

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND
NEIGHBOURHOOD SERVICES

TO:	POLICY COMMITTEE		
DATE:	17TH JANUARY 2022		
TITLE:	MAIN MODIFICATIONS TO THE CENTRAL AND EASTERN BERKSHIRE JOINT MINERALS AND WASTE LOCAL PLAN		
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 CEBJMWP has been through several stages of community involvement, and was submitted to the Secretary of State on 2nd March 2021. This marked the beginning of a public examination held by an independent Planning Inspector, including public hearings in September and October 2021.
- 1.3 The Inspector has identified a number of main modifications that are needed to make sure that the plan is sound and legally compliant. These main modifications need to be subject to consultation, and a proposed consultation document is set out in Appendix 2. The Inspector can then incorporate these main modifications in the final inspector's report.
- 1.4 Appendices
Appendix 1: Equality Impact Assessment Scoping
Appendix 2: Schedule of Main Modifications

2. RECOMMENDED ACTION

- 2.1 That the Main Modifications to the Central and Eastern Berkshire Joint Minerals and Waste Local Plan (Appendix 2) be approved.**
- 2.3 That community involvement on the Central and Eastern Berkshire Joint Minerals and Waste Local Plan be authorised.**

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 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 plan has been through the following stages:
 - Consultation on Issues and Options, approved by Strategic Environment, Planning and Transport Committee on 4th April 2017

(Minute 27 refers), with consultation carried out during June and July 2017.

- A Draft version of the CEBJMWP, approved for consultation by Strategic Environment, Planning and Transport Committee on 2nd July 2018 (Minute 8 refers), with consultation carried out between August and October 2018.
- A consultation on one additional suggested site, an extension of Bray Quarry, carried out in July and August 2019 and limited to RBWM.
- A focussed consultation on some key issues and sites, approved by Policy Committee on 20th January 2020 (Minute 64 refers) and carried out in February and March 2020.
- A Proposed Submission Draft of the CEBJMWP, approved by Policy Committee on 20th July 2020 (Minute 23 refers), setting out the authorities' proposed draft of the document for submission to the Secretary of State, consultation on which was carried out during September and October 2020.

4.2 After the final consultation stage, the plan was submitted to the Secretary of State on 2nd March 2021. Submission of a Local Plan document marks the beginning of a public examination, during which an independent Inspector considers whether the plan is sound, legally compliant and fulfils the duty to co-operate. The main part of the examination was a set of public hearings held in Maidenhead Town Hall during September and October 2021.

4.3 The Inspector's final report will present her conclusions on the plan in full. However, before that report can be produced, the Inspector has identified a number of instances where 'main modifications' are required. Main modifications are those changes that affect the direction or interpretation of policy, and therefore require an additional consultation stage. Main modifications are regularly required by Inspectors, and the Reading Borough Local Plan went through the same process.

4.4 Once main modifications are identified, it is for the authorities to consult on them. Without these main modifications, the Inspector would not find the CEBJMWP to be 'sound' and/or legally compliant, and it could not therefore be adopted.

4.5 A schedule of main modifications is included in Appendix 2. Many of these represent quite small changes to wording, but there are some more significant changes that are summarised below.

- Changes to reference the new version of the National Planning Policy Framework (NPPF);
- Clarification of the suitability of minerals and waste development in Green Belt;
- Changes to the historic environment policy to better reflect NPPF;
- Amended text on flooding to better reflect national planning guidance;

- Refocusing of policy DM15 away from considering the past performance of the operator to focusing on issues that have arisen on a specific site;
- Clarification of the likely scale of imports of sand and gravel from outside the plan area;
- Clarification on how the areas of search for sand and gravel will be applied;
- Clarification that the authorities will monitor changes in waste management facilities to enable existing sites to be safeguarded; and
- Various changes to the criteria for individual allocations, in particular in reference to flood risk and Green Belt. This also includes removal of two of the industrial areas identified as preferred areas for waste management facilities due to flood risk.

4.6 The authorities have scope to make more minor changes to the CEBJMWP that do not affect soundness, without being recommended by the Inspector or undertaking consultation. These include small updates, correction of errors or changes for the sake of consistency. These do not form part of this report.

4.7 The consultation on main modifications will last for six weeks, and is proposed to take place during February and March. Following this, the consultation representations will be passed to the Inspector.

4.8 The following stage will be that the Inspector will produce a final report on the soundness and legal compliance of the plan, incorporating the main modifications. If the plan is found sound and legally compliant, it can then proceed to adoption. If not, the authorities would need to reconsider their approach, and prepare a new version.

(b) Option Proposed

4.9 Committee is recommended to agree the main modifications to the plan set out in Appendix 2, and to agree the publication of those main modifications for consultation.

(c) Other Options Considered

4.10 There are two alternative options to the proposed option above. They are: (i) to not accept some or all of the identified main modifications to the plan; and (ii) to suggest different or more wide-ranging modifications, beyond those required for soundness.

4.11 The result of option (i), to not request some or all of the identified main modifications to the CEBJMWP, would be that the Inspector would almost certainly find the plan unsound. This would mean that it could not be adopted. In this case, the authorities would need to either go back to the Proposed Submission stage, meaning needing to go through the consultation, submission and examination processes again, or to not proceed with the plan in its current form at all. This option is not considered appropriate, as it would result in reliance on policies in

existing documents that are extremely out of date, making it extremely difficult to resist inappropriate development, and potentially resulting in planning by appeal. This would also have very significant resource implications, not just in terms of the time and cost of producing and examining the plan itself, but also the need to undertake costly updates of key pieces of evidence.

- 4.12 Option (ii), to suggest different or more wide-ranging modifications would carry the significant risk of the Inspector needing to re-open the Examination. As well as the resource and time implications of more sitting days, it would also be far from guaranteed that different proposed modifications would be considered sound, and it could cause further delays to the process through, leaving the authorities without up to date policies for an additional period.

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 themes in the Reading Borough Corporate Plan 2021/22:
- Healthy environment; and
 - Inclusive economy.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

- 6.1 The environmental and climate implications of the CEBJMWP itself were reported to Policy Committee on 20th July 2020.
- 6.2 The main modifications to the CEBJMWP has been subject to Sustainability Appraisal, which assesses the effect of the plans and proposals on environmental, social and economic objectives, and is a statutory requirement of plan making. The Sustainability Appraisal Addendum, which will be published alongside the Main Modifications, has identified that the modified policies will have either neutral or positive effects on the identified sustainability objectives, which cover environmental objectives relating to biodiversity, water quality, landscape and heritage, ground conditions, air quality, emissions/climate change and flood risk.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 'Main modifications' are those that would require additional consultation. A further six-week period of consultation is therefore required, which will be carried out in line with the Statement of Community Involvement (adopted March 2014), as for previous consultations on the CEBJMWP. The consultation would be focused on the main modifications only, not the remainder of the plan. The consultation period is proposed to take place during February and March 2022.

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. Under Section 20 (7C) of the Act, an Inspector can recommend main modifications, but only if requested to do so by the local authority. The process for producing local plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulations 23, 24 and 25 concern the process for examination of a Local Plan and publication of an Inspector's Report.

10. FINANCIAL IMPLICATIONS

- 10.1 The cost of preparing the CEBJMWP 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 programmed 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 having been paid in 2016/17, 2017/18, 2018/19 and 2019/20 taking the total expenditure so far to £245k. This is intended to cover the costs of the proposed consultation, submission and examination, and it will cover the costs of preparing and consulting on main modifications outlined in this report. 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 the CEBJMWP 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)
- Proposed Submission Draft Central and Eastern Berkshire Joint Minerals and Waste Plan (2020)
- A wide range of background information available on [Central and Eastern Berkshire - Joint Minerals & Waste Plan | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/planning-and-transport/central-and-eastern-berkshire-joint-minerals-and-waste-plan)

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Main Modifications to the Central and Eastern Berkshire Joint 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: 17/12/2021

Scope your proposal

What is the aim of your policy or new service?

To set out modifications to the proposed 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. The report proposes some modifications to the document based on the public examination.

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: 17th December 2021

Signed (Lead Officer) Mark Worringham Date: 17th December 2021

APPENDIX 2: SCHEDULE OF MAIN MODIFICATIONS