

TITLE	Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications Consultation
FOR CONSIDERATION BY	Council on Thursday, 17 February 2022
WARD	None specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks approval to consult on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications (the Joint Plan) and supporting documents.

The purpose of this consultation is to seek comments on the proposed main modifications recommended to the Joint Plan as discussed through the examination process. These modifications are required in order to make the plan sound.

RECOMMENDATION

That Council:

- 1) agree the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications, set out in Enclosure 3 (February 2022) to the report, and supporting documentation for publication and public consultation;
- 2) authorise community engagement on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and associated supporting documents to take place for at least 6 weeks from February 2022 onwards;
- 3) 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: Main Modifications and other supporting documents prior to consultation.

EXECUTIVE SUMMARY

National planning policy requires local authorities to regularly review, and where necessary, update their local plans – the documents that contains the council’s planning policies and are used as the starting point for determining planning applications.

The preparation of a new local plan – the Central and East Berkshire Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan) – looking further into the future will ensure that planning policies continue to be effective in managing the decisions on minerals and waste related development proposals by the council, and where these are appealed, by the government appointed planning Inspectors.

The Joint Plan is being prepared in partnership with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Council and Reading Borough Council (hereafter referred to as the joint authorities) to reflect the strategic nature of minerals and waste matters.

Plans must be prepared in consultation with the local community and other stakeholders. The joint authorities consulted on a pre-submission version of the Joint Plan from 3 September – 15 October 2020.

The Joint Plan and supporting documents were subsequently submitted to the Secretary of State for independent examination in February 2021. The public hearing sessions of the Joint Plan took place over several days in September and October 2021. As a result of these hearing sessions a number of modifications were proposed to the Joint Plan in order to ensure it is 'sound.' In total 79 main modifications are proposed. These modifications take into account updates to national planning policy and guidance and propose changes proposed policies.

There are no minerals or waste sites in Wokingham Borough proposed for allocation in the Joint Plan, but there are several others in the wider plan area. The main modifications do not propose any additional sites for minerals or waste uses. A large number of the modifications are proposed to update references to the 2021 version of the National Planning Policy Framework (NPPF), which was published after the Joint Plan had been submitted.

Following Executive on 27th January, an updated schedule of main modifications has been prepared following the receipt of additional recommendations from the Planning Inspectors examining the Joint Plan. The modifications considered by Executive are contained in Enclosure 1. Enclosure 3 contains an updated list of all the modifications for which approval to consult is sought. This updated schedule of modifications does not alter the purpose of the consultation or have any new significant implications for Wokingham Borough.

Recommendation 3 of this report authorises the Director of Place and Growth in consultation with the Executive Member for Planning and Enforcement to agree minor amendments to the consultation material including the main modifications. The updated schedule is included in Enclosure 3 for transparency. Further engagement with the Planning Inspectors may result in further minor changes. The joint authorities are required to hold a consultation on the main modifications. This enables everyone the opportunity to formally submit their views to the Planning Inspectors, who will then take these into account when compiling their final report.

The recommendations of this report are to authorise consultation on the main modifications. Subject to approval, the consultation will be undertaken in accordance with the Statements of Community Involvement of the joint authorities.

Consultation documents are attached or are available on request. As referred to above, they are at an advanced stage of preparation but may be subject to some further drafting/amendment prior to being made available as part of the consultation.

BACKGROUND

National planning policy requires local authorities to regularly review, and where necessary, update their local plans – the documents that contains the council’s planning policies and are used as the starting point for determining planning applications.

The preparation of a new local plan – the Central and East Berkshire Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan) – looking further into the future will ensure that planning policies continue to be effective in managing the decisions on minerals and waste related development proposals by the council, and where these are appealed, by the government appointed planning Inspectors.

The Joint Plan is being prepared in partnership with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Council and Reading Borough Council (hereafter referred to as the joint authorities) to reflect the strategic nature of minerals and waste matters.

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

Joint Plan Progress

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) (2021) and the accompanying Planning Practice Guidance (PPG), the Waste Management Plan for England (2013), and the National Planning Policy for Waste (2014).

As part of preparing the Joint Plan, various technical information and evidence has been prepared, including discussions with important stakeholders such as statutory consultees. A number of public consultations have taken place including:

- Pre-submission consultation: 3 September – 15 October 2020
- 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

In July 2020, Executive and Special Council Executive Committee approved the Joint Plan and supporting documents for submission to the Secretary of State. The Joint Plan was also approved by the other joint authorities. The Joint Plan was subsequently submitted to the Secretary of State in February 2021. Two Planning Inspectors were appointed to examine its soundness and legal compliance. The public hearing sessions of the examination took place over several days in September and October 2021. The aim of the hearing sessions is for the Inspectors to ask questions and clarify key issues relating to the Joint Plan, whilst providing opportunities for other parties, including landowners, developers and residents to engage with the examination process.

¹ www.hants.gov.uk/berksconsult

Further information, including the agendas for the hearing sessions are available on the Joint Plan website.

Main Modifications Overview

Prior to the hearing sessions, a number of modifications to the Joint Plan were proposed by the joint authorities. This was to take into account responses from the pre-submission consultation, minor corrections, and to update references to national policy in light of the publication of a new version of the NPPF (2021). Modifications can take two forms: main modifications and additional modifications. Main modifications are proposed changes that must be subject to consultation. The Inspectors will consider any representations before making their final conclusions. Additional modifications are minor corrections and updates that are not material and as such there is no requirement to consult.

Throughout the examination, the Inspectors explored the potential for additional main modifications to resolve any issues relating to soundness and legal compliance.

In particular, the Environment Agency (EA) raised concerns regarding flood risk at proposed minerals sites located in RBWM. Following the hearing sessions further engagement was undertaken with the EA, including additional flood modelling that takes into account climate change allowances, as part of an updated Strategic Flood Risk Assessment (SFRA). The EA have since confirmed that this additional assessment is sufficient to remove their objection to the Joint Plan.

In total 79 main modifications have been recommended in order to make the Joint Plan sound, which are set out in Enclosure 3. This includes revised development guidelines for proposed minerals sites in RBWM, and clarifying the purpose of mineral consultation areas as an internal tool to guide consultation. For clarity, the main modifications do not propose to include any new additional minerals or waste sites in Wokingham Borough.

For clarity and transparency, 85 modifications were proposed in the schedule considered by Executive at their meeting of 27 January 2022. These are set out in Enclosure 1. Following Executive, the Inspectors made a number of further recommendations. Enclosure 3 is the updated list of modifications for which approval is sought to consult from Council. The reduction in the overall number of modifications results from a number of main modifications now being deemed 'additional modifications' following recommendations from the Planning Inspectors.

The updated schedule of modifications does not alter the purpose of the consultation or have any new significant implications for Wokingham Borough.

For Wokingham Borough the key main modifications are:

- Brookside Business Park, Swallowfield: Proposed to be removed as a preferred waste area identified in Appendix A of the Joint Plan, due to the increase in flood risk as a result of the latest modelling data which takes into account climate allowances (MM72 and MM77).
- Star Works, Know Hill: Clarity is provided in Appendix E (MM78) that the site is proposed to be safeguarded for waste uses as an existing operational waste site.
- Policy DM15: Operator Past Performance, has been reconsidered and renamed 'Site History' to better focus on land use planning issues (MM25).

Main Modifications Consultation

The updated schedule of proposed main modifications are set out in Enclosure 3. Modifications are listed by policy, with deletions struck through, and proposed additional text bold and underlined.

Responses to the consultation should focus on the proposed modifications and can be submitted using the response form.

A number of supporting documents have also been prepared to take into account the proposed main modifications, including an updated Strategic Flood Risk Assessment, and addendums to the Sustainability Appraisal and Habitat Regulations Assessment.

The council is required under the Regulations governing the preparation of Local Plans to consult with key stakeholders on the recommended modifications.

The Joint Plan, and 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 6 weeks from February 2022.

Consultation will be undertaken jointly by Hampshire Services who were commissioned to prepare the Joint Plan on behalf of the joint authorities with additional actions by the joint authorities. The consultation exercise is being designed to meet the policies and practice set in the Statement of Community Involvement adopted by each of the joint authorities.

The consultation will involve sending emails/ letters to individuals, organisations, councillors, and making all the documents publicly available via the website. Due to the impact of Covid 19, adaptations to how the consultation is undertaken may be required. All documents will be available on the website.

The Planning Inspectors will review all the consultation responses submitted as part of preparing their final report, which will reach clear conclusions on the soundness and legal compliance of the Joint Plan. If the Joint Plan is found sound and legally compliant, the Joint Plan can be adopted and will form part of the development plan.

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.

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
<p>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.</p> <p>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.</p> <p>If the consultation on the Joint Plan main modifications 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.</p>

Stakeholder Considerations and Consultation
<p>Public consultation will be carried out in accordance with the Statement of Community Involvement of the joint authorities but may need to be adapted depending on latest government advice regarding Covid 19. All relevant information will be available on the website, and email notifications will be sent to all those on the existing consultation database.</p>

Public Sector Equality Duty
<p>An Equalities Impact Assessment Report is attached in Enclosure 2.</p>

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
<p>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</p>

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

List of Background Papers

Enclosure 1: Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications

Enclosure 2: Equalities Impact Screening Report

Other documents available on request:

- Policies Map
- Sustainability Appraisal Addendum
- Habitat Regulations Assessment Addendum
- Revised Strategic Flood Risk Assessment

Enclosure 3: Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications (Updated - February 2022)

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