

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	POLICY COMMITTEE		
DATE:	31 OCTOBER 2016	AGENDA ITEM:	14
TITLE:	JOINT MINERALS AND WASTE LOCAL PLAN - JOINT WORKING ARRANGEMENTS		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	PLANNING	WARDS:	BOROUGHWIDE
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1. EXECUTIVE SUMMARY

- 1.1 This report sets out the arrangements that are being made for the preparation of a statutory Minerals and Waste Local Plan for the Central and Eastern Berkshire area covering the Districts of Windsor and Maidenhead, Bracknell Forest, Wokingham and Reading. The report sets out a proposal for the preparation of the plan, led by Hampshire County Council's Minerals and Waste Team. It seeks agreement to the Joint Working Agreement which has been led by officers of Reading Borough Council.
- 1.2 The production of a minerals and waste plan is a statutory requirement. The failure to have an adopted minerals and waste plan in place or an agreed timetable to deliver a plan in the future will be a factor in establishing whether the Council's emerging replacement Borough Local Plan can be found sound when it is examined in the future.

2. RECOMMENDED ACTION

- 2.1 Committee are asked to note the content, timeframe and cost of the HCC proposal to prepare a Minerals and Waste Local Plan for the Central and Eastern Berkshire area;
- 2.2 That the proposed Joint Agreement between Royal Borough of Windsor and Maidenhead, Wokingham Borough Council, Bracknell Forest District Council and Reading Borough Council with Hampshire County Council under Section 113 Local Government Act, 1972, be approved and that delegated authority be given to the Director of Environment and Neighbourhood Services in consultation with the Deputy Leader and Lead Member for Strategic Environment Planning and Transport, Head of Finance and the Head of Legal and Democratic Services, to finalise the detailed arrangements and enter into the necessary agreement/s.

3. POLICY CONTEXT

- 3.1 The six unitary authorities in Berkshire have responsibility for planning for the management of waste and the production of minerals within the Berkshire area. The existing saved separate 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) were prepared and adopted by the former Berkshire County Council and are now somewhat out of date. The policies in the existing Minerals and Waste Plans for Berkshire were designed to guide development until 2006. Although the 'saved' policies are still used, their effectiveness is reducing.
- 3.2 Large amounts of development and infrastructure provision are taking place, and will continue to take place, within the County. This requires proper planning for the extraction of minerals and the disposal of waste. A Draft Minerals and Waste Local Plan was prepared during 2008/2009 by the former Berkshire Joint Strategic Planning Unit. Issues with the evidence base for the plan were found by the Planning Inspector when the draft plan was submitted for examination. As a result, the draft plan was withdrawn. The disbanding of the Joint Strategic Planning Unit in 2010/11 has meant that the plan has not been progressed. The existing plans have therefore become even more out of date.
- 3.3 In terms of mineral production it is clear that Berkshire has seen significant increases in mineral extraction since 2008 as the economy has improved. This increase will result in new planning applications to ensure that an adequate supply of sites is made available to the market to maintain economic growth within and around Berkshire.
- 3.4 It is essential that there are an appropriate number of facilities to ensure effective waste management to also support the economy of the area. To deliver this, the authorities need to define the existing permitted sites and future need forecasts which in turn will allow the authorities to understand the need for new facilities.
- 3.5 Minerals and Waste is an area of planning which is strategic in nature and as such is better planned for on a larger geography than an individual unitary authority. As such Bracknell Forest, Reading, the Royal Borough and Wokingham Councils are pursuing a joint Minerals and Waste Local Plan. This would be produced on the four authorities' behalf by an alternative provider, who would have experience in this area of work. Slough Borough Council does not wish to take part in this joint arrangement, but will have a watching brief. West Berkshire Council is currently preparing a Minerals and Waste Local Plan for the area of their district.
- 3.6 Hampshire County Council (HCC) is the Minerals and Waste Authority for Hampshire and has a dedicated in-house team of specialist planners. The team have a track record of the successful completion and adoption of local plans on behalf of groups of authorities in Hampshire.
- 3.7 It is proposed that the costs of the service will be shared equally between the four authorities. A Joint Working Agreement is being drafted between the four Berkshire Authorities and HCC that sees HCC carrying out most of the work to

prepare and progress a joint Minerals and Waste Local Plan (MWLP) to a point where it can be adopted by each of the participating authorities. This report outlines a timeframe and cost proposal from Hampshire County Council for undertaking the work and seeks endorsement to commission the work for the Central and Eastern Berkshire area through a Joint Working Agreement. It also outlines governance arrangements including joint management arrangements and a proposal to establish a Joint Committee to oversee the production of the Central and Eastern Berkshire Waste and Minerals Plan.

- 3.8 The production of the MWLP follows the same processes of plan production as other recently adopted Development Plans / Local Plans documents.

4. THE PROPOSAL

- 4.1 Following an initial view from the Berkshire Leaders Group, officers have sought to source providers to undertake the work on behalf of the authorities and achieve best value in terms of costs and timescale for delivery. In seeking out alternative providers, the authorities have had productive dialogue with Hampshire County Council which has a trading element to enable parts of the organisation to undertake work for other local authorities. Officers have been unable to find a private company who could run the whole Minerals and Waste Plan and has experience of the democratic process involved with the production of this type of plan.
- 4.2 HCC have recently adopted a Minerals and Waste plan covering large parts of Hampshire. Their team has extensive in-house experience of managing and producing a plan. Due to the nature of Hampshire, HCC undertook the work on behalf of the County, Southampton, Portsmouth and the South Downs National Park, so they are well versed in producing a plan which has complex governance arrangements.
- 4.3 Officers believe that this option provides a safe approach to developing the plan with an experienced team in place.
- 4.6 The HCC proposal sets out the following timetable:

Plan-making Stage	Timetable
LDS (Section 15 of PCPA 2004) <ul style="list-style-type: none"> • Preparation and Sign-off • Call for Sites 	June – Sept 2016
Regulation 18 (Stage One - Issues & Options Preparation) <ul style="list-style-type: none"> • Draft Plan Vision & Objectives • Proposed content and evidence base • Evidence Base (Initial findings only) <ul style="list-style-type: none"> ○ Initial review of sites 	Sept 2016 – March 2017
<ul style="list-style-type: none"> ○ Scoping Report (SA/SEA) ○ Screening (HRA) ○ Draft Minerals Background Study ○ Draft Waste Data 	
Regulation 18 (Issues & Options Consultation) <ul style="list-style-type: none"> • Sign-off • Consultation* 	March – Sept 2017
Regulation 18 (Stage Two - Preferred Options Preparation) <ul style="list-style-type: none"> • Draft Evidence Base • Draft Plan 	July 2017 – Dec 2017
Regulation 18 (Preferred Options Consultation) <ul style="list-style-type: none"> • Sign-off • Consultation* 	Jan – May 2018
Regulation 19 (Preparation) <ul style="list-style-type: none"> • Update Evidence Base • Revise Plan 	May 2018 – Oct 2018
Regulation 19 (Consultation) <ul style="list-style-type: none"> • Sign-off • Consultation* 	Nov 2018 – March 2019
Regulation 22 (Preparation) <ul style="list-style-type: none"> • Update Evidence Base • Proposed Modifications 	March – Sept 2019
Regulation 22 (Submission to SoS)	Winter 2019
Regulation 24 (Public Examination)	Spring 2020
Regulation 25 (Inspector's Report)	Summer 2020
Regulation 26 (Adoption)	Winter 2020

4.7 The cost for HCC to undertake these works on behalf of the four authorities will be somewhere between £900,000 and £1.13 million over the four year period. This equates to a figure in the region of £56-70k per authority per annum, which is close to the figure which officers had estimated at the outset. These costs are lower than those quoted in an earlier proposal by a different partner. It is proposed that the authorities enter into an agreement with HCC under S113 Local Government Act 1972. S113 Local Government Act 1972 provides a power to obtain professional services from another local authority by borrowing the use of its staff for its own work. The proposal is that this route is used to appoint Hampshire County Council to provide the minerals and waste plan services by their staff. Discussions on a draft agreement, involving officers representing each of the parties are underway with a view to being in a position to sign the agreement shortly.

4.8 The management of the contract will be dealt with jointly by officers of the four authorities. The Leaders of the four authorities have discussed

governance matters including the possibility of the setting up of a Joint Committee to act either as a sounding board or have more extensive powers be able to agree documents at the key milestones. It is acknowledged that whatever arrangement is put in place the final adoption of the plan would need to be by each Council. This matter will be discussed and resolved following the appointment of HCC to undertake this work.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The preparation of a Minerals and Waste Local Plan will contribute to achieving the Council's Corporate Plan objectives in particular "Keeping the town clean, safe, green and active."

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Consultation, carried out in accordance with will form part of the process of producing a local plan under the Planning Acts. Responses received as a result of consultation will be taken into account in the preparation and examination of the draft plan.

7. EQUALITY ASSESSMENT

- 7.1 A scoping assessment and Equality Impact Assessment (EqIA) will be undertaken as part of the preparation of the Minerals and Waste Local Plan.

8. LEGAL IMPLICATIONS

- 8.1 S113 Local Government Act 1972 provides a power to obtain professional services from another local authority by borrowing the use of its staff for its own work and the proposal is this route is used to appoint Hampshire County Council to provide the minerals and waste plan services by their staff. Such an arrangement would not be required to be advertised in the Official Journal of the European Union.
- 8.2 Details are yet to be finalised as to whether there will be a separate joint agreement between the 4 Berkshire local authorities as to the management and governance of the process with Hampshire and a separate agreement with Hampshire regarding the services or it may be that all 4 Berkshire authorities are directly parties to one agreement with Hampshire - therefore draft resolution 2.2 refers to agreement singular and agreements plural to give the necessary authority.

9 FINANCIAL IMPLICATIONS

- 9.1 As indicated at paragraph 4.7 above, HCC has estimated that the cost to undertake these works on behalf of the four authorities will be somewhere between £900,000 and £1.13 million over the four year period. This equates to a figure in the region of £56-70k per authority per annum which has been agreed by the other 3 authorities. Our share will be paid from the current Planning budget.

Value for Money

- 9.2 The preparation of up to date minerals and waste local plans for an area are a statutory requirement under the Planning Acts. The failure to have up to date adopted plans in place could potentially compromise the provision of minerals and future planning for waste in the area. It could also directly affect whether the emerging replacement Borough Local Plan can be found sound when examined as the Council is not complying fully with its statutory duties.
- 9.3 This proposal involves the preparation of a single local plan to cover both minerals and waste planning for the period up to 2036. This will significantly reduce the costs compared to providing two separate plans as has occurred in the past.

Risk Assessment

- 9.4 The proposal prepared by HCC sets out various risks associated with the project. These mainly revolve around the potentially contentious nature of planning proposals which can introduce delays into the process. These may have an impact on costs but careful monitoring should ensure proper management of any direct financial risks associated with the project.