

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND
NEIGHBOURHOOD SERVICES

TO:	POLICY COMMITTEE		
DATE:	20 JANUARY 2020		
TITLE:	CENTRAL AND EASTERN BERKSHIRE JOINT MINERALS AND WASTE PLAN - CONSULTATION ON SAND AND GRAVEL PROVISION AND OPERATOR PERFORMANCE		
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 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. It recommends an additional consultation stage, on a Focused Regulation 18 Consultation on Sand and Gravel and Operator Performance. This deals with some key issues relating to the preparation of the plan. It is a consultation paper, rather than a full draft of the plan.
- 1.2 The report also recommends approval of a new version of the Minerals and Waste Local Development Scheme, which sets out the timescales and process for minerals and waste planning policy documents. This takes account of delays to the process of preparation of the CEBJMWP.
- 1.3 Appendices:
Appendix 1: Equality Impact Assessment scoping
Appendix 2: Focused Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance
Appendix 3: Minerals and Waste Local Development Scheme

2. RECOMMENDED ACTION

- 2.1 That the Focused Consultation on Sand and Gravel Provision and Operator Performance (Appendix 2) be approved.

- 2.2 That community involvement on the Focused Consultation on Sand and Gravel Provision and Operator Performance and associated supporting documents be authorised;
- 2.3 That the Deputy Director of Planning, Transport and Regulatory Services be authorised to make any minor amendments necessary to the Focused Consultation on Sand and Gravel Provision and Operator Performance in consultation with the Lead Councillor for Strategic Environment, Planning and Transport, prior to the commencement of community involvement.
- 2.4 That the Minerals and Waste Local Development Scheme (Appendix 3) be approved, and that it form the basis for production of planning policy, with effect from 20th January 2020.

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.

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 There were a total of 348 responses to the Draft. Due to the nature of the proposed sites, very few of the responses came from within Reading. The results of consultation on the Draft will be reported when the Proposed Submission version of the plan is brought for approval.
- 4.4 Due to a limited number of site options, a further 'Call for Sites' exercise was carried out after the consultation. This resulted in an additional site within the Royal Borough of Windsor & Maidenhead, Bray Quarry Extension, being proposed. This was subject to local consultation during the summer of 2019.
- 4.5 Following the above consultation, the Bridge Farm site in Wokingham, a proposed allocation in the Draft, has been withdrawn following Wokingham Borough Council's refusal of an application for mineral extraction, and due to landowner proposals for minerals extraction on the site being shelved for the time being. This was a significant proportion of the plan's expected minerals provision and its removal means that there is a substantial shortfall in meeting sand and gravel requirements. Proceeding with a Proposed Submission plan containing this level of shortfall and no means to address it would have been highly likely to lead to failure at examination.
- 4.6 In order to address the shortfall in sand and gravel provision, a further call for sites was undertaken in autumn 2019, which identified two further sites that could be considered for minerals development. As such these sites need to be consulted upon. These sites are within Wokingham and Windsor and Maidenhead Boroughs. Further policy approaches to address the minerals shortfall would also require additional consultation and to involve discussions with neighbouring authorities under the duty to co-operate.

(b) Option Proposed

- 4.7 It is proposed to undertake a further consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This would enable key issues to be subject to consultation before a full Proposed Submission version of the plan is prepared. The Focused Consultation on Sand and Gravel Provision and Operator Performance which is proposed for consultation is included as Appendix 2. This is a consultation paper on some targeted issues rather than a full draft of the plan itself.
- 4.8 There are three main issues which the document consults upon. Firstly, the consultation asks for views on the two new sites for sand and gravel extraction that have been put forward. These sites are Land west of Basingstoke Road, Spencers Wood (WBC) and Land between Horton Brook and Poyle Quarry (RBWM). However, even with these sites, there will still be a substantial shortfall in sand and gravel provision.
- 4.9 Secondly, the document consults on proposals to address the shortfall in sand and gravel through an Area of Search approach. This approach identifies where sand and gravel could potentially be extracted within the plan area by identifying where deposits exist and removing those areas where the most significant constraints on extracting those deposits exist. These constraints are those identified in the National Planning Policy Framework (NPPF), plus constraints such as the existence of built up areas or landfill. Whilst other constraints, such as local designations, may well also apply, these will be dealt with through the development management policies. Being identified within an area of search carries no presumption that extraction will be acceptable. This approach gives the plan the best chance of success at examination.
- 4.10 Finally, the document proposes a new policy which would mean that past operator performance in managing minerals and waste sites could be taken into account when that operator makes a planning application. This responds to a number of concerns from residents about management issues at existing sites.
- 4.11 It is proposed that the Focused Consultation on Sand and Gravel Provision and Operator Performance would take place between Monday 10th February and Friday 20th March 2020, subject to approval by each of the four unitary authorities.
- 4.12 The delays to the timescale of the CEBJMWP to incorporate additional consultation periods mean the need to amend the Local Development Scheme (LDS). The LDS is the document which sets out the Council's process for producing planning policy documents. The last version of Reading's LDS was approved in November 2016 and included a joint Minerals and Waste LDS as an appendix. A revised version of this Minerals and Waste LDS is included as Appendix 3 to this report and Committee is requested to approve this.
- 4.13 The timescales proposed in the LDS are broadly as follows:
- Proposed Submission Plan for consultation (Regulation 19) - June - September 2020
 - Submission to the Secretary of State - Winter 2020

- Public examination - Spring 2021
- Adoption (potential) - Winter 2021

(c) Other Options Considered

- 4.14 There are two potential alternative options to the Focused Consultation:
- a. Not to undertake an additional consultation at this stage;
 - b. To consult on a full draft plan.
- 4.15 The option of not undertaking an additional consultation at this stage carries significant risks. Firstly, there is the risk that not dealing with these significant issues at this stage could result in significant objections to the Proposed Submission Plan meaning that it could not proceed to submission. However, perhaps more fundamental would be that it could lead to a failure under the duty to co-operate required by the Localism Act 2011. With the authorities now potentially in a position of a shortfall in sand and gravel, this could lead to duty to co-operate objections from neighbouring authorities concerned that the plan relies on importing sand and gravel. Discussions around the duty to co-operate are expected to take place at the outset of plan preparation, not shortly before submission, and if an Inspector identified a failure under the duty to co-operate, the examination of the plan would not be allowed to proceed further.
- 4.16 Consulting on a full draft plan would be extremely difficult at this point, because the drafting of much of the plan would depend on the answers to some of the questions being posed in the Focused Consultation. Drawing up a full plan at this point, only for some of the key sites or approaches to change, would require significant resources and would not be necessary.

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. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The Council's consultation process for planning policy is set out in the adopted Statement of Community Involvement (SCI) (adopted March 2014). Community involvement on Issues and Options took place in Summer 2017, which complied with the processes set out in the SCI. Consultation on a Draft CEBJMWP took place between August and October 2018, including publication on the website and by local advertisement, and also a series of public exhibitions, including one at Reading Civic Offices. Again, consultation on the Draft was undertaken in line with the SCI. All consultations have also complied with the SCIs of the other three authorities.

- 6.2 The Focused Consultation will largely follow the format of the Draft consultation, albeit that public exhibitions will be in those authorities where the new sites are proposed. The statutory consultation period is six weeks, with the intention being that it takes place between Monday 10th February and Friday 20th March 2020. The details of the consultation will be published on the Council's website, sent to those on the planning policy consultation lists, and with hard copies of documents available to view in Council libraries and the Civic Offices.

7. EQUALITY ASSESSMENT

- 7.1 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.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 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; 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”

- 8.2 There are a number of policies in the plan which implement the elements referred to in the objective, as well as other measures.

- 8.3 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. The identified sites would have the potential to negatively impact biodiversity and nature conservation, water quality, landscape and ground conditions and flood risk, but that these issues could be addressed by mitigation via the application of the development management policies.

9. LEGAL IMPLICATIONS

- 9.1 Local plan documents 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 18 states that a local planning authority should consult on what a local plan should contain. This Focused Consultation has been produced within this Regulation 18 requirement.

- 9.2 The content of Local Development Schemes is specified in Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by Section 180 of the Planning Act 2008 and Section 111 of the Localism Act 2011.

Under the legislation, the LDS must list the development plan documents to be produced, set out their subject matter, geographical area and timescales, and which are to be prepared jointly.

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. Reading Borough Council's share is being paid from the current Planning budget. This will cover the costs of the proposed consultation.
- 10.2 The extension of the timescale for preparation of the CEBJMWP outlined in the LDS (Appendix 3) is not expected to result in an increase in the overall costs above the level approved in the October 2016 Policy Committee meeting.

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 this Focused Consultation.

BACKGROUND PAPERS

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- National Planning Policy Framework
- Local Development Scheme 2016
- Replacement Minerals Local Plan for Berkshire (1995)
- Waste Local Plan for Berkshire (1998)

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Focused Regulation 18 Consultation: Sand and Gravel Provision and Operator Performance

Directorate: DEGNS - Directorate of Economic Growth and Neighbourhood Services

Service: Planning

Name: Mark Worringham

Job Title: Planning Policy Team Leader

Date of assessment: 13/12/2019

Scope your proposal

What is the aim of your policy or new service?

To consult on some key issues around sand and gravel supply and past operator performance related to the Central and Eastern Berkshire Joint Minerals and Waste Plan.

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 will set 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: 13 th December 2019
Signed (Lead Officer)	Mark Worringham	Date: 13 th December 2019