

TITLE	Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan
FOR CONSIDERATION BY	The Special Council Executive Committee on Thursday, 30 July 2020
WARD	None specific;
LEAD OFFICER	Director, Place and Growth - Chris Trill
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks approval to publish and consult on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan (the Joint Plan), and the proposed submission documents, and subsequently submit to the Secretary of State for independent examination. This would be in accordance with Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations).

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. Once adopted, the Joint Plan will replace the Council's current planning policies that are set out 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).

The publication and consultation is a further stage of the plan preparation process, following a focussed consultation in spring 2020, a Draft Plan consultation in summer 2018, and an Issues and Options consultation in 2017.

RECOMMENDATION

The Executive recommends to the Special Council Executive Committee that they:

- 1) approve the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan and supporting documentation for publication and public consultation under Regulation 19;
- 2) authorise community engagement on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan and associated supporting documents to take place for 6 weeks from Thursday 3rd September 2020;
- 3) authorise the submission of the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan, and supporting documents to the Secretary of State for independent examination in public, under Regulation 22;
- 4) authorise the Director of Place and Growth, in consultation with the Executive Member for Planning and Enforcement, to agree minor amendments necessary

to the Central and Eastern Berkshire Joint Minerals and Waste Plan: Proposed Submission Plan and other supporting documents prior to consultation. Any minor modifications would consist of non-material amendments such as rewording and correction of typing errors;

- 5) request the appointed Inspector to recommend modifications to the submitted Joint Plan, in the event that the Inspector considers that such modifications would make the plan sound.

EXECUTIVE SUMMARY

Wokingham Borough Council is preparing the Central and Eastern Berkshire Joint 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). Consultation documents are attached, or are available on request. They are at an advanced stage of preparation, but will be subject to some further drafting/amendment prior to being made available as part of the consultation.

The preparation of a new Minerals and Waste Local Plan will look further forward and so ensure that our planning policies continue to be effective in managing decisions by the council, and where these are appealed, by Planning Inspectors.

Plans must be prepared in consultation with the local community and other stakeholders. This consultation is the final stage where residents, landowners, operators and other interested parties can submit responses to the Joint Plan. Publication and consultation will take place under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended). At this stage, national regulations state responses should focus on legal and procedural requirements, and whether the Joint Plan is 'sound.'

A number of earlier consultations have been undertaken. This includes a focussed consultation in spring 2020, which sought responses on a proposal for mineral extraction at 'Land west of Basingstoke Road, Swallowfield'. Following a review of the responses, and technical information, this site is not proposed to form part of the submission version of the Plan.

There are no minerals sites in Wokingham Borough proposed for allocation in the Plan, but 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. An 'Areas of Search' approach is proposed which identifies the locations of sand and gravel resources, where the extraction of minerals is supported in principle. The acceptability of any proposals would still be considered through the planning application process.

The Joint Plan also identifies a requirement for additional waste capacity, with a number of sites in RBWM proposed for allocation to help meet this requirement. Despite the inclusion of these sites, there is anticipated to be insufficient sites to meet the waste capacity requirement. The Joint Plan therefore identifies a large number of existing industrial sites where waste management uses may be acceptable, including sites in Wokingham Borough. The acceptability of any proposals would still be considered through the planning application process. There are no waste sites in Wokingham

proposed for allocation, but the treatment of clinical waste at the Star Works site at Knowl Hill is anticipated to continue. The landfill section of the site is expected to cease in the near future.

The Joint Plan also proposes a wide range of planning policies. These include policies in response to the challenge of climate change, site restoration and sustainable transport movements, amongst many others. A new policy is also proposed regarding Operator Past Performance, which sets out how an operator's record of running established minerals or waste sites can provide information on how appropriately the impacts of development have been managed.

Submission of the Plan and supporting documentation will take place under Regulation 22, and is anticipated in winter 2020, followed by examination in public by a Planning Inspector in spring 2020. The future adoption of the Plan will provide a strong planning policy basis from which to determine planning decisions on minerals and waste development.

Background

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.

Consultation

Local Plans must be prepared in consultation with local communities and other stakeholders. They must also be consistent with national planning policy, which in the case of minerals and waste matters is: the National Planning Policy Framework (NPPF) (2019) and the accompanying Planning Practice Guidance (PPG), the Waste Management Plan for England (2013), and the National Planning Policy for Waste (2014).

The submission version of the Joint Plan has taken account of consultation responses, technical information and evidence, and discussions with important stakeholders such as statutory consultees. A number of public consultations have taken place to help guide the preparation of the Joint Plan, including:

- Focussed consultation: 11 February – 23 March 2020
- Draft Plan consultation: 6 August – 12 October 2018
- Issues and Options consultation: summer 2017.

A summary report of the representations made is available on the Joint Minerals & Waste consultation website.¹

Discussions have been held with a range of planning authorities and other organisations that may be affected by the strategy and policies in the Joint Plan under the requirements for Duty to Cooperate. A separate report to Executive seeks approval for a number of Statements of Common Ground, which will help to demonstrate how this duty has been met.

¹ www.hants.gov.uk/berksconsult

PROPOSED SUBMISSION PLAN OVERVIEW

Establishing a vision is the starting point for the Joint Plan, in that it sets out the broad philosophy of what is trying to be achieved. To aid the delivery of the vision, a number of strategic objectives have been defined.

The vision of the Joint Plan is to ensure, working with other authorities and bodies, the maintenance of a steady and adequate supply of minerals, whilst maximising the contribution that minerals development can bring to local communities, the economy and the natural environment. The vision further supports sustainable waste management, in accordance with the waste hierarchy.

The 14 strategic objectives support the delivery of the vision and provides the context and overall direction of the Joint Plan. These objectives include balancing minerals resources, waste demand and quality of life; protecting community health and safety; climate change mitigation and adaptation, and engagement between developers, operators and communities.

A Policies Map has also been prepared which shows the proposed allocations and specific policy designations on a geographical basis.

Minerals Strategy

The Joint Plan seeks to provide and/or facilitate the sustainable extraction of minerals for the plan areas. National planning policy requires councils to plan for the sufficient production of minerals. Over the plan period there is a total requirement for 5.447 million tonnes (Mt) of sharp sand and gravel across the plan area.

All sites promoted for minerals extraction have been assessed for their suitability. Whilst several sites were promoted within Wokingham Borough, none have been assessed as suitable and there are no proposed allocations accordingly.

The last consultation in spring 2020, included a promoted site at 'Land west of Basingstoke Road, Swallowfield.' There were 702 responses to the consultation, of which 663 related to this site, and 653 objected to its inclusion in as a minerals site. The main reasons for objecting were:

- Negative impacts on air quality (notably at the nearby primary school), surrounding roads, ecology and protected local species, character of the countryside, visual landscape.
- The site is located in an area of flood risk, and a sequential test and detailed flood risk assessment is required.
- The site is located in an area of high archaeological potential, and a number of heritage assets are in close proximity
- Insufficient information regarding the deliverability of the site.

Following analysis of all the responses submitted to the consultation, given the insufficient information regarding the deliverability of the site, the constraints to mineral extraction coming forward, and the clear public opposition to mineral extraction, the site is not deliverable and has not been proposed for allocation.

The other minerals site that formed part of the spring 2020 consultation, was 'Area between Horton Brook and Poyle Quarry,' in the Royal Borough of Windsor and Maidenhead. This site has been assessed as suitable and is proposed for allocation.

Policy M4 sets out how sand and gravel supply will be provided by the extraction of remaining reserves at the following permitted sites in RBWM:

- a) Horton Brook Quarry, Horton
- b) Riding Court Farm, Datchet
- c) Sheephouse Farm, Maidenhead
- d) Poyle Quarry, Horton
- e) Water Oakley Holyport.

Extensions to the following minerals sites in RBWM are proposed:

- a) Horton Brook and Poyle Quarry, Horton (MA1)
- b) Poyle Quarry, Horton (MA2)

It should be noted that the capacity of the proposed site allocations are insufficient to meet the requirement of 5.447Mt, and there is anticipated to be a shortfall of 3.1Mt sharp sand and gravel over the plan period. This shortfall is anticipated from 2023 onwards.

To support further minerals supply, the Joint Plan includes an 'Area of Search' approach which identifies the location of sand and gravel resources. The extraction of minerals is supported in principle in the 'area of search', however the acceptability of any proposal would be subject to consideration of impacts through the planning application process.

The 'areas of search' do not include areas where national planning policy advises development should be avoided, such as Special Protection Areas (SPA) and ancient woodland. 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.

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

As expected, some types of minerals are not present or are not present in sufficient quantity to be viably extracted. There are no viable sources of crushed rock and soft sand across central and eastern Berkshire. The area is therefore reliant on supplies from other parts of the country, as set out in the Minerals Background Study. Cooperation between authorities on strategic minerals and waste movements is set out in the Duty to Cooperate Statement.

Waste Strategy

The Joint Plan seeks to provide and/or facilitate sustainable management of waste for the plan areas. Calculations anticipate the following additional waste capacity is required over the plan period:

- 300,000 tonnes per annum (tpa) non hazardous recycling capacity;

- 245,000 tpa non hazardous recovery capacity;
- 575,000 tpa inert recycling or recovery capacity.

A number of sites have been identified to help provide this waste capacity, but no waste sites in Wokingham Borough are proposed for allocation in the Joint Plan. Waste management sites can be located on different types of land depending on the type of facilities and the proposed activity. Policy W4: Locations and sites for waste management, proposes to allocate three sites in RBWM for waste management:

- i. Berkyn Manor Farm, Horton (WA1)
- ii. Horton Brook Quarry, Horton (WA2)
- iii. The Compound, Pinkney's Green, Maidenhead (WA3)

However, these sites are not sufficient to meet the future waste requirements of Central and Eastern Berkshire up to the end of the plan period, and it is therefore expected that further new sites will come forward through market led delivery.

One option is to location new waste facilities on industrial estates. A number of industrial estates in Reading, Bracknell Forest and Wokingham boroughs have been identified that would be potentially suitable for waste uses. These are not named in the policy or supporting text but are discussed in more detail in the background document, "Waste: Proposal Study."

In addition, previous documents have consulted on the Star Works site at Knowl Hill, which includes a clinical waste treatment operation located in a former brickworks. This site is not proposed for allocation in the Joint Plan, but there are no known reason why the site cannot continue to receive waste for treatment. Any proposals to change the use of the site will require separate planning permission. The separate landfill section of the site is expected to cease in the near future, and has been subject to a recent planning application to extend the time period to complete restoration.

Development Management Policies

The Joint Plan includes development management policies that form a robust framework for the determination of minerals and waste applications. This includes policies relating to sustainable development, climate change, sustainable transport movements, and flood risk, amongst many others.

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. As a result, a policy approach relating to Operator Past Performance was included in the focused public consultation in spring 2020, and has been included in the Joint Plan as Policy DM15. The policy sets out how an operator's record of running established minerals or waste sites can provide information on how appropriately the impacts of development have been managed. In some circumstances this can be a useful indicator of how proposed sites may be managed by the operator.

The policy therefore seeks to protect communities near minerals and waste development from any significant effects. A similar policy approach forms part of the Hampshire Minerals and Waste Plan, and is currently in operation.

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>

PROPOSED CONSULTATION FRAMEWORK

The council is required under the Regulations governing the preparation of Local Plans to consult with key stakeholders. The arrangements adopted by the council are expressed in the Statement of Community Involvement (SCI).

The Joint Plan, and various associated documents, are now being finalised and subject to approval by all four authorities, it is intended to formally consult on the Joint Plan and associated documents between for six weeks from Thursday 3rd September 2020.

The Joint Plan refers to a number of separate studies detailed in the 'List of background papers' section. All documentation will be available to view and download from the Joint Plan consultation website³. Draft versions of these documents are available to Councillors on request. Finalised versions will be made available via the council's website as part of the consultation.

Consultation will be undertaken jointly by Hampshire Services with the four local authorities. At this Regulation 19 stage of plan preparation, responses should focus on legal and procedural requirements, and whether the Joint Plan is 'sound' and is: positively prepared, justified, effective, and consistent with national policy.⁴

The consultation exercise is being designed to meet the policies and practice set in the Statement of Community Involvement adopted by each of the local authorities. Consultation will be undertaken with a wide range of parties, including those on the council's Local Plan consultation database.

The consultation will involve sending emails/ letters to individuals, organisations, councillors, and making all the documents publicly available via the website. Due to the current impact of Covid 19, adaptations to how the consultation is undertaken may be required. This includes the government's temporary modifications to Regulation 35 of the Regulations, whereby due to the effects of coronavirus, local planning authorities are not required to make hard copies of documents available for inspection at their principal offices.⁵ All documents will be available on the website.

Representations made in response to the Joint Plan consultation document, Sustainability Appraisal and other relevant documentation will be submitted to the Secretary of State for consideration as part of the examination process.

Approval for the Joint Plan, and for other documents that will inform the Joint Plan, is sought from Special Council Executive. As work on these documents is on-going, delegated authority is sought for the final versions to be agreed by the Director of Place and Growth in consultation with the Executive Member for Planning and Enforcement. Special Council Executive is also requested to authorise the undertaking of the community involvement described in this report.

³ www.hants.gov.uk/berksconsult

⁴ NPPF: Paragraph 35

⁵ Explanatory Memorandum to the Town and Country Planning (Local Planning) (England) Regulations (Coronavirus) (Amendment) Regulations 2020:
https://www.legislation.gov.uk/uksi/2020/731/pdfs/uksiem_20200731_en.pdf

Governance

The governance for the preparation of the Joint Plan is headed by a Joint Members Sounding Board with representation from each of the authorities made up of portfolio holders and one additional representative. The Board acts as an advisory body for the preparation of the plan. The Board met on 24 June 2020 to consider the Joint Plan, and received a presentation on its contents, in addition to providing comments on the strategy and the proposed strategic sites.

Risk Management

The main risk is whether the Joint Plan is ultimately found to be 'legally compliant' and 'sound' by a Planning Inspector who will conduct an independent public examination.

Legal Compliance

In producing the Joint Plan, each local authority and Hampshire Services has to assess whether the document was compatible with the legal requirements associated with plans of the authority. This included the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended); the Environmental Assessment of Plans and Programmes Regulations 2004; the Conservation of Habitats and Species Regulations 2010; the Human Rights Act; compliance with Directives of the European Commission and subsequent UK Regulations and ensuring that no segment of the Borough's community was likely to be unfairly penalised.

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)	Circa £61k	Yes	Revenue
Next Financial Year (Year 2)	NA	NA	NA
Following Financial Year (Year 3)	NA	NA	NA

Other Financial Information

The costs of preparing the Joint Plan are equally split between the four commissioning councils. The table above sets out the project costs attributable to Wokingham Borough Council.

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 Public Examination. The profile of the budget may vary according to other factors but can be covered by existing agreed budget, based on estimated costs for the examination process. The cost of the examination is included in the current project costs, with any additional costs split between the four authorities.

If the consultation and submission of the Joint Plan 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, but may need to be adapted depending on latest government advice regarding Covid 19, including the temporary amendments to Regulation 35 of the Regulations, which means hard copies of relevant documents do not have to be made available at the principal council offices. All relevant information will be available on the website, and email notifications will be sent to all those on the existing consultation database.

Public Sector Equality Duty

An Equalities Impact Screening Report Form is attached (Appendix 2)

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 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. Policy DM2 specifically supports climate change mitigation and adaptation, through appropriate restoration of sites, diverting biodegradable waste from landfill, and other measures.

List of Background Papers

Appendix 1: Central and Eastern Berkshire Joint Minerals and Waste Plan: Submission Version

Other documents available on request:

Policies Map

Sustainability Appraisal

Habitat Regulations Assessment

Consultation Statement

Minerals Background Study

Minerals Proposals Study

Waste Background Study

Waste Proposals Study

Safeguarding Study

Restoration Study

Strategic Landscape Assessment

Strategic Transport Assessment

Strategic Flood Risk Assessment

Heritage Statement

Duty to Cooperate Statement

Equalities Impact Assessment

Climate Change Topic Paper

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