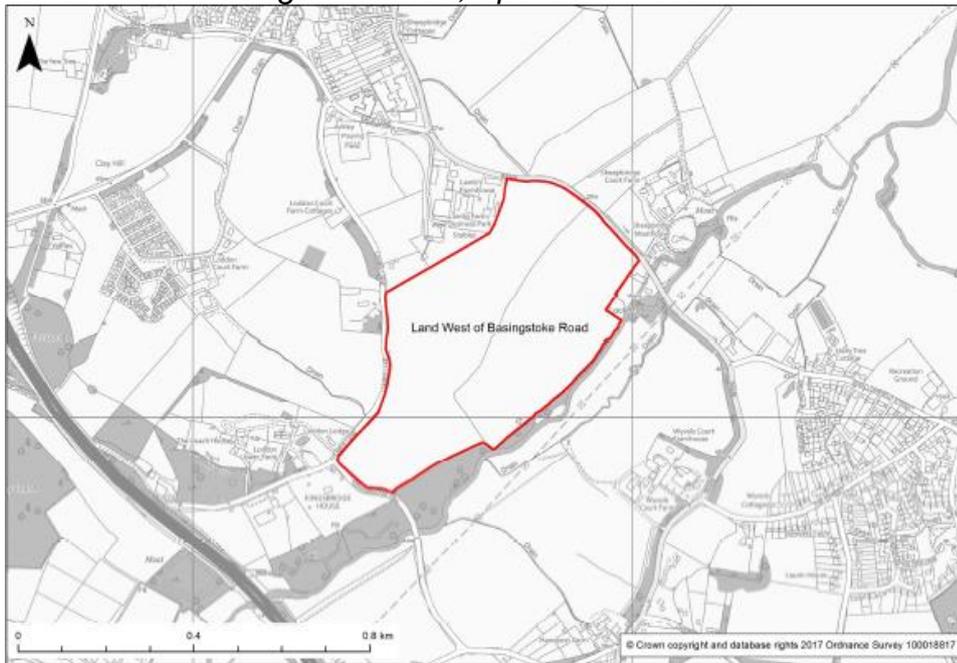
Promoted Sites

As a result of the most recent 'call for sites' in October/November 2019, two further sites have been promoted.

The first site is located in the Royal Borough of Windsor and Maidenhead, and referred to as 'Area between Horton Brook and Poyle Quarry.' The land is promoted for the extraction of around 250,000 tonnes of sand and gravel, and lies between two existing minerals extraction sites.

The second promoted site is located in Wokingham Borough, and referred to as 'Land West of Basingstoke Road, Spencers Wood.' The land is promoted for the extraction of sand and gravel, with the exact amount subject to further site investigations and confirmation from the landowner.

Land west of Basingstoke Road, Spencers Wood



The site is located between the settlements of Spencers Wood to the north and Swallowfield to the south, and is 25 hectares in size. The site is currently in agricultural use, with access potentially via the Basingstoke Road (B3349). Once extraction has ended it is proposed to be restored with inert waste material to reinstate the agricultural fields and/or wetland habitat to enhance the ecology of the area. There are a number of site constraints, including the close proximity of the Stanford End Mill and River Loddon SSSI and the location of three Listed buildings opposite the site.

This consultation seeks further information and feedback on this area of promoted land, to help inform further stages of plan preparation. Planning permission would be required for any development to take place on the site.

Further information regarding both sites are contained in Appendix 1.

Operator Past Performance

Responses to the consultation on the Draft Plan in 2018 raised concerns regarding the operation of existing waste and minerals sites. This included environmental and amenity issues. The past performance of an operator can therefore provide information on how successful they have been in managing sites.

In 2019, the Planning Practice Guidance² was amended to state that the planning history of a site may be a relevant consideration in the determination of an application. Building on this recent guidance, and to address the issues raised, a new development management policy is proposed to allow past performance to be taken into account. This approach is set out in Policy DM15: Past operator performance.

The policy seeks to protect communities located near minerals and waste development from any significant adverse effects. A similar policy approach forms part of the Hampshire Minerals and Waste Plan (2013) following approval by a Planning Inspector,

² Planning Practice Guidance (Paragraph: 010 Reference ID: 21b-010-20190315, 15/03/2019 revision) - <https://www.gov.uk/guidance/determining-a-planning-application#how-decisions-on-applications>

and is currently in operation. The policy was subject to a legal assessment, sustainability appraisal and an informal engagement with operators and minerals and waste planning authorities in summer 2019, and now forms part of this focussed consultation.

PROPOSED CONSULTATION FRAMEWORK

Subject to approval by all Councils, the consultation is planned to take place from Monday 10th February to Friday 20th March 2020.

The consultation will meet the arrangements set in the Statement of Community Involvement. The consultation will involve the following:

- Notification of all those on the existing Planning Policy consultation database;
- Notification to all those people and organisations registered on the major development sites, vulnerable groups information databases;
- Making the documents available on:
 - The council's website;
 - At the Shute End offices;
- Using social and traditional media to promote the consultation;
- Staffing a drop-in session to discuss the consultation with residents.

BUSINESS CASE

The council is required under legislation and national planning policy to plan for minerals production and the sustainable management of waste. The next step in preparing a new Joint Plan is the recommended consultation.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Circa £61k	Yes	Revenue
Next Financial Year (Year 2)	Circa £80k	Yes	Revenue
Following Financial Year (Year 3)	Circa £100k	Yes	Revenue

Other Financial Information

The table above sets out the project costs associated with producing the Joint Plan.

This is a multi-year project and therefore the costs will be spread across a number of financial years, the exact timing of which will be subject to external influences such as the Planning Inspectorate's availability for the examination. The profile of the budget

may vary according to external other factors, and unless exceptional costs arise, is expected to be covered by agreed budgets.

If the consultation on the above matters is not approved then there is increased risk of the preparation of the Joint Plan being extended beyond its current programme. This will result in increased financial pressures across the four councils.

Stakeholder Considerations and Consultation

Public consultation will be carried out in accordance with the Statement of Community Involvement. This will include email notifications to the existing consultation database, information available on the website, and a public drop in event.

Public Sector Equality Duty

An Equalities Impact Screening Report Form is attached.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

The Joint Plan will help ensure the sustainable extraction of minerals and management of waste across the four authorities. This will help to reduce vehicle movements to/from sites in other locations, and ensure that as far as possible, waste is managed locally in a sustainable manner.

List of Background Papers

Joint Central and Eastern Berkshire Minerals and Waste Local Plan – Sand and Gravel Provision and Operator performance, regulation 18 Consultation.

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