

<b>TITLE</b>	<b>Central and Eastern Berkshire Joint Minerals and Waste Plan: Duty to Cooperate and Statements of Common Ground</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Thursday, 30 July 2020
<b>WARD</b>	None specific
<b>LEAD OFFICER</b>	Director, Place and Growth - Chris Traill
<b>LEAD MEMBER</b>	Executive Member for Planning and Enforcement - Wayne Smith

## **PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)**

This report seeks approval to agree a number of Statements of Common Ground (SoCG) covering minerals and waste matters. SoCG provide a written record of the outcome of engagement, clarifying areas of agreement and where necessary areas of disagreement.

They are central to demonstrating compliance with the duty to cooperate and principle of cooperation established by the Localism Act (2011), the Planning and Compulsory Purchase Act 2004 and national planning policy set out in the National Planning Policy Framework (NPPF).

## **RECOMMENDATION**

The Executive is asked to:

- 1) approve the following Statements of Common Ground as part of on-going Duty to Cooperate requirements:
  - i. South East Waste Planning Advisory Group (SEWPAG) Statement of Common Ground concerning Strategic Policies for Waste Management (see Appendix A).
  - ii. Statement of Common Ground between the Central and Eastern Berkshire Authorities and Buckinghamshire Council, Central Bedfordshire Council, Hampshire County Council, Oxfordshire County Council, Surrey County Council, South Downs National Park Authority, West Berkshire Council and Wiltshire Council concerning Soft Sand Supply (see Appendix B).
  - iii. Statement of Common Ground between the Central and Eastern Berkshire Authorities, and Buckinghamshire Council, Hampshire County Council, Oxfordshire County Council, Surrey County Council, West Berkshire Council and Wiltshire Council, concerning Sharp Sand and Gravel Supply (see Appendix C).

iv. Statement of Common Ground between Central and East Berkshire Authorities and the South London Waste Plan Boroughs concerning Strategic Policies for Waste (see Appendix D).

v. Statement of Common Ground between Westminster City Council, the Royal Borough of Windsor and Maidenhead and Wokingham concerning strategic waste matters (see Appendix E).

2) agree that delegated authority be given to the Director of Place and Growth, in consultation with Executive Member responsible for Strategic Planning, to enter into future Statements of Common Ground.

3) agree that any minor changes to the SoCG be delegated to the Director of Place and Growth, in consultation with the Executive Member for Planning and Enforcement.

## **EXECUTIVE SUMMARY**

Wokingham Borough Council is preparing the Joint Central and Eastern Berkshire Minerals and Waste Plan with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Borough Council and Reading Borough Council. The Joint Plan is being produced in collaboration by Hampshire Services (part of Hampshire County Council).

The Localism Act (2011) and national planning policy and guidance require that strategic policy-making authorities demonstrate effective and on-going joint working as part of the 'Duty to Cooperate'. This is demonstrated through the preparation of Statements of Common Ground (SoCG), that set out how cross boundary issues have been jointly addressed and how they will be considered in the future by the council, alongside other authorities and prescribed bodies.

The report seeks approval for multiple SoCG with various Local Authorities across southern England. Approving these Statements of Common Ground, is a key part of the Central and Eastern Berkshire authorities demonstrating how the duty to cooperate has been met, which will be tested by the Planning Inspector during examination in public of the Joint Plan. Although the SoCG are all at an advanced stage, due to the number of parties involved further alterations may be required. The report also seeks delegated authority to the Director of Place and Growth, in consultation with the Executive Member responsible for Strategic Planning enter into future Statements of Common Ground. Where appropriate Executive will continue to be engaged in this process.

At a regional level the South East Waste Planning Advisory Group (SEWPAG) grouping of Waste planning authorities in South Eastern England has collectively prepared a SoCG. This SoCG covers the strategic matter of planning for the management of waste. Once agreed, it will provide a meaningful basis for ongoing engagement on cross-boundary matters. This SoCG will ensure planned provision for waste management in South East England is consistent and coordinated as far as possible across the region

No sites for the extraction of soft sand or sharp sand and gravel in Wokingham Borough are proposed for allocation in the Plan, although there are several others in the wider plan area. Despite the inclusion of these sites, there is anticipated to be insufficient sites to meet the minerals requirement over the plan period. In recognition of the expected

shortfall two SoCG have been prepared with local authorities who currently supply both forms aggregates to central and eastern Berkshire. These SoCG recognise the existing movements into the plan area and set out how these authorities should take into consideration the sharp sand and gravel requirements of central and eastern Berkshire in their future plan-making, as required by the NPPF.

Other authorities are also preparing new planning policies for waste management, including Westminster City Council and The South London Waste Plan Boroughs (LB Croydon, RB Kingston, LB Merton and LB Sutton). The Planning Practice Guidance recognises that given the unique waste needs of London, there is likely to be a need for other waste planning authorities to take some of London's waste. Two further SoCG therefore recognise the movements of waste between these authorities and Wokingham Borough. Star Works treatment facility currently receives strategic volumes of waste from these plan areas. These SoCG set out that there is no current planning reason that the movement of waste to this site may not continue.

## **Background**

### Statements of Common Ground

Local Planning Authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. Whilst this often relates to neighbouring local planning authorities this is not exclusively so, and some issues require engagement and cooperation over a wider geography.

In order to demonstrate effective cooperation, national planning policy and guidance expects authorities and relevant bodies to prepare Statements of Common Ground (SoCG). These provide a written record of the outcome of engagement, clarifying areas of agreement and where necessary areas of disagreement.

SoCG are particularly key in demonstrating that a local plan has been prepared in accordance with the legal and procedural requirements, and whether they are 'sound.' Plans are 'sound' if they meet four tests, which specifically refer to effective joint working on cross boundary strategic matters.

Minerals and waste is a matter of strategic importance with impacts clearly crossing administrative boundaries. Cooperation with is required over a wide geographical area, reflecting the moment of minerals and waste.

### Central and Eastern Berkshire Joint Minerals and Waste Plan

Planning for the future production of minerals and for the management of waste disposal is a strategic matter normally undertaken at a county level. Within Berkshire this responsibility falls to each unitary authority, however in recognition of the strategic nature, Bracknell Forest, Reading, the Royal Borough of Windsor and Maidenhead (RBWM) and Wokingham Councils have agreed to work together to prepare a Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan).

The Joint Plan will replace the current minerals and waste planning policies 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).

It is important that the Joint Plan is prepared to ensure that planning policies are effective in managing decisions by the council and, where these are appealed, by the Planning Inspectorate.

Slough Borough Council is not part of this joint arrangement due to local complications linked to the potential expansion of Heathrow Airport, but have been closely engaged due to the functional links between them and the rest of Berkshire. West Berkshire Council have chosen to prepare a separate Minerals and Waste Local Plan, but again have been closely engaged.

## **STATEMENTS OF COMMON GROUND OVERVIEW**

### Regional Statements of Common Ground

South East Waste Planning Advisory Group (SEWPAG) Statement of Common Ground Concerning Strategic Policies for Waste Management

The central and eastern Berkshire authorities are all members of the South East Waste Planning Advisory Group (SEWPAG). The purpose of SEWPAG is to share waste planning knowledge and cooperate on regional waste matters.

SEWPAG members and proposed signatories to this SoCG are as follows;

- Brighton & Hove City Council
- Buckinghamshire County Council
- East Sussex County Council
- Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)
- Isle of Wight Council
- Kent County Council
- Medway Council
- Milton Keynes Council
- Oxfordshire County Council
- Slough Borough Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire Council
- West Sussex County Council

This draft SoCG covers the following broad range of waste management topics;

- Net self-sufficiency;
- Movements of waste between authorities;
- Permanent deposition of inert excavation waste;
- Safeguarding;
- The Green Belt;
- Areas of Outstanding Natural Beauty;
- National Parks;
- Non-Hazardous Waste Landfill

These topic areas are consistent with the policies set out in the Joint Plan. Both the SoCG and the emerging Joint Plan having been prepared to reflect national policy and guidance set out in the NPPF and PPG.

### Sub-Regional Central and Eastern Berkshire Authorities Joint Minerals and Waste Plan Statements of Common Ground

The SoCG for soft and sharp sand and gravel respectively have been prepared by Hampshire Services in support of the emerging Central and Eastern Berkshire Joint Plan.

As minerals planning authorities (MPAs), the Central & Eastern Berkshire Authorities are required to plan for a steady and adequate supply of aggregates (sand and gravel) to serve the construction industry<sup>1</sup>. Within the Joint Plan area, although there is a large volume of recorded deposits, an insufficient number of, suitable and viable soft and sharp sand and gravel sites have been promoted to the Joint Plan. Adequacy of supply is therefore dependant on imports from other areas. These SoCG demonstrate that engagement has occurred on this issue and that parties are satisfied that the matter has been suitably addressed.

### Statement of Common Ground concerning Soft Sand Supply

This SoCG concerns the movement of soft sand across authority areas. Soft sand, is an important aggregate mineral used specifically in building mortar by the construction industry. The properties of soft sand mean that as a material it cannot be substituted by alternate materials for its specialised uses.

The signatories to this SoCG are:

- The Central and Eastern Berkshire Authorities;  
and
- Buckinghamshire Council;
- Central Bedfordshire Council;
- Hampshire County Council;
- Oxfordshire County Council;
- Surrey County Council;
- South Downs National Park Authority;
- West Berkshire Council;
- West Sussex Council; and
- Wiltshire Council.

The Local Aggregate Assessments (LAA) for Central and Eastern Berkshire notes that the soft sand resources in the Plan area are generally poor quality, and cannot be extracted viably.

The Star Works quarry, Knowl Hill, retains approved soft sand reserves, but it is poor quality and there are no plans for extraction. No sites in the Joint Plan are proposed for soft sand extraction. Soft sand used within Central and Eastern Berkshire will therefore continue to be, sourced from elsewhere. Further detail is set out in the Soft Sand Study that supports the Joint Plan, which identifies a number of sources of soft sand, including:

- Bedfordshire
- Buckinghamshire
- NE Hampshire
- SW Hampshire
- Oxfordshire
- Surrey
- West Berkshire
- West Sussex; and
- Wiltshire

---

<sup>1</sup> Planning Practice Guidance Paragraph: 060 Reference ID: 27-060-20140306

Given the number of parties involved in this SoCG, there may be the requirement for further changes to the wording to be undertaken.

Given the current lack of viable soft sand resources in the Plan Area, the signatories recognise existing movements of soft sand across the plan areas. The soft sand requirements of Central and Eastern Berkshire should also be taken into account as part of the plan preparation process.

### Statement of Common Ground on Sharp Sand and Gravel Supply

Sharp sand and gravel aggregates are essential to support economic growth and their supply is important to enable construction activity.

Despite undertaking four call for sites exercises very few sites have been promoted for consideration within the plan area for minerals extraction. Whilst the proposed 'Areas of Search', looks to identify possible areas of future extraction, there is an acknowledge deficit against the future minerals requirement. This SoCG considers the sources of sharp sand and gravel and seeks to acknowledge these movements in the preparation of emerging minerals plans.

The signatories to this SoCG are:

- The Central and Eastern Berkshire Authorities;  
and
- Buckinghamshire Council;
- Hampshire County Council;
- Oxfordshire County Council;
- Surrey County Council;
- West Berkshire Council; and
- Wiltshire Council.

Given the number of parties involved in this SoCG, there may be the requirement for further changes to the wording to be undertaken.

Taking into account existing reserves, over the plan period there is a total requirement of 5.447 Mt of sharp sand and gravel (0.628 Mt per annum).

Despite recent planning permissions in RBWM, it is acknowledged that there is a current shortfall of 2.5 Mt in total provision.

The SoCG notes that sand and gravel moves across Local Authority boundaries as the market dictates that sand and gravel will be obtained from the cheapest location for that particular material, and mineral planning authority boundaries do not influence the flow of minerals.

The most recent data available on the movement of sand and gravel is the 2014 Aggregate Monitoring survey<sup>2</sup>, which shows slightly over half of the sand and gravel consumed in Berkshire originated from Berkshire itself and the rest being imported from a range of localities.

---

<sup>2</sup> Aggregate minerals survey for England and Wales, 2014 (BGS, 2 November 2016)  
<https://www.gov.uk/government/collections/minerals>

Neighbouring mineral planning authorities have been identified as potential future sources of sharp and gravel should suitable proposals not be forthcoming within the Area of Search to meet demand. Wiltshire was also included as a potential source of supply based on the 2014 Aggregate Monitoring survey.

The SoCG sets out that given the shortfall of provision in the Central and Eastern Berkshire area, the parties recognise existing movements and should take into consideration the sharp sand and gravel needs of Central and Eastern Berkshire in their plan-making, as required by the NPPF.

There no commitment by any single party to supply any shortfall in sharp sand and gravel to Central and Eastern Berkshire but for parties to plan positively in order to continue existing supply sources, where sustainable and in compliance with national policy. In the event current supply patterns cannot be maintained alternatives will be explored under the Duty to Cooperate during plan preparation.

### Statements of Common Ground with London Authorities

#### Statement of Common Ground Between Central and East Berkshire Waste Authorities and the South London Waste Plan Boroughs concerning Strategic Policies for Waste

The South London Waste Plan Boroughs (LB Croydon, RB Kingston, LB Merton and LB Sutton) are currently updating their planning policies on waste management. They have prepared a SoCG between the South London Waste Plan Boroughs and the Central and Eastern Berkshire Authorities.

Whilst the respective plan areas are not geographically adjacent the (SoCG) recognises that both plan areas provide specialist waste facilities for waste arising in the other, and waste is transferred between the plan areas. .

The draft SoCG sets out the following;

- Both groups of authorities intend to meet or exceed their waste arisings for Household and Commercial & Industrial Waste and for Construction & Demolition Waste (CD&E).
- There will be cross-boundary movements of waste, as contracts are market driven and made between waste management operators and their clients.
- The movement of CD&E waste to landfill sites within RBWM can continue over the plan period as pre-existing sites are proposed for allocation in the Joint Plan.
- That treatment of clinical waste at the Star Works treatment facility should be able to continue in the future.<sup>3</sup>

Further to this it commits both groups of authorities to;

- Commenting on draft proposals within emerging Waste Plans;
- Be members of the respective waste technical advisory groups as mandated by national policy; and

---

<sup>3</sup> This is separate to the landfill operation at the rear of the site. Restoration is due to be completed shortly, and is subject to an application to extend the time period in which to complete this restoration.

- Monitor their respective waste plans and inform each other of any notable deviation from the expected progress of their plan in reaching management capacity

The preparation of this SoCG is at an advanced stage, however following engagement with the parties further alterations may be required.

Statement of Common Ground on Strategic Waste Matters, between Westminster City Council, the Royal Borough of Windsor and Maidenhead and Wokingham.

Westminster City Council are updating their planning policies on waste management, and have prepared a SoCG between, Wokingham Borough Council and the RBWM. The SoCG recognises the unique position of London, in that there is likely to be a need for waste planning authorities surrounding London to take some of London's Waste<sup>4</sup>.

The SoCG recognises that Westminster requires assistance in managing its Construction, demolition and excavation (CD&E) and hazardous waste, which it is unable to manage within its boundaries.

The draft SOCG acknowledges that there are no known planning reasons why CD&E waste exports cannot continue to Kingsmead landfill site in RBWM<sup>5</sup>.

The Star Works treatment facility receives some of Westminster's healthcare waste. The SoCG seeks to acknowledge the existing movements of waste between Westminster and Wokingham, and reflects the approach taken in the aforementioned South West London Waste Plan SoCG

Other Statements of Common Ground

DtC is an on-going process and not limited to those authorities listed above. Engagement and cooperation between local authorities will continue and further or amended SoCG will need to be considered in the future. Executive is therefore requested to give delegated authority to the Director of Place and Growth, in consultation with the Executive Member responsible for Strategic Planning to enter into future Statements of Common Ground. Where appropriate, Executive will be engaged in this process.

**Risk Management**

The main risk of not signing suitable SoCG is that the Joint Plan might not be found 'legally compliant' and 'sound' by a Planning Inspector due to the absence of clear information showing the duty to cooperate has been discharged. Approving the SoCG will reduce this risk.

**Legal Compliance**

The Localism Act replaced regional governance with the 'Duty to Co-operate' (DtC), to be fulfilled at the local level. The DtC is set out in Section 33A of the Planning and Compulsory Purchase Act 2004, amended by Section 110 of the Localism Act 2011.

---

<sup>4</sup> Planning Practice Guidance Paragraph: 044 Reference ID: 28-044-20141016

<sup>5</sup> Waste Data Interrogator 2014-2018

Local planning authorities, county councils and other “prescribed” bodies (those bodies with statutory functions) are required to co-operate with each other to address strategic matters relevant to their areas in the preparation of a development plan document.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	NA	NA
Next Financial Year (Year 2)	Nil	NA	NA
Following Financial Year (Year 3)	Nil	NA	NA

### **Other Financial Information**

None

### **Stakeholder Considerations and Consultation**

Consultation was undertaken with other plan making authorities as part of preparing the SoCG.

### **Public Sector Equality Duty**

An Equalities Impact Assessment has been prepared as part of the related report concerning consultation and submission of the Joint Plan.

### **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 decision supports the Joint Plan, and therefore sustainable mineral extraction and waste management as part of plan led approach to providing opportunities to mitigate and adapt to the effects of climate change

### **List of Background Papers**

South East Waste Planning Advisory Group (SEWPAG) Statement of Common Ground Concerning Strategic Policies for Waste Management

Statement of Common Ground concerning Soft Sand Supply

Statement of Common Ground on Sharp Sand and Gravel Supply

Statement of Common Ground Between Central and East Berkshire Waste Authorities and the South London Waste Plan Boroughs concerning Strategic Policies for Waste

Statement of Common Ground on Strategic Waste Matters, between Westminster City Council, the Royal Borough of Windsor and Maidenhead and Wokingham.

<b>Contact</b> Edward Driver	<b>Service</b> Place Commissioning
<b>Telephone</b> Tel: 0118 974 6518	<b>Email</b> edward.driver@wokingham.gov.uk

This page is intentionally left blank