

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND
NEIGHBOURHOOD SERVICES

TO:	POLICY COMMITTEE		
DATE:	20 JULY 2020		
TITLE:	CENTRAL AND EASTERN BERKSHIRE JOINT MINERALS AND WASTE PLAN - PROPOSED SUBMISSION		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	PLANNING	WARDS:	ALL
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1. EXECUTIVE SUMMARY

- 1.1 This report relates to the Central and Eastern Berkshire Joint Minerals and Waste Local Plan (CEBJMWP), which is being prepared on behalf of Reading Borough Council, Bracknell Forest Borough Council, Royal Borough of Windsor and Maidenhead and Wokingham Borough Council.
- 1.2 The Plan has now been through several stages of consultation, and this report recommends approval of a Proposed Submission version of the Plan (Appendix 2) for consultation, followed by submission to the Secretary of State. This is intended to be the final consultation draft of the document, and submission would be followed by a public examination, which would include a set of public hearings, before final approval can be given.
- 1.3 Appendices:
Appendix 1: Equality Impact Assessment scoping
Appendix 2: Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan

2. RECOMMENDED ACTION

- 2.1 That the results of consultation on the Draft Central and Eastern Berkshire Minerals and Waste Local Plan and Focussed Regulation 18 Consultation be noted.

- 2.2 That the Proposed Submission Central and Eastern Berkshire Minerals and Waste Local Plan (Appendix 2) be approved.
- 2.3 That community involvement on the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan and associated supporting documents be authorised.
- 2.4 That the Deputy Director of Planning, Transport and Regulatory Services be authorised to make any minor amendments necessary to the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan in consultation with the Lead Councillor for Strategic Environment, Planning and Transport, prior to community involvement.
- 2.5 That the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan be authorised for submission to the Secretary of State should no significant issues arise during community involvement that would necessitate a substantive change to the document.
- 2.6 That the Deputy Director of Planning, Transport and Regulatory Services be authorised to make any minor amendments necessary to the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan that do not alter the policy direction, in consultation with the Lead Councillor for Strategic Environment, Planning and Transport, prior to their submission to the Secretary of State and prior to the consequent Public Examination of the plan.

3. POLICY CONTEXT

- 3.1 The unitary authorities in Berkshire have responsibility for the planning of future production of minerals and for the management of waste disposal within the Berkshire area. Minerals and waste is an area of planning which is strategic in nature and as such is better planned on a larger geography than an individual unitary authority. As such, the Royal Borough of Windsor and Maidenhead (RBWM), Wokingham Borough Council (WBC), Bracknell Forest Council (BFC) and Reading Borough Council (RBC) are progressing a Central and Eastern Berkshire Joint Minerals and Waste Plan (CEBJMWP).
- 3.2 In September 2016, Policy Committee approved a Joint Working Agreement between Hampshire County Council (HCC) and the four unitary authorities for the preparation of a Minerals and Waste Plan. The plan will guide minerals and waste decision-making in the plan area up to 2036. The Councils currently rely on a 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). These were prepared and adopted by the former Berkshire County Council and are now 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 now very limited.

- 3.3 The preparation of the CEBJMWP will need to accord with current planning policy and guidance on minerals and waste. These are contained within the National Planning Policy Framework (NPPF) and the accompanying National Planning Practice Guidance, along with the Waste Management Plan for England which was published in December 2013, and the National Planning Policy for Waste which was published in October 2014.
- 3.4 The CEBJMWP sits alongside and complements the authorities’ own local plans, which in Reading’s case is the Reading Borough Local Plan (adopted November 2019). Both documents will have the same development plan status in determining planning applications.

4. THE PROPOSAL

(a) Current Position

- 4.1 Production of the CEBJMWP began in 2016, with the approval by the four authorities of the joint working arrangements together with HCC. The first stage was a consultation on Issues and Options, which was approved by Strategic Environment, Planning and Transport Committee on 4th April 2017 (Minute 27 refers), and consultation was carried out during June and July 2017. The main focus was engaging the minerals and waste industry in discussion on the issues and obtaining evidence to inform the options for the Plan’s policies and site allocations, although the consultation was open to anyone to respond to.
- 4.2 The responses were taken on board in developing a Draft version of the CEBJMWP. This was approved for consultation by Strategic Environment, Planning and Transport Committee on 2nd July 2018 (Minute 8 refers). This proposed a vision and spatial strategy and set out policies for the management of minerals and waste proposals as well as proposed sites to help meet minerals and waste needs. No sites were identified within Reading Borough. Consultation was carried out between August and October 2018.
- 4.3 The results of consultation on the Draft are set out in the Summary Consultation Report, which is available to view on the website¹. There were a total of 348 responses to the Draft. The vast majority

¹ <https://documents.hants.gov.uk/environment/JCEBDraftPlanConsultationSummaryReport.pdf>

of these (85%) were from local residents. Due to the nature of the proposed sites, very few of the responses came from within Reading.

4.4 The parts of the Draft that were subject to the greatest amount of responses, most of which were objections, were as follows:

- Locations for sand and gravel extraction (policy M4 and supporting text);
- Waste capacity requirements;
- Sustainable waste development (policy W1);
- Safeguarding of waste management facilities (policy W2);
- Locations and sites for waste management (policy W4); and
- Sustainable transport movements (policy DM11).

4.5 After the consultation on the Draft, there were some important changes. In particular, the refusal of the application for sand and gravel extraction at Bridge Farm in Wokingham, which had been included as a proposed site in the Draft, left a significant shortfall in sand and gravel provision. Two further 'Call for Sites' exercises were also held, and, as a result of the most recent in Autumn 2019, two further new sites were suggested for inclusion. Therefore, on 20th January 2020, Policy Committee approved a focused consultation on sand and gravel provision, the two additional sites, and a proposed policy on previous operator performance (Minute 64 refers). This consultation was carried out in February and March 2020.

4.6 The Summary Consultation Report which is available on the website² summarises the consultation process and the responses received. There were responses from 684 organisations or individuals to this focused consultation. Again, virtually none of these were from within Reading. These can be briefly summarised as follows:

- The vast majority of points raised (661 responses) related to the inclusion of one of the additional sites, at Basingstoke Road, Spencers Wood (WBC), with very little support for this proposal. The main concerns were impact on adjoining uses, traffic generation, impacts on a listed building, flood risk and noise, dust and air quality issues.
- 47 responses related to the other additional site, between Horton Brook and Poyle (RBWM), with the majority being objections but also some support. Key issues raised were the proximity to residential, effect on conservation areas, enhancement of waterways and the future of the bridleway that passes through the site.

² <https://documents.hants.gov.uk/environment/JCEB-Focussed-Regulation18-consultation-summary-report.pdf>

- The proposed 'Area of Search' approach to make up the shortfall of sand and gravel generated 52 responses, with concern raised about impacts on health, communities and wildlife, and also the crossover with emerging local plan allocations for other uses in the Local Plans of other authorities.
- The policy allowing consideration of past operator performance resulted in 42 responses, including some objection from the industry.
- Two further new sites were put forward - an additional site at Spencers Wood (WBC) and Maidenhead Golf Course (RBWM).

(b) Option Proposed

4.7 Committee is recommended to approve the Proposed Submission version of the CEBJMWP (Appendix 2) for community involvement.

4.8 The Proposed Submission version has taken into account the responses received, as well as emerging evidence and changes in circumstance. There are a number of changes from the Draft, some of the most significant of which are as follows:

- The introduction of a policy on past operator performance (policy DM15). This means that the operational performance of a site which is already run by the operator, including how the operator has responded to any issues, can be considered at planning application stage, even when it is outside the plan area. This responds to a number of consultation responses raising concerns about existing issues with minerals and waste sites.
- Removal of the Bridge Farm allocation for sand and gravel extraction (WBC) after Wokingham Borough Council's refusal of the planning application for extraction, and the subsequent abandoning of the landowner's intention to pursue extraction.
- Removal of the Ham Island allocation for sand and gravel extraction (RBWM), due to deliverability concerns and an objection from Historic England that could not be overcome.
- Removal of the Poyle Quarry and Water Oakley Farm as allocations for sand and gravel extraction (both RBWM) as planning permission has now been granted, although policy M4 still refers to extraction of the remaining reserves in these locations.
- Addition of the land between Horton Brook and Poyle (RBWM) (allocation MA1 in the plan) for sand and gravel extraction.
- Inclusion of an Area of Search approach within policy M4 to make up the sand and gravel shortfall. This maps all known sand and gravel deposits in the area, and excludes only the most significant constraints, i.e. European or national wildlife designations, identified heritage assets, land which is already developed, and

any sites under 3 ha (which are very unlikely to be viable to extract). This leaves considerable land within the Area of Search, much of which is subject to other constraints. However, it is important to bear in mind that this is not a presumption that extraction will be appropriate, and other development management policies, including within our own Local Plan, address these other constraints.

- Inclusion of the main industrial areas as being potentially suitable for waste facilities, within policy W4. This includes the following areas within Reading: Bennet Road, North of Basingstoke Road, Elgar Road, Portman Road/Deacon Way, Richfield Avenue/Tessa Road, Paddock Road, South of Basingstoke Road, Wigmore Lane, Bridgewater Close and Island Road. The types of waste facilities suitable for these areas are limited in most cases to activities requiring small-scale enclosed industrial facilities (Category 3), the effects of which will be in line with other industrial activities, and many of which fall within B1 or B2 use classes in any case. A number of these activities are already going on within Reading's industrial areas. Some of the areas, more remote from residential, may also be suitable for activities requiring a mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment) (Category 2). None of Reading's areas are identified as being suitable for any other waste facility categories. The reason that the plan has identified these areas individually is that doing so will be necessary to demonstrate that there is adequate waste management capacity in the plan area, because there would otherwise be a significant shortfall.
- Removal of allocations which proposed the continuation of existing waste facilities, which include Star Works in Knowl Hill (WBC) and Planners Farm in Winkfield (BFBC). These were considered unnecessary because the plan has general policies that safeguard existing facilities in any case.

4.9 If agreed, the Proposed Submission CEBJMWP will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This is the final timetabled opportunity for public consultation on the document. Consultation is expected to take place between 3rd September and 15th October 2020, a period of six weeks.

4.10 If, following consultation, no major changes that would affect the overall policy direction are required to the CEBJWMP, it would then be submitted to the Secretary of State, and this report seeks delegation to make minor post-consultation changes that do not alter the policy direction prior to submission. Submission is scheduled for Winter 2020, and marks the starting point of the process of examination in public. An independent Inspector would be appointed to examine the plan and determine whether it is 'sound' and legally compliant. This would include a series of public hearings. If the plan

is considered to be sound and legally compliant, it can be adopted. Depending on the length of the examination, adoption at a meeting of full Council (or a Committee with appropriate delegation) could take place in Winter 2021.

- 4.14 However, if consultation reveals a need to make major changes to the policy direction, the CEBJMWP will need to be further revised and brought to a future meeting of this, or another appropriate, Committee for an additional period of consultation.

(c) Other Options Considered

- 4.15 The main alternative option that could be considered to consulting on a Proposed Submission CEBJMWP at this stage is to delay the process.

- 4.16 Delaying would mean that the authorities continue to rely on saved policies from the Replacement Minerals Local Plan and Waste Local Plan that are now more than 20 years old and are significantly out of date. It is unlikely that these policies could be given significant weight in determining minerals and waste planning applications and will severely limit the authorities' ability to manage development.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The CEBJMWP, through the provision of minerals, mainly for use in construction, and facilities for dealing with waste, will contribute to the following priorities in the Corporate Plan 2018-21 (Annual Refresh Spring 2019):

- Securing the economic success of Reading;
- Keeping Reading's environment clean, green and safe.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

- 6.1 The CEBJMWP includes a number of strategic objectives around the environmental effects of minerals and waste development, including objective 4, which is to:

“Help mitigate the causes of, and adapt to, climate change by; positive design of development; developing appropriate restoration of mineral workings; prioritising movement of waste up the waste hierarchy; reducing the reliance on landfill; maximising opportunities for the re-use and recycling of waste; and facilitating new technologies to maximise the renewable energy potential of waste as a resource”.

- 6.2 There are a number of policies in the plan which implement the elements referred to in the objective, as well as other measures. In particular policy DM2 deals with climate change mitigation and adaptation, and requires a Climate Change Assessment to be submitted with all minerals and waste proposals.

- 6.3 The CEBJMWP has been subject to Sustainability Appraisal, which assesses the effect of the plans and proposals on environmental, social and economic objectives. This Sustainability Appraisal, which will be published alongside the Proposed Submission document, has identified that overall the minerals, waste and development management policies have a neutral or positive effect on the objectives. Some of the identified sites would have the potential to negatively impact biodiversity and nature conservation, water quality, landscape and ground conditions and flood risk, but these issues could be addressed by mitigation via the application of the development management policies.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 The Council's consultation process for planning policy is set out in the adopted Statement of Community Involvement (SCI) (adopted March 2014). All consultations on the CEBJMWP undertaken so far have complied with Reading's adopted SCI, as well as the SCIs of the other three authorities. The SCI approach is that the widest and most intensive community involvement should take place at the earliest possible stage, to allow the community a genuine chance to influence the document. Therefore, the most wide-ranging community involvement, involving public events across the plan area, has already been undertaken at previous stages.
- 7.2 The Proposed Submission CEBJMWP consultation will take place in line with the SCI. The statutory consultation period is six weeks, with the intention being that it takes place between Thursday 3rd September and Thursday 15th October 2020. The details of the consultation will be published on the Council's website and sent to those on the planning policy consultation lists. Regulations also specify that hard copies of the document should be available to view in the authorities' principal offices, although whether this can be achieved will have to depend on whether those buildings have reopened to the public.

8. EQUALITY ASSESSMENT

- 8.1 The Scoping Assessment, included at Appendix 1 identifies that an Equality Impact Assessment (EqIA) is not relevant to this consultation. A full EqIA is not therefore required.

9. LEGAL IMPLICATIONS

- 9.1 Local plans are produced under the Planning and Compulsory Purchase Act 2004. The process for producing local plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 states that, before submitting a Local Plan to the Secretary of State under section 20 of the 2004 Act, the proposed

submission documents should be made available. This Proposed Submission CEBJMWP has been produced within this Regulation 19 requirement.

- 9.2 When the plan is submitted to the Secretary of State under section 20 of the 2004 Act, Regulation 22 specifies the documents to be submitted, and this covers the entire evidence base that the authorities will seek to rely on in the examination.

10. FINANCIAL IMPLICATIONS

- 10.1 The cost of preparing the Central and Eastern Berkshire Joint Minerals and Waste Plan is being shared equally amongst the four commissioning joint authorities. This was agreed by Policy Committee on 31st October 2016, in approving the preparation of a Joint Minerals and Waste Plan for the Central and Eastern Berkshire area (Minute 51 refers). As reported to that Policy Committee meeting, the preparation of the plan over its currently programmed four year period will be between £900,000 and £1.13 million, which equates to a figure in the region of £56-70k per authority per annum.

- 10.2 Reading Borough Council's share is being paid from within the existing Planning budget, with £61k per annum paid in 2016/17, 2017/18, 2018/19 and 2019/20 taking the total expenditure to £245k. This is intended to cover the costs of the proposed consultation, submission and examination. However, the cost of a public examination is never known in full until the Planning Inspectorate produces a final invoice and will depend on the length and complexity of the examination. Any increase in the overall costs above the level approved in the October 2016 Policy Committee meeting will need to be approved through the relevant channels.

Value for Money (VFM)

- 10.3 The preparation of Central and Eastern Berkshire Joint Minerals and Waste Plan will ensure that there is proper planning for minerals and waste in the area, that such developments are appropriate to their area, that significant effects are mitigated, that contributions are made to local infrastructure, and that there are no significant environmental, social and economic effects. Robust policies will also reduce the likelihood of planning by appeal, which can result in the Council losing control over the form of development, as well as significant financial implications. Production of the plan, in line with legislation, national policy and best practice, therefore represents good value for money.

Risk Assessment

- 10.4 There are no direct financial risks associated with the report.

BACKGROUND PAPERS

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- National Planning Policy Framework
- National Planning Policy for Waste
- Replacement Minerals Local Plan for Berkshire (1995)
- Waste Local Plan for Berkshire (1998)
- Draft Central and Eastern Berkshire Joint Minerals and Waste Plan (2018)
- Summary Consultation Report on Draft CEBJMWP
- Focussed Regulation 18 Consultation on Sand and Gravel and Operator Performance (February 2020)
- Summary Consultation Report on Focussed Regulation 18 Consultation

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Proposed Submission Central and Eastern Berkshire Minerals and Waste Plan

Directorate: DEGNS - Directorate of Economic Growth and Neighbourhood Services

Service: Planning

Name: Mark Worringham

Job Title: Planning Policy Team Leader

Date of assessment: 11/06/2020

Scope your proposal

What is the aim of your policy or new service?

To provide policies for dealing with applications for minerals and waste development within the plan area.

Who will benefit from this proposal and how?

The whole community will benefit from sufficient resources being available to provide aggregates to the construction industry and sufficient waste management capacity being planned for.

What outcomes will the change achieve and for whom?

The CEBJMWP sets out up to date and robust policies around minerals extraction and waste management across the four unitary authorities to 2036. This will enable planning decisions on those forms of development to be based on a sound policy approach.

Who are the main stakeholders and what do they want?

Local residents and environmental groups - for development proposals to be considered in terms of their impact on local residents and the local environment.
Landowners and operators - a clear approach which provides certainty to planning decisions.

Construction industry - an adequate supply of aggregates to support the construction industry.

Unitary authorities - an up-to-date plan which supports decision-making.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes No

If the answer is **Yes** to any of the above you need to do an Equality Impact Assessment.

If **No** you **MUST** complete this statement

An Equality Impact Assessment is not relevant because: Planning for minerals extraction and waste management does not have a differential effect on racial groups, gender/transgender, disability, sexual orientation, age or religious belief.

Signed (completing officer) Mark Worringham Date: 11th June 2020

Signed (Lead Officer) Mark Worringham Date: 11th June 2020