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## NOTICE OF MEETING

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# PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

**TUESDAY, 16TH MAY, 2017**

**At 7.00 pm**

in the

**DESBOROUGH 4 - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

COUNCILLORS RICHARD KELLAWAY (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), DAVID BURBAGE, GERRY CLARK, DAVID EVANS, DAVID HILTON AND MALCOLM BEER

### SUBSTITUTE MEMBERS

COUNCILLORS MICHAEL AIREY, CLIVE BULLOCK, SAYONARA LUXTON, ADAM SMITH, LEO WALTERS, LYNDA YONG, LYNNE JONES OR SIMON WERNER

Karen Shepherd - Democratic Services Manager - Issued: Monday, 8 May 2017

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Tanya Leftwich** 01628 796345

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u>  To confirm the Part I minutes of the meeting of 30 January 2017.	7 - 12
4.	<u>JOINT CENTRAL AND EASTERN BERKSHIRE WASTE AND MINERALS PLAN - ISSUES AND OPTIONS CONSULTATION</u>  To comment on the report to be considered by Cabinet on the 25 May 2017.	13 - 90
5.	<u>RESPONSE TO THE HOUSING WHITE PAPER: 'FIXING OUR BROKEN HOUSING MARKET'</u>  To comment on the report to be considered by Cabinet on the 25 May 2017.	91 - 112
6.	<u>EMPTY HOMES STRATEGY</u>  To comment on the report to be considered by Cabinet on the 25 May 2017.	113 - 124
7.	<u>DATES OF FUTURE MEETINGS</u>  <ul style="list-style-type: none"><li>• Tuesday 15 August 2017.</li><li>• Thursday 19 October 2017.</li><li>• Thursday 7 December 2017.</li><li>• Thursday 1 February 2018.</li><li>• Wednesday 18 April 2018.</li></ul>	-



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## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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# Agenda Item 3

## PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

MONDAY, 30 JANUARY 2017

PRESENT: Councillors Malcolm Alexander (Vice-Chairman), David Burbage, David Evans, David Hilton, Richard Kellaway, Leo Walters (sub for Councillor Gerry Clark) and Malcolm Beer.

Also in attendance: Councillor Derek Wilson (Lead Member for Planning).

Officers: Tanya Leftwich, Jenifer Jackson, Mark Lampard, Rob Stubbs and Alison Alexander.

### ELECTION OF CHAIRMAN

The Vice-Chair, Councillor Malcolm Alexander, welcomed everyone present to the meeting and explained the fire evacuation procedures.

The Vice-Chair went onto explain that the meeting was being recorded and that the audio would be uploaded to the RBWM website.

The Vice-Chair requested that all mobile phones be switched off for the duration of the meeting.

The Vice-Chair requested nominations for the position of Chairman for the remaining of the municipal year:

- Councillor Richard Kellaway (proposed by Councillor Malcolm Alexander and seconded by Councillor David Evans) was nominated for the position of Chairman.
- Councillor Malcolm Beer proposed Councillor Leo Walters for the position of Chairman – it was explained to Councillor Malcolm Beer that as Councillor Leo Walters was no longer a full member of the Panel he could not be elected as Chairman.

Councillor Richard Kellaway was elected Chairman for the remaining municipal year.

Councillor Leo Walters requested to address the Panel and everyone present which the Chairman allowed. Councillor Leo Walters explained that a resident of the Royal Borough had called him on the 03 January 2017 to say he had made a Freedom of Information (FOI) request with the response having been released to the press on the 12 January 2017. Councillor Leo Walters went onto explain that he cared about the Green Belt in the Royal Borough and had been very surprised to hear that the draft Borough Local Plan (BLP) contained 86% of new housing and new development in the Green Belt in the Royal Borough. Councillor Leo Walters informed everyone present that as there was no reference to this figure in the Cabinet paper he believed the fact needed to be known by the public as it could have influenced the BLP.

Councillor Richard Kellaway suggested that as this had nothing to do with the Election of Chairman item that this discussion be taken outside of the meeting.

Councillor Leo Walters went onto state that the Head of Planning, Jenifer Jackson, had confirmed the 86% and that he had asked the Leader of the Council four times to meet with him to discuss this face to face, which had to date been denied. Councillor Leo Walters thanked the Chairman for allowing him to address everyone present.

Councillor David Hilton welcomed the new Chairman to the role and explained that every two weeks a meeting took place to discuss the progress of the BLP. Councillor David Hilton explained that he had questioned the 86% and had been informed that it was fundamentally

wrong. The Lead Member for Planning added that Councillor Leo Walters statement was fundamentally incorrect. The Lead Member for Planning explained that on the 03 November 2016 the Planning Inspector had advised that the Council needed to meet 100% of Objectively Assessed Need within its Royal Borough boundaries and that Councillor Leo Walters stating that it was 86% of land within the Green Belt was incorrect.

The Chairman welcomed the two registered speakers for this item to the meeting and invited Patrick Griffin and Pat Morrish to address the Panel:

- Patrick Griffin congratulated the new Chairman on his Chairmanship. Patrick Griffin went onto state that the previous Chairman, Councillor Leo Walters, had had the courage of his convictions and stood up for local residents. It was questioned whether the new Chairman would stand up for the same level of transparency. The Chairman responded to the question by stating that he was completely independent.
- Pat Morrish sadly noted that Councillor Leo Walters had been removed as Chairman from this Panel. It was noted that the previous Chairman had on the 17 November 2016 expressed his concern regarding the 37% of Objectively Assessed Need (OAN) as he had felt it to be too high. The FOI had revealed 86% of Green Belt (HO1) in the draft BLP – it was noted that as Councillor Leo Walters had publically reported his concern it could be seen that he had been removed as Chairman and from the Panel as a result. It was requested that the full FOI response be made available on the RBWM website.

The Managing Director & Strategic Director of Adults, Children and Health Services, Alison Alexander, responded by stating that the FOI could be made available on the RBWM website and should have been. The Chairman re-iterated that the Panel were keen that all FOI information was made available to the public on the RBWM website. Councillor David Hilton requested that information contained in the response from the Head of Planning dated 27 January 2017 to the email from Councillor Leo Walters dated 03 January 2017 be disclosed to all Members by the Head of Planning in order to be totally transparent which the Managing Director endorsed.

The Chairman explained that this meeting was not to look at the BLP but that a meeting in the future would have it on the agenda.

The Chairman went onto explain that the system in place with regard to meeting memberships was that the Leader of the Council could make changes to the Overview & Scrutiny Panel memberships and then it was down to the Panel to elect a Chairman and Vice-Chairman.

**RESOLVED; That Councillor Richard Kellaway be elected Chairman for the remainder of the municipal year (Councillors Malcolm Alexander, David Burbage, David Evans & David Hilton = For, Councillor Walters = Against & Councillor Beer = Abstained).**

#### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gerry Clark and the Lead Member for Neighbourhood Planning and the Ascot & The Sunnings.

Apologies were also received from the Strategic Director Corporate & Community Services, Russell O'Keefe.

#### DECLARATIONS OF INTEREST

None.



## MINUTES

**RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on the 17 November 2016 were agreed as a correct record.**

It was noted that the Infrastructure Delivery Plan would go to Full Council in April.

The Lead Member for Planning informed the Panel that the 37% of the housing requirement mentioned on page 11 of the agenda only showed part of the story.

## BUDGET 2017/18

The Head of Finance/Deputy Director Corporate & Community Services, Rob Stubbs, explained that the report set out the Council budget for 2017/18. Members were informed that the priority in setting the budget had been to ensure the continued delivery of quality services for all residents, especially the most vulnerable, whilst the Royal Borough remained a low tax council. The Head of Finance/Deputy Director Corporate & Community Services gave Members a brief presentation on the highlights of the proposed budget for 2017/18 which covered the following:

- Local Revenue Investments.
- Revenue recommendations.
- 17/18 Capital investment.
- Business Rates – for business.
- Context.
- Planning & Housing.

It was noted that the budget proposed a 0.95% increase in core council tax (£8.62) and a 3% adult social care precept at band D (£27.75) adding to the 2016/17 precept of £18.14.

The Head of Finance/Deputy Director Corporate & Community Services explained that Fees and charges could be found on page 106 of the agenda, Savings on page 132, Growth on page 145 and Capital (which centred on the BLP and Traveller Local Plan) on page 123.

The registered speaker, Margaret Morgan, was invited to address the Panel on this item.

Margaret Morgan requested that the Council explained the item in the budget that was described as Project CZ91 “P&OS-Ascot Roundabout War Memorial Fount 2014/15” for £67,000 (2016-17). It was requested that a breakdown of the expenditure included in Appendix G be provided.

Margaret Morgan went onto explain that a planning application that was submitted by the Borough for the Installation of water fountain with jets and lights was withdrawn in 2015. Members were informed that the RBWM had now submitted a planning application ([17/00188](#)) for the installation of a bronze War Horse statue on a stone plinth on Heatherwood roundabout. Margaret Morgan went onto explain that Kevin Mist had informed her that there was an approved budget of £80k allocated for the total cost of the scheme. It was questioned where this was included in the budget.

Margaret Morgan went onto explain that she was concerned about how council funds were applied and this was particularly important at a time of continued cut-backs resulting in damage to the provision of services to residents.

Margaret Morgan stated that she had been informed that the project was zero cost to the Council and suggested saving £40k on a plinth when it could be placed directly on the grass.

The Chairman explained that this was not a Planning matter, and as such the Head of Communities & Economic Development, Kevin Mist, would be happy to meet with Margaret Morgan on his return from annual leave to discuss this matter further. It was requested by the Panel that the written response from the Head of Communities & Economic Development to Margaret Morgan regarding the breakdown of expenditure for Project CZ91 and where the £80k allocated funds for the bronze War Horse statue could be found in the budget be attached to the minutes.

In the ensuing discussion the following points were noted:

- That page 156 (Appendix M) showed the capital programmes during the year.
- That all Business Rate local reliefs would be maintained.
- That appropriate income and cost budgets had been inflated by 2% (based on RPI in September 2016).
- The Apprentice Levy was primarily about training and the charge was 0.5% of the Council's Payroll cost to fund this.
- That the £300k budget for the Borough Local Plan examination costs was the Head of Planning's best estimate.
- That the £100k budget for 'Traveller Local Plan' was to have it recommissioned jointly with other Local Authorities.
- Councillor David Hilton stated his delight at page 81 of the agenda and asked where the other £140k was listed. The Finance Partner - Corporate Services & Operations, Mark Lampard, explained that it equated to the 3.5 new posts and additional investment.
- The Chairman explained that he had received an assurance that there were adequate resources to deal with the volume and magnitude of planning applications.
- That affordable housing was located within the capital schemes (regeneration).

The Panel requested that the generic terms in the budget be updated to reflect the planning terms (e.g. Project CI32 Planning Policy Supplementary Planning Document be updated to the Borough Design Guide).

The Panel requested that with regard to the 'temporary accommodation for homeless residents' written confirmation of the number of residents affected and the number of those who had utilised the services (e.g. halfway house, B&Bs, etc) be provided at the next meeting.

The Chairman congratulated the Finance Team, and stated that he had found the presentation tonight very readable and clear.

The Chairman went onto thank Councillor Leo Walters for his time as Chairman and for his enthusiasm about the Green Belt in particular.

**The Planning & Housing Overview & Scrutiny Panel unanimously agreed to recommend to Cabinet that they recommended to Council that they noted the report and approved the:**

- i) Detailed recommendations contained in Appendix A which includes a Council Tax at band D of £915.57, including a 0.95% increase of £8.62.**
- ii) Adult Social Care Precept of 3% (an increase of £27.75 on the £18.14 precept included in the 2016/17 budget) to be included in the Council's budget proposals, making this levy the equivalent of £45.89 at band D.**
- iii) Fees and Charges contained in Appendix D are approved.**
- iv) Capital Programme, shown in appendices F and G, for the financial year commencing April 2017.**
- v) Prudential borrowing limits set out in Appendix L.**

- vi) **Business rate tax base calculation, detailed in Appendix O, and its use in the calculation of the Council Tax Requirement in Appendix A.**
- vii) **Head of Finance in consultation with the Lead Members for Finance and Children’s Services is authorised to amend the total schools budget to reflect actual Dedicated School Grant levels.**
- viii) **Head of Finance in consultation with the Lead Member for Finance is authorised to make appropriate changes to the budget to reflect the impact of the transfer of services to Achieving for Children and Optalis.**
- ix) **Responsibility to include the precept from the Berkshire Fire and Rescue Authority in the overall Council Tax charges is delegated to the Lead Member for Finance and Head of Finance once the precept is announced.**

DATES OF FUTURE MEETINGS

Members noted the following future meeting dates:

- Wednesday 19 April 2017.

The meeting, which began at 7.00 pm, finished at 8.10 pm

CHAIRMAN.....

DATE.....

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Report Title:	<b>Joint Central and Eastern Berkshire Waste and Minerals Plan – Issues and Options Consultation</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Wilson, Lead Member for Planning
Meeting and Date:	Cabinet 25 May 2017
Responsible Officer(s):	Russell O’Keefe, Executive Director Jeni Jackson, Head of Planning
Wards affected:	All

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## REPORT SUMMARY

1. This report seeks approval for the Central and Eastern Berkshire Joint Minerals and Waste Plan, Issues and Options Consultation. The consultation, attached, will be undertaken between 9 June and 21 July 2017 with responses feeding into the preparation of a draft joint minerals and waste local plan.
2. The Royal Borough of Windsor and Maidenhead are working with Reading Borough Council, Bracknell Forest Borough Council and Wokingham Borough Council on a Central and Eastern Berkshire Joint Minerals and Waste. The Plan is being prepared by Hampshire Services of Hampshire County Council.
3. The Issues and Options stage of local plan preparation should involve consulting broadly on what the Joint Minerals and Waste Plan should address and how it should address it.

## 1 DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Cabinet notes the report and:

- i) Approves the Issues and Options for the Central and Eastern Berkshire Joint Minerals and Waste Plan (Appendix 1).
- ii) Approves that community involvement on the Issues and Options for the Central and Eastern Berkshire Joint Minerals and Waste Plan and associated supporting documents be authorised.
- iii) Delegates authority to the Head of Planning to make any minor amendments necessary to the Issues and Options for the Central and Eastern Berkshire Joint Minerals and Waste Plan in consultation with the Lead Member for Planning prior to community involvement.

## 2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Background to the recommendations

- 2.1 In September 2016, the Policy Committee approved a Joint Working Agreement between Hampshire County Council (HCC), the Royal Borough of Windsor and Maidenhead (RBWM), Wokingham Borough Council (WBC), Bracknell Forest Council

(BFC) and Reading Borough Council (RBC) for the preparation of a Minerals and Waste Local Plan for the Central and Eastern Berkshire area. The plan will cover the area of the four Berkshire authorities and it will guide minerals and waste decision-making in the Plan area up to 2036.

- 2.2 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 limited.
- 2.3 The four Berkshire authorities are working in collaboration with the Hampshire Services of Hampshire County Council (HCC) to produce the plan with the costs of the work being shared equally between the four authorities. HCC is the Minerals and Waste Authority for Hampshire and has a successful dedicated in-house team of specialist planners. The work accords with the programme for the preparation of the plan set out in the Boroughs Council's Local Development Scheme.
- 2.4 The preparation of the Joint Minerals and Waste Plan 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.
- 2.5 The first stage in the preparation of any local plan involves evidence gathering with analysis, culminating in a consultation on Issues and Options. Hampshire Services has collected evidence to enable forecasting to be able to plan for future needs for minerals extraction and waste facilities in the plan area. This evidence gathering includes a call for sites for future mineral extraction of waste facilities which commenced on the 13 March 2017 and finished 5 May 2017. The results of this are currently being analysed by Hampshire Services.
- 2.6 As part of the governance for the preparation of the plan, the four authorities have set up a Joint Board. Representation from each authorities comprise portfolio holder and one additional representative. The Board acts as an advisory body for the preparation of the plan. The Board met on 7 March 2017. It received a presentation on the issues and options and provided comments on the proposed arrangements for the issues and options consultation. This Council's representatives on the Board are Cllrs Wilson and Mrs Bateson.

**Option Proposed**

- 2.7 A draft Issues and Options paper, based on this initial evidence gathering, and various associated documents has been prepared. This sets out factual information relevant to planning for future minerals extraction and waste management in the plan area. They include reference to national and other relevant policy; set out issues arising; and ask questions about options for resolving those issues going forward with the plan. Subject to the approval of each of the Berkshire authorities, it is intended that consultation on this document and various associated documents will be undertaken during June and July 2017.

- 2.8 The consultation paper identifies the importance to the economy of maintaining an appropriate supply of minerals including recycled aggregates to serve economic growth, particularly construction activity in the area. Where possible such minerals should be supplied from local sources or, where not available locally, from sustainable sources further afield delivered by sustainable transport, where practicable. Berkshire has good local supplies of sharp sand and gravel but does have to import various other aggregate, such as crushed rock. A significant role of the plan will be to ensure that there are appropriate local facilities for the delivery and storage of such products that minimise potential transport issues.
- 2.9 In relation to planning for waste, the plan will set out the process for identifying sufficient opportunities to meet the identified needs of the area for waste management for all waste streams. This includes waste produced by households, businesses, industry, construction activities, government and non-government organisations, etc. By its properties, waste can be classified as non-hazardous, inert and hazardous and plans need to deal with each type. The role of the Joint Minerals & Waste Plan will be to meet national policy ambitions locally; to deliver sustainable development through driving waste up the “waste hierarchy”, recognise the need for a mix of types and scale of facilities, and make adequate provision for waste management, including disposal.
- 2.10 The Issues and Options consultation document refers to a separate Minerals Background Study and a Waste Background Study that go into some detail on each of the areas. The document summarises the issues identified and sets out numerous questions seeking responses on how the plan should address these issues.
- 2.11 Consultation will be undertaken jointly by Hampshire Services and the three Berkshire 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. Consultation will be undertaken with a wide range of parties, including those on the Council’s Local Plan consultation database, during June and July 2017. The consultation will involve sending emails/ letters to individuals, organisations, councillors, and internal officers. Advertising and details will be placed on the website. The results of the consultation will inform the preparation of a draft local plan for which approval is programmed to be sought in the early part of 2018.

**Table 1: Options**

<b>Option</b>	<b>Comments</b>
<p data-bbox="277 1496 619 1637">Approve the Issues and Options document for consultation with the public.</p> <p data-bbox="277 1675 619 1713"><b>Recommended option</b></p>	<p data-bbox="676 1496 1375 2029">It has been agreed to work collaboratively with other authorities to produce a Joint Waste and Minerals Plan on a strategic basis. Factual information has been gathered relevant to planning for future minerals extraction and waste management in the plan area. The Issues and Options document is the synthesis of this evidence and analysis of trends. It refers to national and other relevant policy; sets out issues arising; and asks questions about options for resolving those issues going forward with the plan for the Central and East Berkshire area. This is the key document for gathering further information, evidence and preference from the public as well as technical information from the</p>

Option	Comments
	industries involved. As community engagement is key to plan making, this is a key step to achieving the programme for adoption of the plan by early 2018 as agreed.
To produce an outline plan rather than an issues and options discussion paper.  <b>Not recommended option.</b>	Producing an outline or skeleton plan as part of the consultation could help to bridge the gap between a discussion paper and a full draft plan, However, it is considered that including such an outline at this stage would pre-judge the outcome of consultation on the identified issues, and could discourage the public from getting involved in the consultation if the impression is given that there is already a preferred strategy

### 3 KEY IMPLICATIONS

- 3.1 The Central and Eastern Berkshire Joint Minerals and Waste Plan will contribute to achieving the Council strategic aims, through providing funding for a range of infrastructure to support development:
- To put residents first by ensuring that they are adequately engaged in the production of the plan.
  - To work together with partners in order to provide a strategic approach to the issues of managing mineral extraction in order to meet foreseeable demand and to ensure that waste facilities are available in order to work towards a sustainable waste neutral situation.
  - Equip ourselves for the future by putting plans in place to manage waste and minerals issues up to 2036.

**Table 2: Key implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consultation on issues and options carried out	Do not undertake planned consultation	Undertake consultation on issues and options between 9 June 2017 and 21 July 2017	Not applicable	Not applicable	Not applicable

### 4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The issues and options consultation costs can be met from existing budgets.

**Table 3: Financial impact of report's recommendations**

REVENUE	2017/18	2018/19	2020/21
Addition	£0	£0	£0
Reduction	£0	£0	£0



Net impact	£0	£0	£0
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<b>CAPITAL</b>			
Addition	£0	£0	£0
Reduction	£0	£0	£0
Net impact	£0	£0	£0

## 5 LEGAL IMPLICATIONS

- 5.1 The unitary authorities in Berkshire have responsibility for planning for the future production of minerals and for the management of waste disposal within the Berkshire area. The proposed consultation will take place in accordance with the requirements of Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

## 6 RISK MANAGEMENT

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

**Table 4: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
One or more of the authorities involved does not agree to progress with the consultation of the issues and options discussion	High - Delay in progressing to adoption of the plan Additional costs of further gathering of evidence	Agreed timetable The Joint Board has received the presentation on the Issues and Options	Low - Council has planned to gain the necessary approvals.

## 7 POTENTIAL IMPACTS

- 7.1 A separate Equalities Impact Assessment has been prepared to guide the preparation of the plan. This sets out how the Plan will be assessed during preparation stages to ensure it is not having an impact of particular sectors of Central & Eastern Berkshire's communities.

## 8 CONSULTATION

- 8.1 The report will be considered by Planning & Housing Overview and Scrutiny Panel on 16 May 2017, comments will be reported to Cabinet.
- 8.2 The proposed issues and options consultation will be undertaken in accordance with requirements of the Town and Country Planning (Local Planning) Regulations 2012 and the Statement of Community involvement adopted October 2016. It is important that the views of the local community is sought in regard to the over riding issues

associated with the extraction of minerals and the management of waste and provision of facilities for this. However much of this consultation will primarily engage the interests of the waste and minerals industries and therefore the questions asked in the consultation are of a technical nature in order to ensure that the most up to date evidence is used to inform the formulation of plans and policies as the plan goes forward to identify preferred options for further consultation.

## 9 TIMETABLE FOR IMPLEMENTATION

**Table 5: Implementation timetable**

Date	Details
9 <sup>th</sup> June 2017	Consultation will begin
21 <sup>st</sup> July 2017	Consultation will end

## 10 APPENDICES

- 10.1 The Central and Eastern Berkshire Waste and Minerals Plan Issues and Options Document is appended to this report [JCEB Issues and Options Consultation paper](#)
- 10.2 The Issues and Options consultation paper is supported by a number of reports which set out the evidence for the contents provided. These reports include:
- *Minerals: Background Study* – sets out the types, availability and movements of minerals in the plan area and what issues may affect future demand. [JCEB Minerals Background Study](#)
  - *Waste: Background Study* – sets out the amounts of waste that needs to be managed, how it is currently managed and what the future waste management may be. [JCEB Waste Background Study](#)
  - *Methodologies Report* – sets out the proposed methodologies for assessing sites (including traffic and landscape assessments) [JCEB Site Assessment Methodology](#)
  - *Sustainability Appraisal (incorporating Strategic Environmental Assessment) Scoping Report* – sets out how policies and sites will be assessed to ensure the Plan will not have any significant impacts on the Central & Eastern Berkshire environment, communities and economy. [JCEB Sustainability Appraisal Scoping Report](#)
  - *Habitats Regulations Assessment: Methodology and Baseline* – sets out the European designated habitats that need to be considered during the Plan preparation and the proposed assessment methodology for assessing the potential impact of the Plan. [JCEB Habitats Regulations Assessment](#)
  - *Consultation Strategy* – sets out how communities and key stakeholders will be consulted during the plan-making process. [JCEB Consultation Strategy](#)
  - *Equalities Impact Assessment* – sets out how the Plan will be assessed during preparation stages to ensure it is not having an impact of particular sectors of Central & Eastern Berkshire’s communities. [JCEB Equalities Impact Assessment](#)
- 10.3 Draft versions of these documents are available on request. Finalised versions will be made available on the Council’s website as part of the consultation

## 11 BACKGROUND DOCUMENTS

- 11.1 National Planning Policy Framework (2012) –

<https://www.gov.uk/government/publications/national-planning-policy-framework--3>

11.2 National Planning Practice Guidance –<http://planningguidance.communities.gov.uk/>

11.3 Waste Management Plan for England –  
<https://www.gov.uk/government/publications/waste-management-plan-for-england>

11.4 National Planning Policy for Waste –  
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

## 12 CONSULTATION (MANDATORY)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Commented &amp; returned</b>
CLlr Derek Willson	Lead Member for Planning	26 April 17	28 April 17
Alison Alexander	Managing Director	26 April 17	26/4/17
Russell O’Keefe	Executive Director	25 April 17	26 April 17
Andy Jeffs	Executive Director	26 April 17	
Rob Stubbs	Section 151 Officer	26 April 17	27 April 17
Terry Baldwin	Head of HR	26 April 17	
Mary Kilner	Head of Law and Governance	26 April 17	

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**Central and Eastern Berkshire**

# **Joint Minerals and Waste Plan**

## **Issues and Options**

# **Consultation Paper**

Version 3\_March 2017\_non-trk change version



[www.rbwm.gov.uk](http://www.rbwm.gov.uk)



**WOKINGHAM  
BOROUGH COUNCIL**

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## Background and information

### 1. Introduction

- 1.1 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (collectively referred to as 'Central & Eastern Berkshire Authorities') are working in partnership to produce a Joint Minerals & Waste Plan which will guide minerals and waste decision-making in the Plan area for the period up to 2036.
- 1.2 The Joint Minerals & Waste Plan will build upon the formerly adopted minerals and waste plans for the Berkshire area, and improve, update and strengthen the policies and provide details of strategic sites that are proposed to deliver the vision.
- 1.3 This is important because out of date plans allows less control over getting the right development, in the right location, at the right time to meet the current and future needs of the area with the local community having less of a say about where future development will be located..
- 1.4 Mineral and waste planning issues are most appropriately addressed jointly so that strategic issues can be satisfactorily resolved. The Plan will cover the minerals and waste planning authority administrative areas of Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham (see Figure 1).

### 2. Development of the Joint Minerals and Waste Plan ('The Plan')

- 2.1 The Timetable for the Joint Minerals & Waste Plan has been agreed by the Central & Eastern Berkshire Authorities and is set out in each respective adopted Local Development Schemes<sup>1</sup>.
- 2.2 This consultation paper forms the first stage in plan-preparation. The purpose of this consultation is to engage the community in discussion on the ISSUES for managing minerals and waste for the next 20 years. It is also an opportunity to gather more evidence to inform the OPTIONS for the plan policies and site allocations.

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<sup>1</sup> Reading: [http://www.reading.gov.uk/media/1053/Local-Development-Scheme/pdf/Local\\_Development\\_Scheme\\_November\\_2016.pdf](http://www.reading.gov.uk/media/1053/Local-Development-Scheme/pdf/Local_Development_Scheme_November_2016.pdf)

Bracknell Forest: <http://www.bracknell-forest.gov.uk/local-development-scheme-2016-to-2019.pdf>

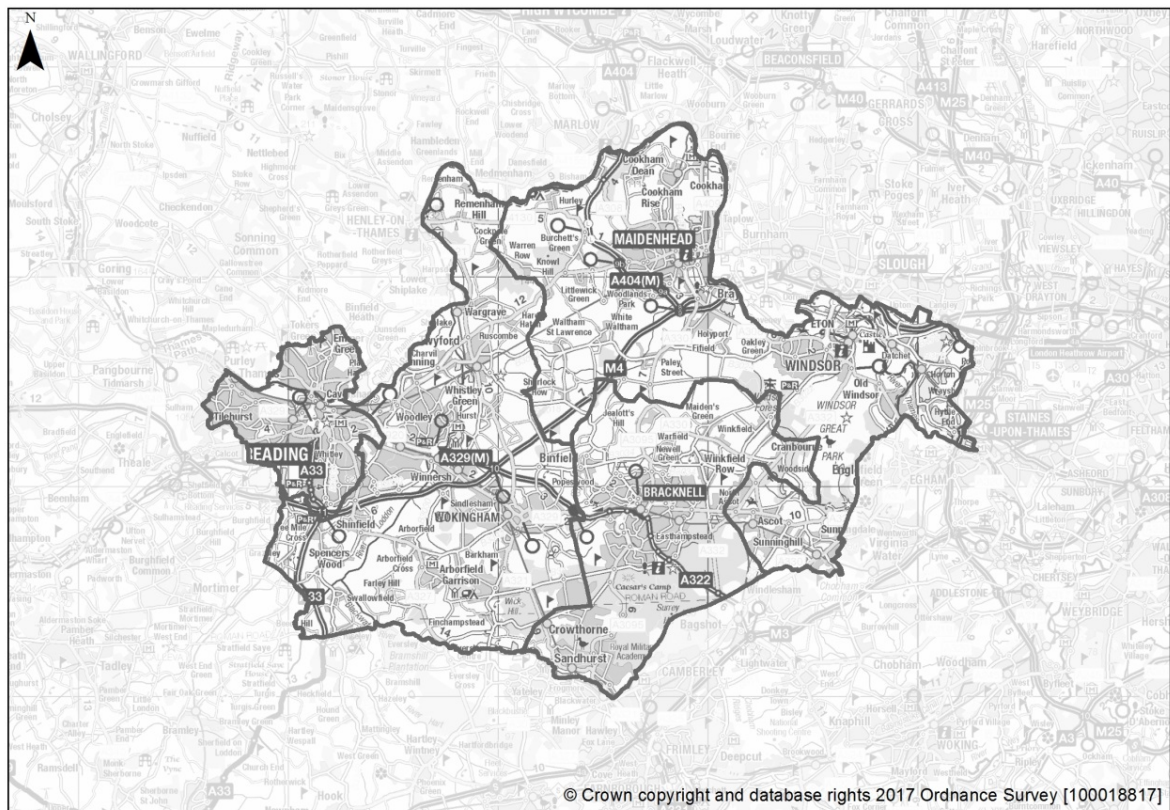
Windsor and Maidenhead:

[https://www3.rbwm.gov.uk/downloads/file/2462/local\\_development\\_scheme\\_-\\_2016\\_%E2%80%93\\_2019\\_oct\\_2016](https://www3.rbwm.gov.uk/downloads/file/2462/local_development_scheme_-_2016_%E2%80%93_2019_oct_2016)

Wokingham: <http://www.wokingham.gov.uk/planning/planning-policy/local-plan-update/>



Figure 1: Central & Eastern Berkshire Authorities administrative areas



2.3 This consultation paper is supported by a number of reports which set out the evidence for the contents provided. These reports include:

- *Minerals: Background Study* – sets out the types, availability and movements of minerals in the Plan area and what issues may affect future demand.
- *Waste: Data Report* – sets out the amounts and types of waste that needs to be managed, how it is currently managed and what the future waste management may be.
- *Methodologies Report* – sets out the proposed methodologies for assessing sites (including traffic and landscape assessments)
- *Sustainability Appraisal (incorporating Strategic Environmental Assessment) Scoping Report* – sets out how policies and sites will be assessed to ensure the Plan will not have any significant impacts on the Central & Eastern Berkshire environment, communities and economy.
- *Habitats Regulations Assessment: Methodology and Baseline* – sets out the European designated habitats that need to be considered during the Plan preparation and the proposed assessment methodology for assessing the potential impact of the Plan.
- *Consultation Strategy* – sets out how communities and key stakeholders will be consulted during the plan-making process.

- *Equalities Impact Assessment* – sets out how the Plan will be assessed during preparation stages to ensure it is not having an impact of particular sectors of Central & Eastern Berkshire’s communities.

2.4 Following the completion of the consultation, the information received will be used to update the evidence upon which decisions about the Plan will be made.

### The next stages of The Plan

2.5 When preparing a Joint Minerals & Waste Plan, the Central & Eastern Berkshire Authorities have to make sure that certain processes and procedures are followed which are required by legislation. The process for plan-making is set out in Figure 2.

2.6 The following stage of the plan-making process will involve a consultation on the proposed draft policies and proposed sites – the ‘Preferred Options’ - that have been identified for minerals and waste development in order to meet future needs. These draft proposals will be accompanied by a number of evidence base documents including:

- An updated *Minerals: Background Study*
- An updated *Waste: Data Report*
- *Duty to Cooperate Statement* – a report on cross boundary issues and how these have been addressed in cooperation with key stakeholders.
- *Minerals: Proposal Study* – sets out the potential mineral sites and their suitability.
- *Waste: Proposal Study* – sets out potential waste sites and their suitability
- *Sustainability Appraisal (incorporating Strategic Environmental Assessment) Interim Report* – sets out the initial findings of the assessment of proposed sites and policies.
- *Habitats Regulations Assessment Screening Report* – sets out the scope for the assessment of impact on European designated sites.
- *Strategic Flood Risk Assessment Statement* – a review of existing Strategic Flood Risk Assessments, any updates to data and a review of proposed sites.
- *Strategic Traffic & Transport Assessment* – an initial assessment of the traffic impacts of the proposed sites.
- *Landscape & Visual Impact Assessment* – an initial assessment of the landscape impacts of the proposed sites.
- *Restoration Study* – a study of restoration issues and requirements within Central & Eastern Berkshire.
- *Minerals & Waste Safeguarding Study* – a study of the safeguarding requirements within Central & Eastern Berkshire.

2.7 The remainder of the Plan-making timetable is set out in Table 1. The ‘Regulations’ refer to planning procedures that planning authorities such as the Central & Eastern Berkshire Authorities have to adhere to when developing a Local Plan.

**Table 1: Plan-making Timetable**

<b>Plan-making Stage</b>	<b>Timescale</b>	<b>Description</b>
Regulation 18 <sup>2</sup> (Issues & Options Consultation)	June - July 2017	Consultation on the initial work and the various options
Regulation 18 (Stage Two - Preferred Options Preparation)	July 2017 – Dec 2017	Draft Evidence Base Draft Plan based on Evidence Base and Consultation
Regulation 18 (Preferred Options Consultation)	Jan 2018 – May 2018	Consultation on the options selected as preferred
Regulation 19 <sup>3</sup> (Proposed Submission Document Preparation)	May 2018 – Oct 2018	Update Evidence Base Revise Plan based on Evidence Base and Consultation
Regulation 19 (Proposed Submission Document Consultation)	Nov 2018 – March 2019	Consultation on the Plan to be submitted to the Secretary of State
Regulation 22 <sup>4</sup> (Preparation)	March 2019 – Sept 2019	Update Evidence Base Proposed Modifications based on Evidence Base and Consultation
Regulation 22 (Submission to SoS)	Winter 2019	Submitting the Plan to the Secretary of State who appoints a Planning Inspector
Regulation 24 <sup>5</sup> (Public Examination)	Spring 2020	Planning Inspector examines the Plan
Regulation 25 <sup>6</sup> (Inspector’s Report)	Summer 2020	Planning Inspector delivers his report on the Plan
Regulation 26 <sup>7</sup> (Adoption)	Winter 2020	All authorities adopt the Plan, as modified by Planning Inspector

<sup>2</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 - <http://www.legislation.gov.uk/ukxi/2012/767/regulation/18/made>

<sup>3</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 - <http://www.legislation.gov.uk/ukxi/2012/767/regulation/19/made>

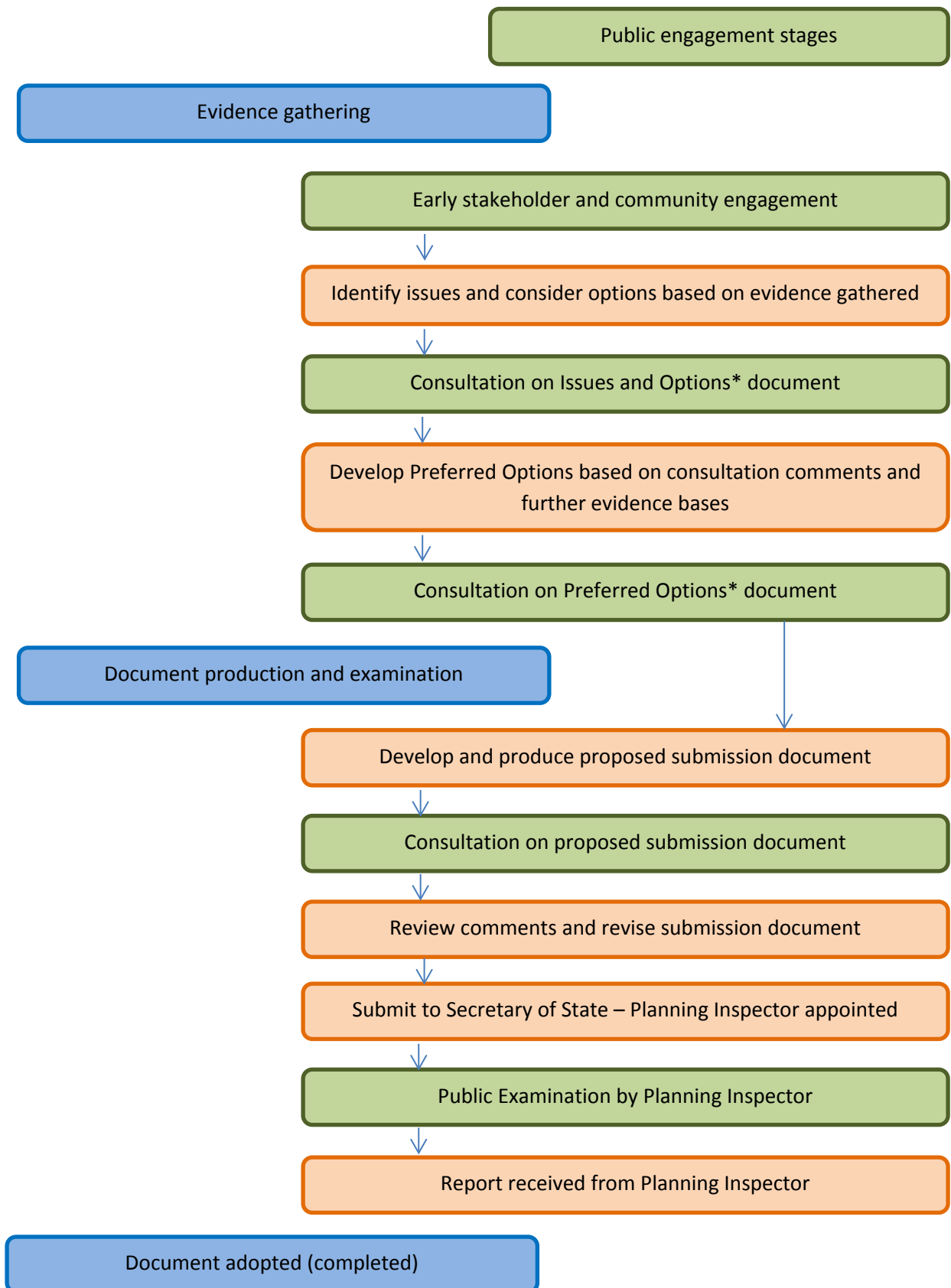
<sup>4</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 - <http://www.legislation.gov.uk/ukxi/2012/767/regulation/22/made>

<sup>5</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 - <http://www.legislation.gov.uk/ukxi/2012/767/regulation/24/made>

<sup>6</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 - <http://www.legislation.gov.uk/ukxi/2012/767/regulation/25/made>

<sup>7</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 - <http://www.legislation.gov.uk/ukxi/2012/767/regulation/26/made>

Figure 2: Plan-making process



\*These stages can be undertaken as two separate stages (Issues & Options and Preferred Options) or as one Draft Options Stage

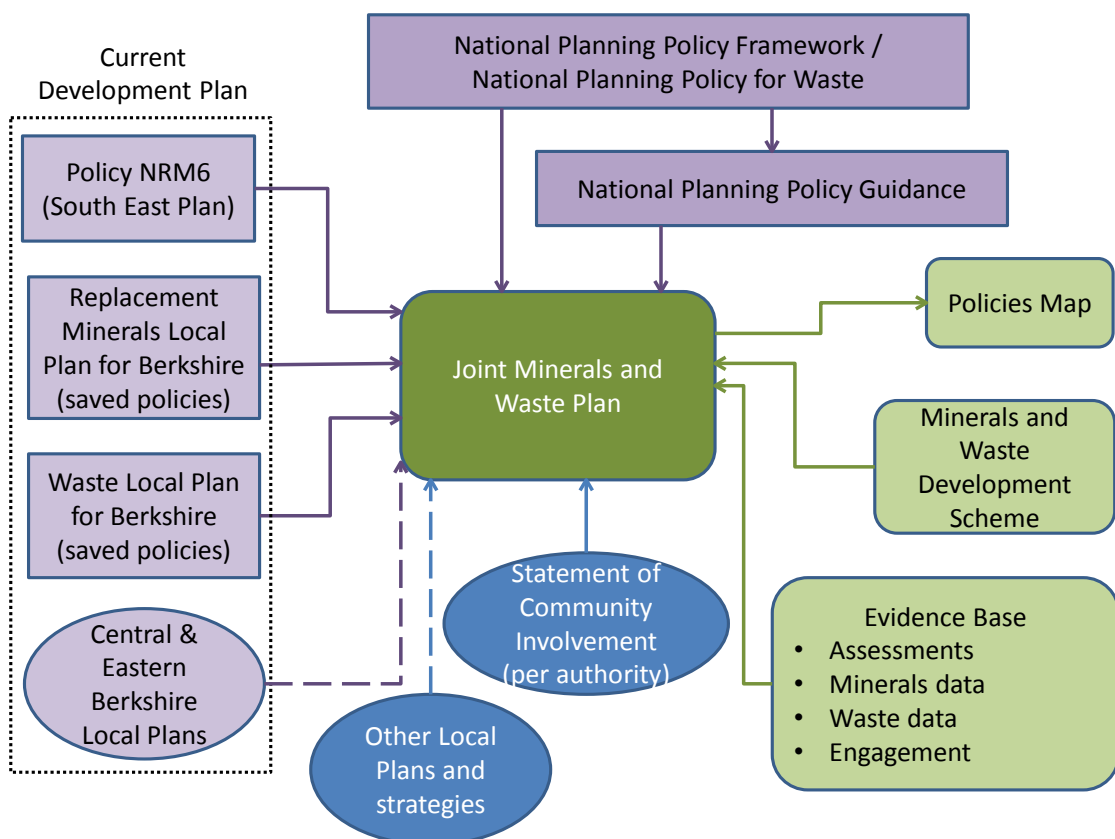
2.8 All Local Plans go through prescribed procedures and are subject to wide public consultation, and ultimately an independent public examination before being adopted. Local Plans are examined to assess 'soundness'<sup>8</sup> (i.e. whether it is fit for purpose and has been prepared in accordance with national regulations) by an independent planning inspector appointed by the Planning Inspectorate.

### 3. Minerals and waste planning in Central and Eastern Berkshire

3.1 The Joint Minerals & Waste Plan will be a Local Plan, supported by other development documents, such as the Statement of Community Involvement, for each Authority. The Joint Minerals & Waste Plan will replace or 'supersede' the currently adopted minerals and waste local plans for the relevant Berkshire authorities.

3.2 Figure 3 shows the documents that make up the Joint Minerals & Waste Plan and the linkages to other development documents.

Figure 3: Development Plan linkages



<sup>8</sup> National Planning Policy Framework 2012, Paragraph 182 <https://www.gov.uk/guidance/national-planning-policy-framework/plan-making>

## How does the Plan relate to other Plans and Strategies?

### National Planning Policy

- 3.3 The Joint Minerals & Waste Plan will need to accord with current planning policy and guidance on minerals and waste. The National Planning Policy Framework (NPPF)<sup>9</sup> was published on 27 March 2012 with the accompanying National Planning Practice Guidance<sup>10</sup> launched in 2014 as a live document, updated as necessary by the Government. The Waste Management Plan for England<sup>11</sup> was published in December 2013, followed by the National Planning Policy for Waste<sup>12</sup> which was published in October 2014.
- 3.4 A new 'Duty to Cooperate'<sup>13</sup> was introduced by the Localism Act and Regulations in 2011 in order to encourage local planning authorities to address issues which have impacts beyond their administrative boundaries. The joint approach being taken by the Central & Eastern Berkshire Authorities recognises that minerals and waste issues require a strategic cross-boundary approach. Beyond this is necessary to demonstrate on-going, constructive, and active engagement with other neighbouring councils and certain organisations that are concerned with sustainable development. In order to demonstrate how this duty has been addressed, a Duty to Cooperate Statement will be published that will show who the authorities have cooperated with, the matters discussed, and when and where meetings have taken place to discuss sustainable development and strategic policies to achieve this. This Statement will be updated throughout the process and will be published alongside the submission version of the Local Plan, and sent to the Secretary of State for consideration through the examination in public process.

### Regional Planning Policy

- 3.5 The South East Plan was partially revoked on 25 March 2013. Policy NRM6, which deals with the Thames Basin Heaths Special Protection Area, remains in place as a saved policy<sup>14</sup> and is relevant to the Plan area.

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<sup>9</sup> National Planning Policy Framework (2012) - <https://www.gov.uk/government/publications/national-planning-policy-framework--3>

<sup>10</sup> Planning Practice Guidance - <http://planningguidance.communities.gov.uk/>

<sup>11</sup> Waste Management Plan for England - <https://www.gov.uk/government/publications/waste-management-plan-for-england>

<sup>12</sup> National Planning Policy for Waste - <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

<sup>13</sup> Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

<sup>14</sup> Natural Resource Management (NRM6) - <http://www.bracknell-forest.gov.uk/south-east-plan-policy-nrm6.pdf>



## Local Planning Policy

- 3.6 The currently adopted minerals and waste plans for the Berkshire area<sup>15</sup>, including the Central & Eastern Berkshire Authorities, are the Replacement Minerals Local Plan for Berkshire, adopted in 1995 and subsequently adopted alterations in 1997 and 2001<sup>16</sup> (including Appendices<sup>17</sup> and saved policies<sup>18</sup>) and the Waste Local Plan for Berkshire adopted in 1998<sup>19</sup> (including saved policies). The Minerals Local Plan and Waste Local Plan cover the administrative areas covered by the Central & Eastern Berkshire Authorities, as well as Slough Borough Council and West Berkshire Council. While these plans cover the period until 2006, the Secretary of State has directed that a number of policies in them should be saved indefinitely until replaced by national, regional or local minerals and waste policies. For Central & Eastern Berkshire these saved policies will be replaced by the Joint Minerals & Waste Plan, when it is adopted.
- 3.7 A review of the Replacement Minerals Local Plan for Berkshire and the Waste Local Plan for Berkshire was previously being undertaken on behalf of the six Berkshire Unitary Authorities by the Joint Strategic Planning Unit. The Planning Unit published a 'Preferred Options' version of the Joint Minerals and Waste Core Strategy in September 2007 and a Submission Draft version was published in September 2008. The Core Strategy was submitted to the Secretary of State in February 2009. The Minerals and Waste Core Strategy Examination commenced in June 2009. During the hearing concerns were raised regarding the accuracy of the evidence base used to support the waste strategy. As a result of these concerns the Inspector decided to adjourn the Examination and the Secretary of State subsequently formally requested the withdrawal of the Core Strategy in January 2010.
- 3.8 After a review of minerals and waste planning, the Central & Eastern Berkshire Authorities decided to progress with a Joint Minerals & Waste Plan. While the Joint Minerals & Waste Plan does not cover Slough Borough Council<sup>20</sup> or West

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<sup>15</sup> Minerals and Waste. <http://www.wokingham.gov.uk/planning-and-building-control/planning-policy/minerals-and-waste/>

<sup>16</sup> Replacement Minerals Local Plan for Berkshire 2001 - <http://www.bracknell-forest.gov.uk/replacement-minerals-local-plan-for-berkshire-2001.pdf>

<sup>17</sup> Replacement Minerals Local Plan for Berkshire 2001 Appendices. <http://www.bracknell-forest.gov.uk/replacement-minerals-local-plan-for-berkshire-2001-appendices.pdf>

<sup>18</sup> Mineral Local Plan Saved Policies. <http://www.bracknell-forest.gov.uk/mineral-local-plan-saved-policies-schedule.pdf>

<sup>19</sup> Waste Local Plan for Berkshire. 1998. <http://www.bracknell-forest.gov.uk/waste-local-plan-for-berkshire.pdf>

<sup>20</sup> Slough Borough Council minerals and waste policy - <http://www.slough.gov.uk/council/strategies-plans-and-policies/minerals-and-waste.aspx>

Berkshire Council<sup>21</sup>, close coordination of the work between the various Berkshire authorities will continue in order to plan for minerals and waste strategically and address any cross-border issues that may arise.

## 4. Other plans and strategies

### Local plans

4.1 Each of the Central & Eastern Berkshire Authorities will continue to prepare its own Local Plan, which will focus on the areas of planning that are not related to minerals and waste. They include the following:

- Comprehensive Local Plan for Bracknell<sup>22</sup>;
- Local Plan Update for Wokingham<sup>23</sup>;
- New Local Plan for Reading<sup>24</sup>; and the
- Borough Local Plan for Windsor and Maidenhead<sup>25</sup>.

### Strategies

4.2 A Statement of Community Involvement (SCI) sets out the approach for involving the community in the preparation, alteration and continuing review of all development plan documents, and in publicising and dealing with planning applications. Each of the Central & Eastern Berkshire Authorities has adopted its own Statement of Community Involvement. They are as follows:

- Bracknell Forest SCI - adopted 2014<sup>26</sup>;
- Reading SCI - adopted 2014<sup>27</sup>;
- Windsor and Maidenhead SCI - adopted 2006<sup>28</sup>; and
- Wokingham SCI - adopted 2014<sup>29</sup>.

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<sup>21</sup> Emerging West Berkshire Minerals and Waste Local Plan - <http://info.westberks.gov.uk/index.aspx?articleid=29081>

<sup>22</sup> Comprehensive Local Plan for Bracknell: <http://www.bracknell-forest.gov.uk/comprehensivelocalplan>

<sup>23</sup> Local Plan Update for Wokingham: <http://www.wokingham.gov.uk/planning-and-building-control/planning-policy/local-plan-update/>

<sup>24</sup> New Local Plan for Reading: <http://www.reading.gov.uk/newlocalplan>

<sup>25</sup> Borough Local Plan for Windsor and Maidenhead: [https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/594/emerging\\_plans\\_and\\_policies/2](https://www3.rbwm.gov.uk/info/200414/local_development_framework/594/emerging_plans_and_policies/2)

<sup>26</sup> Bracknell Forest Council. Statement of Community Involvement 2014. <http://www.bracknell-forest.gov.uk/statement-of-community-involvement-2014.pdf>

<sup>27</sup> Reading Borough Council. Statement of Community Involvement. 2014 <http://www.reading.gov.uk/media/1051/Statement-of-Community-Involvement-Adopted-March-2014/pdf/Statement-Of-Community-Involvement-Mar14.pdf>

<sup>28</sup> Royal Borough of Windsor and Maidenhead. Statement of Community Involvement 2006 [https://www3.rbwm.gov.uk/downloads/file/512/statement\\_of\\_community\\_involvement\\_sci\\_-\\_adopted\\_june\\_2006](https://www3.rbwm.gov.uk/downloads/file/512/statement_of_community_involvement_sci_-_adopted_june_2006)

<sup>29</sup> Wokingham Borough Council. Statement of Community Involvement 2014 <http://www.wokingham.gov.uk/business-and-licensing/licensing-and-trade/licensing-decisions/?assetdet8733745=306132&categoryesctl8379511=5844>



- 4.3 Central & Eastern Berkshire is located within the Thames Valley Berkshire Local Enterprise Partnership (LEP) area. The Thames Valley Berkshire LEP has produced a Strategic Economic Plan<sup>30</sup> which outlines the proposed strategic plan for implementing national economic growth and needs to be taken into consideration.

## **5. Local Plan Assessments**

### **Sustainability Appraisal (incorporating Strategic Environment Assessment)**

- 5.1 The policies and proposals in the Joint Minerals & Waste Planning will be assessed to ensure that they contribute to the aims of sustainable development. This assessment will be through Sustainability Appraisal (which incorporates assessment as required under the Strategic Environmental Assessment (SEA) Directive)<sup>31</sup>.
- 5.2 This consultation paper is supported by a Sustainability Appraisal ‘Scoping Report’ which describes the existing key environmental, social and economic issues for Central & Eastern Berkshire and includes a set of sustainability objectives which will be used to assess the policies in documents.
- 5.3 Sustainability Appraisal is run in parallel with the plan-making process and the findings at each stage of the process will inform the plan development.

### **Habitats Regulation Assessment**

- 5.4 The Joint Minerals & Waste Plan will also be subject to Habitats Regulations Assessment under the European directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive). This is the process that authorities must undertake to consider whether a proposed development plan is likely to have significant effects on a European site designated for its nature conservation interest.

### **Equalities Impact Assessment**

- 5.5 Equalities Impact Assessment will also be undertaken at each stage of the Plan making-process to fulfil the public sector equality duty under the Equality Act 2010<sup>32</sup>.

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<sup>30</sup> <http://thamesvalleyberkshire.co.uk/Portals/0/FileStore/StrategicEconomicPlan/TVB%20SEP%20-%20Strategy.pdf>

<sup>31</sup> The Environmental Assessment of Plans and Programmes Regulations - <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

<sup>32</sup> Equality Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/15/contents>

## Local Aggregate Assessment

- 5.6 Paragraph 145<sup>33</sup> of the NPPF states that Mineral Planning Authorities should '*plan for a steady and adequate supply of aggregates*' by amongst other things, preparing a Local Aggregate Assessment (LAA).
- 5.7 The LAA should be produced annually and can be produced jointly with other Mineral Planning Authorities. The Assessment should be '*based on a rolling average of 10 years sales data and other relevant local information*'.
- 5.8 During the preparation of the Joint Minerals & Waste Plan, data will be collated from mineral operators as part of the Aggregate Monitoring (AM) survey. The data informs the Local Aggregate Assessment and is also combined with data from the other South East Mineral Planning Authorities to inform the annual Aggregate Monitoring Report produced by the Technical Secretary of the South East England Aggregate Working Party (SEEAWP).
- 5.9 To-date, the Berkshire Authorities produced a joint LAA which covered all six administrative areas. Whilst West Berkshire Council supported the joint LAA, it has also produced its own LAA to support the production of the West Berkshire Minerals and Waste Development Plan Document.
- 5.10 It is intended that the Central & Eastern Berkshire Authorities continue to produce a joint LAA.

## 6. Call for Sites

- 6.1 A 'call for sites' exercise was carried out from March 13<sup>th</sup> 2017 to 5<sup>th</sup> May 2017 to identify potential mineral and waste sites. This involved invitations of nominations being sent to relevant bodies such as landowners, agents, developers and minerals and waste operators.
- 6.2 Mineral and waste site operators and land owners were asked to put forward site proposals for consideration for minerals and waste uses, including any aspirations for existing sites to either extend or widen the range of operations or facilities.
- 6.3 Mineral uses include;
- Soft sand or sharp sand and gravel;
  - Mineral railheads;
  - Aggregate recycling and secondary aggregate processing facilities.

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<sup>33</sup> National Planning Policy Framework. Paragraph 142 to 149: <https://www.gov.uk/guidance/national-planning-policy-framework/13-facilitating-the-sustainable-use-of-minerals>

- 6.4 Waste uses include;
- Waste to energy facilities;
  - Composting facilities;
  - Recycling facilities;
  - Waste transfer sites;
  - Inert landfill (associated with quarry restoration).
- 6.5 Each of the sites nominated will be assessed for its suitability. The methodology for this assessment is set out in the 'Site Assessment Methodology' which accompanies this Consultation Paper. A set of Frequently Asked Questions (FAQs) was also produced and can be viewed on the Central & Eastern Berkshire Authorities webpages<sup>34</sup>.

## **7. Minerals and Waste in Central & Eastern Berkshire**

### **Minerals in Central and Eastern Berkshire**

- 7.1 Until the 20<sup>th</sup> Century, chalk and clay were the main minerals produced in the area, generally to meet local needs. Chalk and clay continue to be extracted as a by-product at sand and gravel quarries, but now on a very small scale in comparison to previous times.
- 7.2 The chalk is now mainly used as agricultural lime, and sometimes as 'fill' material for civil engineering projects. The clay was formerly used chiefly for brick and tile making, but today its main use is as part of the lining for waste landfill sites to prevent the spread of pollution and for other engineering applications.
- 7.3 Since the Second World War, the main type of minerals production in Berkshire has been of aggregates for the construction industry, which comprises sands and gravels. Substantial quantities of aggregate minerals are needed for all construction work – in the building or renovation of houses, schools, hospitals, roads and so on.

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<sup>34</sup> Reading - <http://www.reading.gov.uk/article/10464/The-Central-and-Eastern-Berkshire-Minerals-and-Waste-Plan>

Wokingham - <http://www.wokingham.gov.uk/planning/planning-policy/minerals-and-waste/>

Windsor and Maidenhead -

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/594/emerging\\_plans\\_and\\_policies/4](https://www3.rbwm.gov.uk/info/200414/local_development_framework/594/emerging_plans_and_policies/4)

Bracknell Forest - <http://www.bracknell-forest.gov.uk/callforsitesmineralsandwaste2017>

- 7.4 Quarrying of aggregates in Berkshire has been focussed on the sharp sand and gravel deposits in the Kennet Valley, and between Reading and Newbury. Additionally, there are concentrations of past and active workings in the north and south of Maidenhead and south of Slough. Most aggregate is processed by the operator, either on-site or at central processing facility nearby and sold direct for use in the construction industry.

#### *The importance of planning for aggregates*

- 7.5 The mineral of more than local significance in Central & Eastern Berkshire is sharp sand and gravel. The National Policy Guidance<sup>35</sup> outlines how aggregate supply should be managed nationally through the Managed Aggregate Supply System (MASS) which seeks to ensure a steady and adequate supply of mineral whilst taking into account the geographical imbalances and the occurrence of resources. MASS requires mineral planning authorities to make an appropriate contribution nationally as well as locally whilst controlling environmental damage to an acceptable level.
- 7.6 Owing to the obligations under the NPPF and more specifically MASS, there is a requirement for the Central & Eastern Berkshire Authorities to enable provision of this mineral as best they can.

#### *The role of aggregates in supporting economic growth*

- 7.7 Minerals are an important element both in the national economy and that of the Plan area. Its exploitation can make a significant contribution to economic prosperity and quality of life. The Central & Eastern Berkshire and surrounding areas are subject to major growth pressures. The maintenance of a buoyant economy, the improvement and development of infrastructure and maintenance of the building stock all requires an adequate supply of minerals. Minerals development is therefore a key part of the wider economy.
- 7.8 The location and type of minerals development can also lead to local economic benefits, through the supply of a local resource to development projects and the provision of local employment. Recycled and secondary aggregates may also provide the economy with a more sustainable and cheaper source of aggregate to support development.
- 7.9 Mineral production is also influenced by economic factors, in terms of operators wishing to extract mineral resources and market demand. The demand for mineral resources will be determined by the action of the market and macro-

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<sup>35</sup> <https://www.gov.uk/guidance/minerals> (Paragraph: 060 Reference ID: 27-060-20140306)

economic forces that are beyond the remit of the minerals planning authority to influence.

- 7.10 The performance of the economy is constantly changing, and the activities of the minerals industry could give rise to temporary and reversible effects (in that shortages of local supply could have implications for the timing and cost of physical development, but would be unlikely to prevent it from going ahead altogether).
- 7.11 The aggregates industry is important to the Plan area's economy because of its role alongside the construction sector in enabling the physical development including major infrastructure projects that are vital for economic growth and development. The future implications for the minerals industry of continuing changes in the structure of the economy within Central & Eastern Berkshire include an ongoing need for physical infrastructure, and a need to safeguard the quality of the environment.

### Waste in Central and Eastern Berkshire

- 7.12 Waste is produced by households, businesses, industry, construction activities, government and non-government organisations, in different quantities and with different characteristics based on local circumstances. The UK already contains a wide network of waste management facilities, however changes in waste production and efforts to make the best use of the resources contained within waste mean that these facilities and the need for them is continually changing.
- 7.13 Waste Planning Authorities (WPAs) are obliged to prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for waste management for all waste streams<sup>36</sup>. By its properties, waste can be classified as non-hazardous, inert and hazardous.
- 7.14 *Non-hazardous* waste is produced mainly from both municipal solid waste (MSW) (sometimes referred to as 'household waste') and commercial & industrial waste (C&I) sources while *inert* wastes derive mainly from construction, demolition and excavation (CD&E) activities. Although a minor contribution to the overall arisings, *hazardous* waste is produced from all three waste sources.
- 7.15 Waste can be managed in different ways, but the waste (management) hierarchy (see Figure 4) is a framework that has become a cornerstone of sustainable waste management, setting out the order in which options for waste

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<sup>36</sup> National Planning Policy for Waste:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364759/141015\\_National\\_Planning\\_Policy\\_for\\_Waste.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf)

management should be considered based on environmental impact (with disposal as the lowest priority). Waste planning has a role to play in driving waste 'up the hierarchy' by ensuring the right amount of appropriate facilities for each part of the hierarchy are planned for in the right place.

Figure 4: The waste management hierarchy



Source: Waste Framework Directive (Directive 2008/98/EC)

7.16 There are around 30 waste management facilities in Central and Eastern Berkshire. However, these do not provide sufficient waste management capacity (i.e. the amount of processing, treatment and handling facilities) for the estimated waste arisings (i.e. waste tonnage produced) in the area. Additionally there are around 20 further waste management facilities in Slough, including an Energy from Waste facility. There are close waste management links between Central & Eastern Berkshire and Slough due to the proximity of their areas and complementary range of facilities. Therefore, to fully consider realistic waste management options it may be necessary to take into account Slough.

### The importance of planning for Waste

7.17 If left unmanaged waste can have a number of environmental, amenity and health impacts that are undesirable. Waste also compromises considerable resources, which will have been used when producing the original object. With appropriate technologies, some of these resources can be retrieved and used again, thereby reducing the need for new materials. That is why an array of legislation exists to control how waste is managed and national policy seeks to improve the sustainability of waste management.

7.18 There is a variety of waste management facilities and technologies. Each has different locational requirements and range of potential impacts. The planning regime can manage these impacts, but there can be a conflict between the

need for waste management facilities and in planning terms the suitability of potential sites. Therefore the Joint & Minerals and Waste Plan should not only determine the amount and type of waste management facilities but also the appropriate locational criteria and/or sites.

- 7.19 Ultimately, the role of the Joint Minerals & Waste Plan will be to meet national policy ambitions locally; to deliver sustainable development through driving waste up the “waste hierarchy”, recognise the need for a mix of types and scale of facilities, and make adequate provision for waste management, including disposal.

## Issues and Options Consultation

The following section of this consultation paper sets out the proposed Vision, and direction of the Joint Minerals & Waste Plan, and the Issues that have been identified in delivering the proposed Vision. The options for how these issues could be address are posed as questions to which your response would be very welcome.

Instructions on how to respond to this consultation are set out in Section 12 of this Consultation Paper. The supporting document and Response Form can be viewed and downloaded from the consultation web-page [\[add link\]](#)

### 8. The Vision and strategy for the Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan ('The Plan')

- 8.1 The Joint Minerals & Waste Plan will cover the period up to 2036 in order that it aligns with the Local Plans that the Central & Eastern Berkshire Authorities are producing.

**Q. 1**

Do you agree with the proposed Plan period up to 2036?

**Q. 2**

If not, what period do you suggest and why?

- 8.2 The Vision, Strategic Plan Objectives and Spatial Strategy principals have been prepared to be consistent with National Policy principals and fit with the other Local Plans within Central & Eastern Berkshire.

#### Vision

- 8.3 The plan Vision shapes the overall direction of the Central and Eastern Berkshire Joint Minerals & Waste Plan. The area covered by the plan will continue to experience significant growth in the period up to 2036 and so the Vision must recognise the balance to be struck between making provision for minerals and waste developments to meet future requirements, whilst at the same time ensuring that such developments seek social, environmental and economic gains.
- 8.4 The Vision centres on ensuring a sufficient supply of minerals based on the principles of sustainable development. The Minerals & Waste Plan will strive to ensure that minerals are available at the right time and in the right locations to support levels of growth in terms of new housing, commercial, industrial development and essential infrastructure; and that waste is managed near to



where it is produced in accordance with the waste hierarchy. The Joint Minerals & Waste Plan will seek to provide for future minerals and waste needs; conserve local resources; maximise the recovery of waste; provide local jobs; and protect and improve the environment.

8.5 The following is the proposed Vision for the Joint Minerals & Waste Plan:

**Vision for Central & Eastern Berkshire**

**Recognising the importance of the area as a source of minerals, Central & Eastern Berkshire will aim to maximise the contribution that minerals development can bring to local communities, the economy and the natural environment.**

**Waste will be managed in a sustainable way, in accordance with the waste hierarchy. The Plan will aim to achieve a state of net self-sufficiency in waste needs. The Plan will also ensure that the full extent of socio, economic and environmental benefits of minerals and waste development are captured, contributing to the area’s economic activity and enhancing quality of life and living standards within the area. We will work with partners to take positive action in promoting environmental excellence.**

**Q. 3**

Do you agree with how the Plan direction has been developed?

**Q. 4**

If not, what factors do you suggest should be taken into consideration?

**Q. 5**

Do you agree with the proposed Vision?

**Q. 6**

If not, what changes would you suggest?

**Strategic Plan Objectives**

8.6 The purpose of the strategic objectives is to assist in the delivery of the Spatial Vision, and facilitate its delivery. The following set of objectives provides the context and overall direction of the Plan. The objectives provide a framework for policy development and each should be considered equally important.

- 1) To strike a balance between the demand for mineral resources, waste treatment and disposal facilities and the need to protect the quality of life for communities, the economy and the quality and diversity of environmental

assets, by protecting the environment and local communities from negative impacts;

- 2) To protect community health, safety and amenity in particular by managing traffic impacts, ensuring sustainable, high quality and sensitive design and layout, sustainable construction methods, good working practices and imposing adequate separation of minerals and waste development from residents by providing appropriate screening and/or landscaping and other environmental protection measures;
- 3) To ensure minerals and waste development makes a positive contribution to the local environment and biodiversity, through the protection and creation of high quality habitats and landscapes that provide opportunities for enhanced biodiversity and geodiversity and contribute to the high quality of life for present and future generations;
- 4) 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;
- 5) To encourage engagement between developers, site operators and communities so there is an understanding of respective needs. To consider the restoration of mineral sites at the beginning of the proposal to ensure progressive restoration in order to maximise environmental gains and benefits to local communities through appropriate after uses that reflect local circumstance and landscape linkages;
- 6) To support the continued economic growth in Central & Eastern Berkshire, as well as neighbouring economies by helping to deliver an adequate supply of primary minerals and mineral-related products to support new development locally, deliver key infrastructure projects and provide the everyday products;
- 7) To ensure sufficient primary aggregate is supplied to the construction industry from appropriately located and environmentally acceptable sources. To encourage the production and use of good quality secondary and recycled aggregates, having regard to the principles of sustainable development;
- 8) To protect key mineral resources from the unnecessary sterilisation by other forms of development, and safeguarding existing minerals and waste infrastructure, to ensure a steady and adequate supply of minerals and provision of waste management facilities in the future;

- 9) To safeguard facilities for the movement of minerals and waste by rail and encouraging the use of other non-road modes where these are more sustainable;
- 10) To drive waste treatment higher up the waste hierarchy and specifically to increase the re-use, recycling and recovery of materials, whilst minimising the quantities of residual waste requiring final disposal;
- 11) To encourage a zero waste economy whereby landfill is virtually eliminated by providing for more recycling and waste recovery facilities including energy recovery. To aim to be 'net self-sufficient' in waste management facilities in Central & Eastern Berkshire, whilst accepting there will be movements into and out of the area to suitable facilities; and
- 12) To achieve a net reduction in 'waste miles' by delivering adequate capacity for managing waste as near as possible to where it is produced. .

**Q. 7**

Do you agree with the proposed Strategic Plan Objectives?

**Q. 8**

If not, what changes would you suggest?

**Spatial Strategy**

- 8.7 The spatial strategy is informed by the Vision and Strategic Objectives of the Plan. It outlines the spatial approach that the Central & Eastern Berkshire Authorities will take to critical minerals and waste issues. The Central & Eastern Berkshire Authorities have, and will continue to, work collaboratively with other bodies and partners. This will ensure that strategic priorities across local boundaries are, and will continue to be, properly coordinated and clearly reflected in this Plan, any subsequent review of this Plan, and other individual Local Plans.
- 8.8 Central & Eastern Berkshire is characterised by both its urban and rural nature, with the key towns of Reading, Wokingham, Bracknell, Windsor and Maidenhead, alongside large areas of countryside with smaller settlements and villages. It is also crisscrossed by significant transport corridor routes in the form of the M4, A33, A404, A329(M), A322 and the Great Western Mainline rail route from south Wales to London Paddington, and the Reading to London Waterloo line (see Figure 5 in Section 9: Minerals Issues). The unitary authorities of Windsor and Maidenhead, Wokingham and Bracknell Forest are also characterised by a considerable area of Green Belt, which covers the majority of these authorities outside of the existing built up area.

- 8.9 These characteristics continue to be vital building blocks in the areas buoyant economy; they unite the constituent local authority areas and will be a key element of the strategic spatial approach. Accordingly, the delivery of any minerals and waste development in Central & Eastern Berkshire will need to be sympathetic to the existing situation, minimising the impacts of development and maximising the benefits.
- 8.10 Central and Eastern Berkshire is located at the heart of the economic powerhouse of the United Kingdom, prominent within the South East and adjacent to London. As a result, the wider Thames Valley will be subject to major growth pressures on a local and national level throughout the Plan period. Future growth requirements will play a key role in forming impact the spatial strategy for Central & Eastern Berkshire, as well as the wider Thames Valley region. The areas importance is highlighted by its close proximity to two Nationally Significant Infrastructure Projects; the High Speed 2 rail link from London to the North and the recently announced Heathrow Airport expansion plans. These projects significantly increase the regional and national demand for construction aggregates, as well as for construction waste treatment and recycling.
- 8.11 In addition a steady, adequate supply of aggregate will be required to support the drive for increased housebuilding in the area as well as supporting infrastructure such as roads schools and commercial premises. The projects will also impact future requirements for waste management through increased numbers of households and businesses as well as the production of construction wastes.
- 8.12 The Spatial Strategy, in delivering the Vision and Objectives of the Plan, is based on a number of principles. These principles form the basis of sustainable development, and the delivery aspect of the Plan, such as site allocations, must adhere to these principles:
- i. Respond to the needs of communities and the economy by taking decisions that account for future generations, whilst enhancing the quality of life, health and wellbeing and living conditions of today's residents;
  - ii. Promote the careful management of mineral resources;
  - iii. Ensure the efficient use of materials and promote the sustainable use and disposal of resources while mitigating and adapting to climate change;
  - iv. Protect the environment and the character of Central & Eastern Berkshire by maintaining/improving the built and natural environment of the area and mitigating the effect of new development on the environment;
  - v. Maintain the distinct and separate identity of the area's settlements;
  - vi. Maintain and enhance supporting infrastructure, including roads and railways;

- vii. Deliver minerals and waste infrastructure in locations that meet the needs of the community;
- viii. Limit development in those areas at most risk of flooding and pollution;
- ix. Protect the most important areas for biodiversity, landscape and heritage from development;
- x. Ensure good design which is in keeping with the area; and
- xi. Take account of the public's views following consultation and engagement in the context of national planning policies.

**Q. 9**

Do you agree with the proposed Spatial Strategy content?

**Q. 10**

If not, what changes would you suggest?

## 9. Minerals issues

9.1 The minerals issues have been identified through the preparation of the *Minerals: Background Study* which accompanies this Consultation Paper.

### ISSUE: Minerals Data

9.2 The Minerals Data that has been gathered as evidence to support the Joint Minerals & Waste Plan comes from a number of different sources, including:

- *National* – National collation of the Aggregate Monitoring surveys
- *Regional* – South East Aggregate Monitoring Reports
- *Local* – Minerals and waste policy documents and Local Aggregate Assessments

9.3 As the Central & Eastern Berkshire Authorities were formerly part of the County of Berkshire, along with Slough Borough Council and West Berkshire Council, much of the historic minerals data is reported on a Berkshire-wide level rather than by each unitary authority. As further information is gathered as part of the Aggregate Monitoring survey, a more detailed understanding of minerals within the area will be compiled.

9.4 There are further issues with the reporting of data in that, due to commercial confidentiality, some data cannot be reported on a unitary authority level. Therefore data is sometimes reported, particularly in relation to South East and National comparisons, on a Berkshire-wide level.

9.5 Whilst Slough and West Berkshire are not within the Plan area, it is necessary to consider cross-boundary relationships under the duty to cooperate and therefore, it is relevant to make some comparisons or report on mineral demands in these locations.

**ISSUE:** Historic minerals data has, hitherto, been largely collected and published on a Berkshire-wide scale. This has necessitated interpretation and judgement of the information to reach an understanding of the Central & Eastern Berkshire mineral situation.

#### Q. 11

Can you suggest any other sources of Minerals data for the Central & Eastern Berkshire area?

#### Q. 12

Do you agree that general trends for the Berkshire-wide level of mineral demand are also likely to apply in Central & Eastern Berkshire?

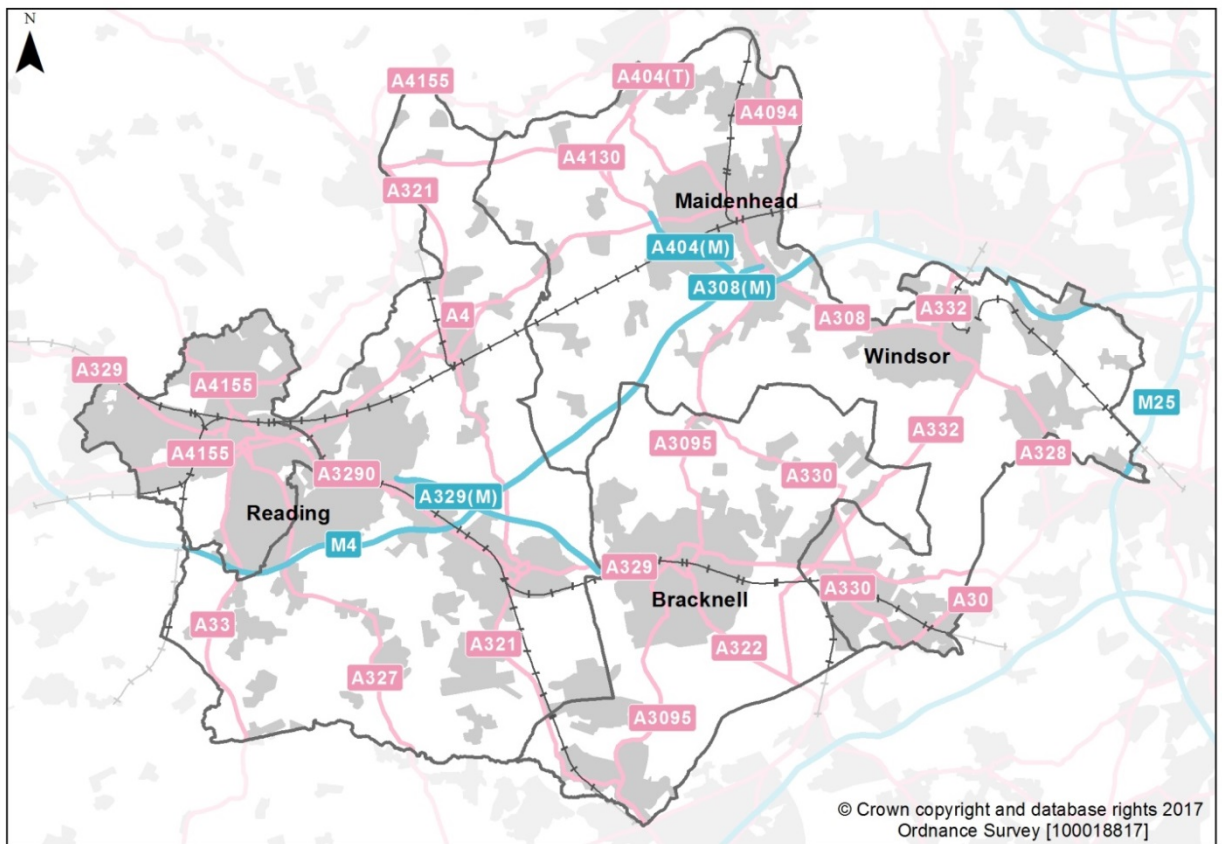
**Q. 13**

Do you agree that there is sufficient information to support a minerals plan for Central & Eastern Berkshire?

**ISSUE: Transportation of minerals**

9.6 There is a significant road network within Central & Eastern Berkshire, including the strategic routes M4, A308M and A404M, which link with the M25 and A34 as well as other key trunk and A-roads

**Figure 5: Strategic Transport Routes**



9.7 Central & Eastern Berkshire is well connected by rail but does not currently contain any operational rail depots and therefore, is dependent on those located in neighbouring authorities – in particular the rail depots at Theale in West Berkshire and Colnbrook in Slough.

9.8 There are no wharves within Central & Eastern Berkshire, and the Kennet & Avon Canal (which joins Newbury and Reading) is not considered to have significant potential for freight movements by the Inland Waterways Association<sup>37</sup>. It is currently unknown whether the River Thames is suitable for

<sup>37</sup>IWA Policy on Freight on Inland Waterways (2012): [https://www.waterways.org.uk/pdf/freight\\_policy](https://www.waterways.org.uk/pdf/freight_policy)

freight from Windsor Bridge to Staines Bridge although large barges are able to use this waterway<sup>38</sup>. However, this may be impacted by the fact that the river is non-tidal from Teddington Lock. Therefore, it is assumed that water transport will not play a role in the provision of mineral or waste management within the Joint Minerals & Waste Plan.

- 9.9 The rail depot at Colnbrook in Slough is currently operational. However, its future operation is affected by the Heathrow Expansion plans. The proposed expansion plans show the new runway to be located over the site of the Lakeside Energy from Waste plant at Colnbrook as well as the rail line to the Colnbrook Aggregate Rail Depot. As there is currently no rail depot within Central & Eastern Berkshire, the area is highly dependent on this facility (as well as the rail depots at Theale, West Berkshire) for crushed rock imports.

**ISSUE:** The lack of rail depot and water freight capabilities means that all mineral movements within Central & Eastern Berkshire are by road. This also creates a dependency on rail depots in neighbouring authorities.

**Q.14**

Do you have any information that could help to inform the understanding on mineral movements within Central & Eastern Berkshire, as well as imports/exports of minerals, into and outside of the Plan area?

**Q. 15**

Do you think potential and practicable rail and water connected sites should be identified within Central & Eastern Berkshire?

**Q. 16**

Do you know of any such sites within Central & Eastern Berkshire?

**Q. 17**

If existing rail depots in neighbouring authorities cannot be retained should the Plan encourage their replacement?

**ISSUE: Aggregate demand**

- 9.10 National economic and construction aggregate forecasts are considered to be useful for providing an overall contextual picture and an indication of anticipated aggregate demand.

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<sup>38</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289796/LIT\\_6689\\_3e9c5e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289796/LIT_6689_3e9c5e.pdf)



- 9.11 The national forecasts indicate a variety of trends but on the whole one of slow growth. Forecasts have outlined that there is uncertainty over the impact of the United Kingdom leaving the European Union ('Brexit') on the economy and the effect on growth. However, London and the South East are expected to experience continued growth.
- 9.12 The key demand factors are considered to be population and activity in the construction industry. Construction of new homes, offices, industrial and other buildings and associated roads and other infrastructure requires large quantities of aggregates. For example, the Minerals Products Association<sup>39</sup> suggests that a house requires 200 tonnes of aggregate, a school may require 15,000 tonnes of concrete and a community hospital may require 53,000 tonnes of concrete. In addition, maintaining and improving the existing built fabric of the area can also require large quantities of aggregate.
- 9.13 The Strategic Housing Market Assessment<sup>40</sup> concluded that Western Berkshire (which includes Bracknell Forest, Reading and Wokingham) and Eastern Berkshire (including Windsor & Maidenhead and Slough) have an overall objectively assessed need for the following housing levels from 2013-2036:
- Western Berkshire – 2,855 homes per annum.
  - Eastern Berkshire – 2,015 per annum.
- 9.14 The figures take into account demographic projections, migration from London, local economic needs and further adjustments to improve affordability and future household formation rate reductions.
- 9.15 A range of transport infrastructure and commercial development are planned to take place in the next few years which will require aggregates. Crossrail, one of the largest construction projects in recent years, extends well into Central & Eastern Berkshire, with the current terminus planned to be at Reading<sup>41</sup>. A programme of improvements to the highway network is planned, many in Wokingham Borough including new distributor roads and park and ride facilities.
- 9.16 A number of town centre developments are either taking place or due to take place in Bracknell Forest, Reading, Maidenhead and Wokingham. Although outside of the Plan area, major developments within Slough will have an impact on the demand of aggregate within Central & Eastern Berkshire.

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<sup>39</sup> [http://www.mineralproducts.org/documents/Mineral\\_Products\\_Industry\\_At\\_A\\_Glance\\_2016.pdf](http://www.mineralproducts.org/documents/Mineral_Products_Industry_At_A_Glance_2016.pdf)

<sup>40</sup> <http://info.westberks.gov.uk/CHttpHandler.ashx?id=40949&p=0>

<sup>41</sup> <http://www.crossrail.co.uk/route/maps/route-map>

- 9.17 In addition, social infrastructure projects are being progressed including a replacement high security hospital at Broadmoor, new schools, neighbourhood centres, research parks and sports facilities.
- 9.18 Together these construction projects will require a range of aggregates amounting to on-going demand that will need to be met through the supply of sand and gravel, crushed rock and recycled aggregates in the years ahead.
- 9.19 The major infrastructure projects of HS2 and the third runway proposal at Heathrow, although not within Central & Eastern Berkshire will, if they proceed, be of such a scale that it will impact the wider demand for aggregates in the Thames Valley. The Heathrow proposals are projected to cause a rise in development for off airport ancillary development including hotels, cargo facilities and offices. These will also bolster demand. Although the timeline for these projects may mean that development will extend beyond the plan period, it is important that available resources are safeguarded.

**ISSUE:** There are a significant number of national and locally significant construction projects within and in proximity to Central & Eastern Berkshire which will require a steady and adequate supply of aggregate over and beyond the plan period. Redevelopment projects will provide a source of recycled aggregate through construction and demolition material.

**Q. 18**

Do you know of any other local data that should be used to forecast local demand for aggregate?

**Q. 19**

Do you agree that the demand information suggests that there will be a continued and possible increase in minerals demand in the near future or later in the plan period?

**ISSUE: Aggregate supply**

- 9.20 An adequate and steady supply of construction aggregate is required to ensure that market needs in Central & Eastern Berkshire are met in order to support continued economic development and prosperity. Aggregates are needed to help construct infrastructure, buildings and goods that society, industry and the economy needs. The aggregate required can be made up of different sources such as recycled materials, imported mineral products or extracted sand and gravel from either the sea or land.
- 9.21 Sales of all these various aggregates in the Berkshire county area arise from extraction (land-won), imports (crushed rock and marine-won sand and gravel)

or processing (recycled aggregate). Sales figures are monitored annually by mineral planning authorities and provide a basis for estimating the needs and requirements of Central & Eastern Berkshire.

9.22 Sales data is usefully compared with that on past aggregate consumption. Aggregate consumption figures can be calculated from data published by the Department for Communities and Local Government (DCLG) every four years as part of the Aggregate Monitoring (AM) survey undertaken by the BGS. Recycled and secondary aggregate figures are not available from the AM survey.

**Table 2: Total sales, exports and imports and consumption of Primary Aggregate in Berkshire, 2009 and 2014**

Aggregate	2009					2014				
	Sales		Consumption		A as % B	Sales		Consumption		A as % B
	(A)	(B)	(A)	(B)		(A)	(B)			
'000 tonnes	%	'000 tonnes	%		'000 tonnes	%	'000 tonnes	%		
Land-won sand and gravel	840	100%	807	45%	104%	1,051	100%	601	31%	174%
Marine-won sand and gravel	-	-	98	6%	n/a	-	-	152	8%	n/a
Crushed rock	-	-	875	49%	n/a	-	-	1,161	61%	n/a
<b>Total</b>	<b>840</b>	<b>100%</b>	<b>1,780</b>	<b>100%</b>	<b>47%</b>	<b>1,051</b>	<b>100%</b>	<b>1,913</b>	<b>100%</b>	<b>56%</b>

9.23 The comparison of 2009<sup>42</sup> and 2014<sup>43</sup> data in Table 2 shows a trend for a reduction in consumption of land-won sand and gravel but an increase in sales. Consumption of marine-won sand and gravel and crushed rock have also increased – both of which are imported aggregates. This shows an overall increase in supply of aggregate in Berkshire. It is assumed that this reflects the situation in Central & Eastern Berkshire.

<sup>42</sup> Collation of the results of the 2009 Aggregate Minerals survey for England and Wales: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6366/1909597.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6366/1909597.pdf)

<sup>43</sup> Collation of the results of the 2014 Aggregate Minerals survey for England and Wales: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/563423/Aggregate\\_Minerals\\_Survey\\_England\\_Wales\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/563423/Aggregate_Minerals_Survey_England_Wales_2014.pdf). The 2014 survey was delayed due to DCLG funding reviews.

**ISSUE:** Both marine-won sand and gravel and crushed rock, which are both imported into Berkshire, are likely to continue to increase in importance in aggregate supply for Central & Eastern Berkshire.

**Q. 20**

Do you think it is fair to assume that the trends of increasing dependence of imported aggregate in Berkshire is reflected in Central & Eastern Berkshire?

**Q. 21**

If not, what information do you have that would support this?

**Q. 22**

Do you agree that the trend for increasing consumption of crushed rock and marine sand and gravel, heighten the dependence of Central & Eastern Berkshire on the rail depots in neighbouring authorities?

**ISSUE: Recycled and secondary aggregate**

- 9.24 Recycled aggregates are those derived from construction, demolition and excavation activities that have been reprocessed to provide materials or a product suitable for use within the construction industry. It includes materials such as concrete, brick or asphalt that would otherwise be disposed of.
- 9.25 Secondary aggregates are usually by-products of industrial processes. For example, the production of Incinerator Bottom Ash at energy recovery facilities, a by-product of the incineration process, can be used as a secondary aggregate for road construction. Additional secondary aggregate includes spent railway ballast, glass, plastics and rubber (tyres).
- 9.26 Highway maintenance work has the potential to comprise a relatively large source of recycled aggregate through recycled road planings, asphalt, concrete kerbs and soils.
- 9.27 Some recycled aggregate is processed on development and construction sites, but an increasingly large amount is processed at free standing sites or sites located within existing minerals and waste activities such as quarries, waste transfer, materials recovery and land-filling.
- 9.28 There is no secondary aggregate produced within Central & Eastern Berkshire. The only secondary aggregate produced within the wider Berkshire area is the bottom ash produced by Lakeside Energy from Waste plant. Approximately 16,000 tonnes was produced between 2009 and 2010.

- 9.29 The use of recycled and secondary aggregates provides an opportunity to reduce dependence on land-won aggregate sand and gravel extraction in Central & Eastern Berkshire. Its use can be as a substitute for primary aggregate, providing a more sustainable source of supply. These have combined benefits, by not only reducing the need for land won (or marine aggregate), but also reducing the amount of waste requiring disposal by landfill.
- 9.30 Reducing the demand for primary aggregate such as sand and gravel can be encouraged by increasing the use of recycled and secondary aggregate.
- 9.31 There is no comprehensive data on production or use of recycled aggregates. Historically, production and sales of recycled and secondary aggregate have been recorded on a Berkshire-wide level. The response level to the Aggregate Monitoring surveys has also been incomplete.
- 9.32 Sales for Central & Eastern Berkshire for 2014 and 2015 cannot be reported as the returns received are from only two operators. However, the responses show a decline trend in sales of recycled aggregate from 2013 to 2015 within Central & Eastern Berkshire.
- 9.33 The South East Aggregate Monitoring Report 2014 & 2015<sup>44</sup> also shows a decline in recycled and secondary aggregate sales for the Berkshire unitary authorities from 408 to 400 thousand tonnes.
- 9.34 An assessment using the Environment Agency's Waste Data Interrogator suggests that Central & Eastern Berkshire is exporting construction and demolition waste for processing outside of the Plan area. This supports West Berkshire's Draft 2016 Local Aggregate Assessment which states that they were importing construction and demolition waste and key sources of material were Reading and Wokingham.
- 9.35 Supplies of recycled aggregate vary according to the level of local activity in the construction industry. During the regeneration of Bracknell Town Centre, the material resulting from the demolition of buildings was crushed and re-used on the site.
- 9.36 The Mineral Products Association reports that the use of recycled and secondary materials in the Great Britain aggregates market has increased rapidly, rising from 30 million tonnes per annum (mtpa) in 1990 to 63 mtpa in 2015. Although the amount had fallen in 2013 to 56 mtpa, the proportion of

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<sup>44</sup> South East Aggregate Monitoring Report 2014 and 2015: <http://www.hwa.uk.com/site/wp-content/uploads/2015/12/SEAWP-16-03-AM-Report-2014-15-Final-2.pdf>

total aggregates supplied from recycled and secondary sources has risen from 10% in 1990 to 28% in 2015<sup>45</sup>.

**ISSUE:** The use of recycled and secondary aggregate is increasing nationally. There is significant amount of development and redevelopment planned within the Plan area which can be both a source and a market for the material.

**Q. 23**

Are you aware of any other sources of information on aggregate recycled or secondary aggregate data which can be reported on?

**Q. 24**

Do you agree with the assumption that Central & Eastern Berkshire is exporting some of its construction and demolition waste outside of the Plan area, potentially to West Berkshire, for processing?

**Q. 25**

Do you agree that Central & Eastern Berkshire should be more self-sufficient in its processing of construction and demolition waste within the Plan area?

**ISSUE: Crushed rock**

9.37 The geology of Central & Eastern Berkshire means that it does not have its own source of crushed and hard rock minerals such as limestone. Therefore, those minerals that cannot be derived from within the Plan area have to be imported by rail and road in order meet local needs.

9.38 The movement and consumption of crushed rock is tracked in the four yearly Aggregate Minerals (AM) survey. The latest available surveys are 2009 and 2014. The data is also reported on a Berkshire-wide basis rather than to unitary-level. The survey findings show that the most significant source of crushed rock is supplied from Somerset and that all of the crushed rock imported into Berkshire is then consumed within Berkshire, rather than exported to other areas.

**ISSUE:** Central & Eastern Berkshire is reliant on the importation of crushed rock from Somerset via the rail depots in West Berkshire and Slough.

**Q. 26**

Do you agree with the assumption that the crushed rock supplied to Central & Eastern Berkshire is sourced from Somerset via the rail depots at Theale?

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<sup>45</sup> [http://www.mineralproducts.org/documents/Mineral\\_Products\\_Industry\\_At\\_A\\_Glance\\_2016.pdf](http://www.mineralproducts.org/documents/Mineral_Products_Industry_At_A_Glance_2016.pdf)

**Q. 27**

Do you agree that the consumption of crushed rock within the Berkshire area demonstrates the dependence of Central & Eastern Berkshire on the rail depots in neighbouring areas as sources of supply?

**ISSUE: Marine-won sand and gravel**

- 9.39 The importation and consumption of marine-won sand and gravel is only reported on a Berkshire-wide level. Berkshire's level of imported marine sand represented 5.5% of the total primary aggregated consumed in 2009 and this rose to approximately 8% in 2014<sup>46</sup>. Imports into Berkshire in 2009 were 98 thousand tonnes which equated to nearly 8% of the total primary aggregates. This rose to 9% in 2014 with 152 thousand tonnes of imported marine aggregate.
- 9.40 The main source of material is from Greater London which suggests that this is marine dredged material that has been landed at London wharves. Due to the distance travelled it is assumed that this has been imported by rail. The second greatest source is Hampshire. This is material that will have been landed at Hampshire's wharves. It is likely that this material will have travelled into Berkshire by road but it is also possible that the mineral was transported via the rail depots in Hampshire to the depots at Theale or Colnbrook.
- 9.41 There is no evidence to suggest that marine sand and gravel imports are likely to cease but the current figures show a marginal increase in their role in total primary aggregate supply.

**ISSUE:** Marine sand and gravel forms part of the aggregate supply provision for Central & Eastern Berkshire. It is likely that this material is being supplied by road from Hampshire's wharves and via the rail depots in West Berkshire and Slough from London's wharves.

**Q. 28**

Do you agree with the assumption that the marine-won sand and gravel forms a small but important part of the aggregate supply to Central & Eastern Berkshire?

**Q. 29**

Do you agree with the assumption that marine-won sand and gravel from Hampshire is being transported by road and via rail from London's wharves?

<sup>46</sup> Collation of the results of the 2014 Aggregate Minerals Survey for England and Wales:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/563423/Aggregate\\_Minerals\\_Survey\\_England\\_Wales\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/563423/Aggregate_Minerals_Survey_England_Wales_2014.pdf)

**Q. 30**

Do you agree that the import of marine aggregates to Central & Eastern Berkshire justifies support for safeguarding wharves in supply locations such as Hampshire and London?

**ISSUE: Sand and gravel markets**

- 9.42 The main economic mineral deposit worked from the land within Central & Eastern Berkshire is sand and gravel.
- 9.43 Sand and gravel is important to the continued economic prosperity of Central & Eastern Berkshire and the wider Thames Valley. Locally produced sand and gravel is an essential element to overall aggregate supply.
- 9.44 Uses of sand and gravel across Central & Eastern Berkshire may include its general application as an aggregate, as a material to make concrete, concrete products or cement, in other building material uses as a constructional base material or fill. Unwashed or as-raised sand and gravel is commonly used as construction fill material and also helps for resurfacing tracks and paths. This material is often referred to as 'hoggin' and contains the clay content which helps act as a binding agent.
- 9.45 Sand and gravel may also have a number of other uses such as roofing shingles, on icy roads in the winter, for glass making, for railroad ballast, for water filtration and for household gardening.
- 9.46 'Soft sand' is an important mineral resource with specific applications; such as asphalt, mortars, plaster and top dressing, all of which sharp sand and gravel and other aggregate materials are unsuitable.
- 9.47 Patterns of sand and gravel supply largely reflect the location of mineral resources. It can be assumed that the markets for sand and gravel generally support the major towns within Central & Eastern Berkshire as well as other parts of the Thames Valley such as Slough.

**ISSUE:** The principle market for sand and gravel produced in Central & Eastern Berkshire is likely its urban areas and those in neighbouring parts of the Thames Valley.

**Q. 31**

Do you agree that the main markets for sand and gravel are within Central & Eastern Berkshire and neighbouring areas of the Thames Valley?



### **ISSUE: Extraction locations**

- 9.48 Historically, the quarrying of sand and gravel in Central & Eastern Berkshire has been focussed on the Kennet valley, and between Reading and Newbury. In addition, there have been concentrations of workings north and south of Maidenhead, and south of Slough.
- 9.49 In the last 10 years, the only operational sand and gravel sites have been located in Windsor & Maidenhead and Wokingham Boroughs.
- 9.50 Star Works is the only permitted soft sand quarry but is inactive. It lies within the Green Belt and retains approved reserves.

**ISSUE:** There is only one permitted soft sand site within Central & Eastern Berkshire and this is currently inactive, so this material is likely to be sourced elsewhere.

**Q. 32**

Do you agree that the supply of soft sand to Central & Eastern Berkshire is being sourced from outside of the Plan area?

**Q. 33**

Are you aware of any reasons for soft sand proposals not coming forward?

**Q. 34**

Are you aware of any potential soft sand sites?

- 9.51 Poyle Quarry, located in Windsor & Maidenhead, hasn't been worked for approximately 10 years. The planning permission at this quarry expired in December 2015.
- 9.52 In August 2015, planning permission was granted for a quarry at Datchet's Riding Court Farm. The quarry, to be operated by CEMEX, is ready to commence production.
- 9.53 Extraction sites have not been operational within the administrative area of Slough Borough Council for 10 years.
- 9.54 A number of permitted sites are located in the Green Belt.

9.55 The responses from the Aggregate Monitoring survey for 2015 suggested that the permitted reserves in Central & Eastern Berkshire at 31 December 2015 were 6,864,000 tonnes<sup>47</sup>.

**ISSUE:** There are approximately seven million tonnes of permitted reserves within Central & Eastern Berkshire. There have been no operational sites within the Borough of Slough for 10 years which means they have been dependent on alternative sources of supply.

**Q. 35**

Do you agree with the assumption that Central & Eastern Berkshire is likely to be supplying Slough with aggregate?

**Q. 36**

Are you aware of any factors which may affect the estimated seven million tonnes of reserves at operational sites within Central & Eastern Berkshire?

**ISSUE: Sand and gravel resources**

9.56 Sand and gravel reserves data for Central & Eastern Berkshire is complicated due to historic reporting at a Berkshire-wide level but due to geology and presence of environmental constraints, it is likely that the main resources of sand and gravel and soft sand are within Windsor & Maidenhead and Wokingham Borough.

9.57 Other potential sites include those identified in the Replacement Minerals Local Plan for Berkshire<sup>48</sup> which includes 13 'Preferred Areas'. Seven of the Preferred Areas are located in West Berkshire. The remaining areas are located in Reading, Windsor & Maidenhead and Slough. One of the Preferred Areas – Riding Court Farm, Datchet (Preferred Area 11) – has recently been permitted with reserves of 2.1 million tonnes<sup>49</sup>.

9.58 The estimated yield (excluding Riding Court Farm) of the remaining Preferred Areas is 1,655,000 tonnes. However, this includes Preferred Areas remaining in Slough. If these Preferred Areas are excluded, the estimated yield is 375,000 tonnes.

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<sup>47</sup> Aggregate Monitoring (AM) 2015 survey results.

<sup>48</sup> Replacement Minerals Local Plan for Berkshire (incorporating the Alterations adopted in December 1997 and May 2001 (joint Strategic Planning Unit) [<http://www.bracknell-forest.gov.uk/replacement-minerals-local-plan-for-berkshire-2001.pdf>]

<sup>49</sup> This is greater than the estimate of 1,750,000 tonnes in the Replacement Minerals Plan.

**ISSUE:** There are approximately 7 million tonnes of permitted reserves within Central & Eastern Berkshire. Other potential reserves are likely to be identified within Wokingham and Windsor & Maidenhead Boroughs. There are also reserves in Preferred Areas but some of these are located within Slough Borough Council's administrative area.

**Q. 37**

Do you agree that potential resources of sand and gravel and soft sand remain within Windsor & Maidenhead and Wokingham Boroughs'?

**Q. 38**

Do you think the resources in Preferred Areas in Slough should be taken account of when considering potential resources to supply Central & Eastern Berkshire?

**ISSUE: Sand and gravel imports / exports**

- 9.59 The market dictates that sand and gravel will be obtained from the cheapest location for that particular material, and mineral planning authority boundaries do not influence the movement of minerals. Where the demand in Central & Eastern Berkshire can be satisfied most efficiently and cost effectively from locations in other areas, such as West Berkshire, Hampshire, Oxfordshire or Buckinghamshire, then it will. This may be due to the specific type or quality that is required only being available in a neighbouring mineral planning authority area, or simply due to the fact that the point of demand is closer to the point of supply somewhere other than in Central & Eastern Berkshire.
- 9.60 Import and export information is only reported on a Berkshire-wide level and every four years. In 2009 and potentially to a greater extent in 2014, the Berkshire Authorities were just over half of the sand and gravel consumed and the rest were imported from a range of sources. The largest was Hampshire which has been supplying an increased amount and in 2014 supplied between 10% to 20% of the land-won sand and gravel consumed.
- 9.61 Of the aggregates sold in Berkshire in 2009, 61% was consumed in Berkshire with the remainder being exported, principally to destinations in the South East. This scenario switches in 2014 with only 24% being consumed within Berkshire and 52% is exported to destinations in the South East.
- 9.62 It is likely that imports and exports of land-won sand and gravel are transported by road.

**ISSUE:** Approximately half of the land-won sand and gravel consumed within Berkshire is sourced from within Berkshire and imports by road from Hampshire are an important alternative source.

**Q. 39**

Do you agree that the main supplies of sand and gravel used in the area are from within Berkshire and Hampshire?

**Q. 40**

If not, do you have any evidence to support this?

**Q. 41**

Do you agree with the assumption that a decline in exports reflects the development demand pressures within the area?

**Q. 42**

Do you agree with the assumption that imports and exports of sand and gravel are transported by road?

**ISSUE: Past sand and gravel sales**

9.63 Berkshire has both sharp sand and gravel deposits and deposits of soft sand. Historically, sales data has been recorded on a Berkshire-wide basis. In order to determine what proportion of the sales apply to Central & Eastern Berkshire, sales of West Berkshire are deducted from the total sales, and the remainder is then assumed to be sales from Central & Eastern Berkshire as Slough has not contained any operational sites for the last 10 years.

9.64 West Berkshire's Draft LAA for 2015<sup>50</sup> outlines its assumed construction aggregate outputs from 2006 to 2015. This has been based on Aggregate Monitoring data and local sources such as planning applications, site visits and letters from operators etcetera.

**ISSUE:** West Berkshire has collated the most reliable source of data on sales figures and contribution to the Berkshire total sales figures and therefore, Central & Eastern Berkshire will also use these figures.

**Q. 43**

Do you have any available data that could be used to inform the sales information for Central & Eastern Berkshire?

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<sup>50</sup> West Berkshire Local Aggregate Assessment 2015:  
<http://info.westberks.gov.uk/CHttpHandler.ashx?id=40757&p=0>

9.65 Table 3 below outlines the combined sales of sand and gravel for Berkshire, the output from West Berkshire and the remaining sales data which is the assumed output of the sites within Central & Eastern Berkshire.

**Table 3: Comparison of Berkshire's Total Sales of Sand and Gravel and West Berkshire's Output 2006- 2015 (thousand tonnes)**

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Berkshire (Total)</b>	645	615	755	840	886	1,127	865	792	1,080	902
<b>West Berkshire (Output)</b>	525	593	493	390	275	275	234	202	200	154
<b>Central &amp; Eastern Berkshire</b>	120	23	263	450	611	852	631	590	920	748

Source: Berkshire LAA 2014 and 2015, West Berkshire LAA 2016.

9.66 Based on the information in the LAAs, the 10 year average sales for Central & Eastern Berkshire is **520,761 tonnes per annum**.

9.67 In addition, NPPG<sup>51</sup>, recommends assessing the three year average of sales to identify if there is a trend of increased demand which may indicate that it may be more appropriate to increase supply. The three year average of the sand and gravel sales in Central & Eastern Berkshire is **752,765 tonnes per annum** which is an increase of 232,004 tonnes per annum.

9.68 Based on the future aggregate demand information, the three year average figure which shows an increase from the 10-year average is likely to reflect the future aggregate demand for Central & Eastern Berkshire as well as the wider Thames Valley.

**ISSUE:** Based on the future aggregate demand information, the three year average figure of 752,765 tonnes per annum is likely to reflect the future aggregate demand for Central & Eastern Berkshire as well as the wider Thames Valley.

**Q. 44**

Do you agree that the three-year average is a true reflection of demand for Central & Eastern Berkshire?

**Q. 45**

If not, what level of demand do you think is appropriate to forecast future demand and what evidence do you have to support this?

<sup>51</sup> <https://www.gov.uk/guidance/minerals> Paragraph: 064 Reference ID: 27-064-20140306

### **ISSUE: Soft sand**

- 9.69 There is not an active soft sand quarry within Central & Eastern Berkshire, although there is one permitted (Star Works) which has not been operational since 2006.
- 9.70 Therefore, the sales estimated for Central & Eastern Berkshire are for sharp sand and gravel only. It is assumed that soft sand has been provided to Central & Eastern Berkshire from other sources.

**ISSUE:** There is currently no soft sand produced in Central & Eastern Berkshire and soft sand is being imported.

#### **Q. 46**

Due to the lack of soft sand sales from quarries within Central & Eastern Berkshire what do you estimate is the level of demand for soft sand in the area and what evidence do you have to support this?

#### **Q. 47**

Do you think that Central & Eastern Berkshire should continue to rely solely on imports of soft sand?

#### **Q. 48**

If not, what measures can be used to encourage soft sand proposals to come forward?

### **ISSUE: Landbank**

- 9.71 The landbank is a measure of the permitted reserves of mineral expressed in the number of years that the reserves would provide production for at the apportionment or other given rate. It is a theoretical measure of the life of the combined reserves assuming that they can be worked at a consistent rate across the period. In practice reserves will be unevenly distributed between quarries and some quarries will exhaust reserves before others. A large amount of reserve in a quarry with only a low production rate is notably less available to the landbank than equivalent reserves in a high producing quarry.
- 9.72 The NPPF<sup>52</sup> requires Mineral Planning Authorities to make provision for the maintenance of a landbank of at least seven years for sand and gravel. The estimated reserves of sand and gravel from sites with planning permission for extraction (permitted reserves) at 31 December 2015 were 6,864,000 tonnes.

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<sup>52</sup> National Planning Policy Framework, Section 13: <https://www.gov.uk/guidance/national-planning-policy-framework/13-facilitating-the-sustainable-use-of-minerals>

- 9.73 At the end of December 2015, Star Works Quarry in Wokingham Borough had a reserve at the end of December 2015 of 196,000 tonnes of soft sand. However, because this inactive quarry would need to discharge working conditions before extraction can proceed, it cannot be included in the total permitted reserves.
- 9.74 Therefore, the total permitted reserves are 6,668,000 tonnes. Based on the 10 year average sales of 520,761, the landbank for sand and gravel sites within Central & Eastern Berkshire is **12.8 years**. However, based on the three-year average, the landbank reduces to **8.8 years**.
- 9.75 The NPPF requires Mineral Planning Authorities in planning for a steady and adequate supply of aggregates to (inter alia) ensure that large landbanks bound up in very few sites do not stifle competition. One quarry in Central & Eastern Berkshire contains approximately a half of the total reserves, but its sales are only a small proportion of total sales. However, recent surveys suggest that sales are increasing indicating that there is competition in the market.
- 9.76 Riding Court Farm has a large reserve but has not yet started operating at the time of the last Aggregate Monitoring survey and therefore, has not been included in the figures. This, together with the position that some other quarries have less than two years' operating life remaining, means that the calculation of the landbank is not necessarily an accurate reflection of the ability of the quarries collectively to supply the construction industry in the following seven years.

**ISSUE:** The landbank based on three year sales for sand and gravel in Central & Eastern Berkshire is 8.8 years.

**Q. 49**

Do you agree that the landbank of 8.8 years for Central & Eastern Berkshire is a more accurate reflection of supply?

**Q. 50**

If not, what factors/information influence you position?

**ISSUE: Future sand and gravel provision**

- 9.77 The Proposed Plan period is up to 2036. If the 10 year average of sales is 520,761 and is projected forward from 2015 to 2026 on this basis, a total of **10,935,981 tonnes** would be required over full plan period. However, if the three year average is used, this increases to **15,808,065 tonnes**.

9.78 The current permitted reserves for Central & Eastern Berkshire are 6,668,000 tonnes (not including Star Works Quarry). This means that there is an additional requirement for between 4,267,981 (10 years) and 9,140,065 (three year) tonnes of sand and gravel.

**ISSUE:** There is a requirement for additional reserves of between 4,267,981 and 9,140,065 tonnes of sand and gravel during the Plan period.

**Q. 51**

Do you agree that the Central & Eastern Berkshire Authorities should plan for an additional requirement of 9 million tonnes of sand and gravel?

**Q. 52**

If not, what is the evidence to support this?

9.79 There is a number of remaining Preferred Areas from the Replacement Minerals Local Plan for Berkshire<sup>53</sup>. A number of these are located within West Berkshire, but others are located within Central & Eastern Berkshire and Slough. Having been identified in the plan for many years and not having come forward, there is no certainty that these sites would ever be worked.

9.80 Should all the remaining Preferred Areas come forward for development, the total tonnage would be 1,655,000 tonnes (although this includes the Preferred Areas within Slough). This would not meet the future demand for Central & Eastern Berkshire based on the 10-year average or the three year average.

9.81 The Central & Eastern Berkshire Authorities have undertaken a 'call for sites' to landowners, agents and mineral operators to nominate potential minerals sites. The outcome of this exercise is currently unknown but it could lead to sites which could be allocated to meet the future demand.

**ISSUE:** The existing Preferred Areas from the saved Replacement Minerals Local Plan do not fully meet the future demand and some of the sites are located outside of the Plan area.

**Q. 53**

Do you agree that all the remaining Preferred Areas are reconsidered for inclusion in the Joint Minerals & Waste Plan?

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<sup>53</sup> Replacement Minerals Local Plan for Berkshire. 2001: <http://www.bracknell-forest.gov.uk/replacement-minerals-local-plan-for-berkshire-2001.pdf>



**Q. 54**

Do you have any information regarding the remaining Preferred Areas which may impact their inclusion?

**Q. 55**

Are you aware of any sand and gravel sites that could be proposed for extraction?

**ISSUE: Mineral safeguarding**

9.82 Mineral Safeguarding Areas are areas of proven mineral deposits which are protected from development that might needlessly sterilise these resources. There is no presumption that safeguarded mineral deposits will actually be worked. But in the event a development is proposed that might prevent future mineral extraction, due consideration would be given to protecting the resource or prior extraction (removal of some of the resource prior to development taking place).

**ISSUE:** It is considered necessary to safeguard proven mineral deposits of sharp sand and gravel and soft sand to prevent sterilisation and retain resources to meet longer term need.

**Q. 56**

Do you agree that only mineral deposits of sharp sand and gravel and soft sand are safeguarded within Mineral Safeguarding Areas?

**Q. 57**

If not, what other minerals should be included and why?

**ISSUE: Clay**

9.83 In the past, Berkshire had numerous small workings for clay for making bricks and tiles, but the mass production of bricks at much larger brickworks elsewhere in the region, and the more general use of concrete tiles, has led to the closure of all the brick and tile works within the Berkshire area.

9.84 The last remaining brick and tile works was located at Knowl Hill, between Reading and Maidenhead. Although the site contains extensive permitted reserves of clay, the manufacture of bricks and tiles ceased during the 1990s. The site is now principally used as a landfill (Star Works).

9.85 Some clay is dug intermittently from deposits near reading and elsewhere for use as bulk fill or for sealing sites which are to be filled with putrescible waste.

These are generally 'one-off' operations, and there appears to be no demand for claypits to be established to serve these markets on a long term.

- 9.86 There have not been any operational claypits permitted to support industrial processes for over 10 years.
- 9.87 Due to the current lack of brick and tileworks within Central & Eastern Berkshire, there is no requirement to make 25 years provision of brick-making clay as outlined in the NPPF<sup>54</sup>.

**ISSUE:** There is no current industrial demand for clay in the area and other demands are low.

**Q. 58**

Do you agree that it is not necessary to safeguard clay resources because current industrial demand by brick and tiles works is low in this area?

**Q. 59**

If not, what evidence do you have to support this?

**Q. 60**

Do you agree that it is not necessary to allocate clay extraction sites?

**Q. 61**

If not, what evidence do you have to support this?

**Q. 62**

Do you agree that future clay proposals can be judged against a criteria-based policy?

**ISSUE: Chalk**

- 9.88 In Berkshire, chalk was of some local importance. The use of chalk for agricultural purposes dates back to Roman times.
- 9.89 The continuing demand for chalk as agricultural lime is very low. The last active chalk pit in Berkshire, at Pinkneys Green (Hindhay Quarry) near Maidenhead, is currently being restored. Some of the chalk from this pit was also used as bulk fill.
- 9.90 In recent years, chalk extracted in Central & Eastern Berkshire has only been used in the production of agricultural lime rather than to supply a processing

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<sup>54</sup> National Planning Policy Framework. Section 13: <https://www.gov.uk/guidance/national-planning-policy-framework/13-facilitating-the-sustainable-use-of-minerals>

plant. Therefore, there is no requirement to make 15 years provision of chalk (as cement primary) as outlined in the NPPF<sup>55</sup>.

- 9.91 As such no allocations for chalk extraction are required to support the Joint Minerals & Waste Plan, and any future proposals can be determined using a general policy such as that outlined in the existing Replacement Plan and the withdrawn Core Strategy.
- 9.92 Given the supply and demand of chalk, it is not considered necessary to safeguard chalk by defining safeguarding areas.

**ISSUE:** There is a low level of demand for chalk in Central & Eastern Berkshire.

**Q. 63**

Do you agree that it is not necessary to safeguard chalk resources?

**Q. 64**

If not, what evidence do you have to support this?

**Q. 65**

Do you agree that it is not necessary to allocate chalk extraction sites?

**Q. 66**

If not, what evidence do you have to support this?

**Q. 67**

Do you agree that future chalk proposals can be judged against a criteria-based policy?

**ISSUE: Oil and gas**

- 9.93 Oil and gas are nationally important mineral resources and it is government policy that exploration should be supported and resources exploited subject to environmental considerations.
- 9.94 Oil and gas resources are classed as either 'conventional' or 'unconventional'. Conventional resources (as known as 'hydrocarbons') are situated in relatively porous sandstone or limestone rock formations. Unconventional sources are found where oil and gas has become trapped within the shale rock itself and did not form traditional conventional reservoirs.
- 9.95 As shale is less permeable (or easily penetrated by liquids or gases), it requires a lot more effort to extract the hydrocarbons from the rock. However, recent

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<sup>55</sup> National Planning Policy Framework. Section 13: <https://www.gov.uk/guidance/national-planning-policy-framework/13-facilitating-the-sustainable-use-of-minerals>

technological advancements have resulted in horizontal drilling which has made tapping into shale deposits more financially viable.

- 9.96 Hydraulic fracturing (sometimes referred to as 'fracking') is a technique used in the extraction of oil or gas from 'shale' rock formations by injecting water at high pressure. This process has caused some controversy, however the Government's position is that there is a pressing need to establish (through exploratory drilling) whether or not there are sufficient recoverable quantities of unconventional oil and gas present to facilitate economically viable full scale production.
- 9.97 There are no known commercial resources of oil and gas in Central & Eastern Berkshire, although viable conventional resources of oil and gas have been identified and are being exploited in neighbouring counties, such as Hampshire.
- 9.98 Oil and Gas licences granted by the Oil and Gas Authority<sup>56</sup> confer rights for persons to search for, bore and produce petroleum resources. Oil and gas activity comprises a number of different stages including the exploration of oil and gas prospects, appraisal of any oil and gas found, production and distribution. The production and distribution of oil and gas usually involves the location of gathering stations which are used to process the oil and gas extracted. All stages require planning permission from the relevant mineral planning authority. The development of gathering stations requires more rigorous examination of potential impacts than exploration or appraisal.
- 9.99 There are currently no licence areas within Central & Eastern Berkshire. A former licence area within Windsor (PEDL 236) was relinquished in 2014<sup>57</sup>.
- 9.100 There have also been two exploratory wells within the Central & Eastern Berkshire area but these were completed in 1966 and 1974 respectively<sup>58</sup>. It is assumed that the exploration concluded that the wells were not commercially viable.

**ISSUE:** There are currently no known commercially viable resources of oil and gas in Central & Eastern Berkshire and no existing licence areas.

**Q. 68**

Do you agree there are currently no known commercially viable resources of oil and gas in Central & Eastern Berkshire?

<sup>56</sup> OGA: [www.gov.uk/government/organisations/oil-and-gas-authority](http://www.gov.uk/government/organisations/oil-and-gas-authority)

<sup>57</sup> <https://www.ogauthority.co.uk/data-centre/data-downloads-and-publications/licence-data/>

<sup>58</sup> <https://www.ogauthority.co.uk/data-centre/data-downloads-and-publications/licence-data/>

**Q. 69**

Do you agree that the Joint Minerals & Waste Plan should contain a policy to judge future oil and gas proposals should the situation change?

**Q. 70**

Do you agree that a criteria-based policy should be used to judge any future oil and gas proposals?

**ISSUE: Coal**

- 9.101 There is a significant coal seam in West Berkshire which runs into the western edge of the Central & Eastern Berkshire Plan area. It is deep underground and not considered to be viable for extraction. Due to the depth of the deposits, open cast mining would be impractical, and any exploitation would need to be by underground mining. It has not been considered necessary in former Berkshire minerals planning policy documents to develop a policy to address proposals for exploiting the deposits. It was considered that should an application come forward, it would be considered under the general policy for mineral extraction.
- 9.102 There is also a thin gas seam but this is classed as unprospective for coalbed methane.
- 9.103 Whilst the increasing price of energy is making more inaccessible sources viable, the Joint Minerals & Waste Plan should consider how such applications would be addressed.

**ISSUE:** Coal has not been addressed in minerals and waste planning policy previously.

**Q. 71**

Do you agree that a criteria-based policy should be used to judge any future oil and gas proposals?

**Q. 72**

If not, what evidence do you have to support this?

## 10. Waste Issues

- 10.1 The waste issues have been identified through the preparation of the *Waste: Background Study* which accompanies this Consultation Paper.
- 10.2 A key issue is the close connection between the Central & Eastern Berkshire authorities and Slough when it comes to waste management, so Slough's role is explored in further detail.
- 10.3 For consistency, waste data is categorised into three broad categories, based on the *properties*<sup>59</sup> of the waste: **non-hazardous**, **inert** and **hazardous**. *Non-hazardous* waste is produced mainly from both municipal solid waste (MSW) and commercial & industrial waste (C&I) sources and includes elements such as mixed general waste, recyclables, and compostable (green) waste. *Inert* wastes come mainly from construction, demolition and excavation (CD&E) activities and are less chemically reactive. Although a minor contribution to the overall arisings, *hazardous* waste is produced from all three waste sources (MSW, C&I and CD&E) and is generally harmful to humans or the environment.

### ISSUE: Waste Data

- 10.4 There are different ways of estimating waste arisings (how much waste is produced in the area), but the only current comprehensive source of waste data is the Environment Agency, which collates waste transfer data in annual Waste Data Interrogator (EA WDI) and Hazardous Waste Data Interrogator (EA HWDI). This is data on waste management, rather than arisings, but due to the regulated nature of the waste sector most waste that is produced will need to be managed by licenced facilities in some way. This data has a number of caveats, but has the advantage of being mandatory data collection from the majority of waste operators. It is consistent and comparable from year to year. It is proposed to use this data as a starting point for estimating waste arisings
- 10.5 Using the EA WDI, HWDI, and data on Incinerator Inputs,
- 10.6
- 10.7
- 10.8 Table shows the waste that was managed in England that was recorded as coming from Central & Eastern Berkshire and Slough.

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<sup>59</sup> For the purposes of data collection - the recording of waste input (*waste deposited*) at permitted waste facilities and waste output (*waste removed*) - the Environment Agency classify waste by its properties, called waste category. Please note that the term HIC (Household, industrial and Commercial) is also used for non-hazardous waste when using Environment Agency data.

**Table 4- Waste arisings from the Central & Eastern Berkshire Authorities and Slough (tonnes)**

<b>Source Authority</b>	<b>Non-hazardous waste</b>	<b>Inert waste</b>	<b>Hazardous waste</b>	<b>Total</b>
Bracknell Forest	218,294	165,071	6,774	359,341
Reading	325,423	466,756	5,945	754,497
Windsor & Maidenhead	209,830	181,903	4,102	392,457
Wokingham	73,949	137,082	7,455	216,604
Slough	320,536	382,940	23,161	657,495
<b>Total</b>	<b>1,148,032</b>	<b>1,333,752</b>	<b>47,438</b>	<b>2,380,393</b>

Source: WDI and HWDI, 2015 and EA Incinerator Inputs 2015

**ISSUE:** Waste arisings data is difficult to source, but the Environment Agency Waste Data Interrogator provides a relatively comprehensive and consistent source of data.

**Q. 73**

Do you agree that the Environment Agency Waste and Hazardous Waste Data Interrogators is the main, most up-to-date and most robust source of waste data available in England?

**Q. 74**

Do you agree that the figures in Table 4 give an approximate idea of the level of both waste arisings and waste managed in Central & Eastern Berkshire?

**Q. 75**

Do you agree with the use of waste data, where the source is a Central & Eastern Berkshire Authority, as a proxy for waste arisings in Central & Eastern Berkshire?

**Q. 76**

Do you agree with the use of waste received at facilities in Central & Eastern Berkshire as a proxy for the waste management capacity within Central & Eastern Berkshire?

**Q. 77**

Are there other wastes streams and waste data sources not dealt with in this report?

**ISSUE: Estimating waste management capacity**

- 10.9 In order to manage the waste produced in Central & Eastern Berkshire and Slough, the capacity of the available waste management facilities will need to match or exceed that of the current and predicted waste arisings in the area, thereby achieving net self-sufficiency, which is one of the plan objectives.
- 10.10 Waste capacity is the amount of waste (tonnage) that a waste facility can process based on realistic operational restrictions including any imposed by planning permissions and conditions, EA waste permits, as well as the physical realities of the site and the processing machinery. The capacity of a single site can then further be divided based on the capacities for different types of waste.
- 10.11 Waste capacity data could be sourced in different ways, but there is no comprehensive source of data and the various sources that exist have differing levels of robustness. For the JMWP we therefore intend to use the following methodology when estimating the capacity of waste sites:

**Table 5 - Methodology for estimating waste site capacity**

<b>Method in priority order</b>	<b>Description</b>	<b>How will capacity be estimated</b>
1. Waste Operator Survey	Waste Operators will be contacted directly using a survey that will ask, amongst other things, about the capacity of the site and any future plans. Efforts will be made to coordinate the survey design and methodology with other authorities in the South East.	If the number provided in the survey is the only source of information or if it is of the same scale as other source of information it will be used as the most direct data source. If it is not comparable efforts will be made to reconcile the two, but a lower number may need to be used for safety.
2. Planning Permission	Planning documents will be checked for waste capacity data.	If there is a planning condition limiting capacity to less than the maximum potential for that site, that number will be used. In the absence of such a condition estimates of capacity in the supporting documents will be used. For documents older than 5 years a comparison will be made with other sources of data and efforts may need to be made to contact the waste operator and confirm the current situation.
3. Landfill Void space	Annual EA waste data tables recording the total amount of remaining void space available.	These are considered to be robust as void data is received by the EA on a quarterly basis.
4.	Operational limits set by the EA	The top of the band will be used



Environmental Permit	waste permit.	where this is of a comparable scale to recorded throughputs. Where this is not the case, efforts may need to be made to contact the waste operator and confirm the current situation.
5. Tonnes Managed as recorded in the EA WDI	The EA WDI records data from waste transfer notes on the amount of waste managed by permitted sites on an annual basis.	A maximum value of the past 5 years will be used, adjusted by +20% for head room.  The use of the 20% headroom will be monitored for accuracy and efforts may need to be made to contact the waste operator and confirm the current situation.
6. Comparison to other sites	Data on capacity from comparable sites i.e. those of a similar size, managing the same type of waste, using a similar process.	An average from the comparable sites will be used.

Source: Based on the proposed Surrey County Council methodology, 2016

**ISSUE:** There is no comprehensive source of data on waste capacity.

**Q. 78**

Do you agree with the methodology for estimating capacity proposed in Table 5?

**Q. 79**

Are there any other sources of capacity data that you would suggest?

**Q. 80**

Is there another methodology for estimating waste capacity data that could be used?

**ISSUE: Non-hazardous waste data**

10.12 Non-hazardous waste data is likely to be the most reliable element of the EA Waste Data Interrogator. Other sources of non-hazardous waste data arisings include data on Municipal Solid Waste (MSW) from the local authority managed Waste Data Flow system and work that has been done on estimating Commercial and Industrial (C&I) waste arisings.

10.13 While the Waste Data Flow system is considered to provide robust data due to the requirements placed on local authorities, estimates of C&I waste arisings are known to be a lot less reliable and can be considered less reliable than the EA WDI data. This is because the last comprehensive survey of C&I waste arisings was conducted in 2009 by Jacobs on behalf of the Department of Environment Farming and Rural Affairs (DEFRA), so any models using this

data are likely to be looking at a historic snapshot of waste production, as well as carry with them the caveats associated with this survey.

- 10.14 Some further estimates have been produced on C&I data for 2012 and 2014<sup>60</sup>, but with less detail and availability of data at a regional or sub-regional level. No new survey of this scale is currently planned and a survey of even just Central & Eastern Berkshire is outside the scope and budget for the preparation of the Plan.

**ISSUE:** Non-hazardous waste arisings data can be sourced from different places, with different caveats and levels of reliability.

**Q. 81**

Do you think that non-hazardous waste arisings should be estimated using Environment Agency Waste Data Interrogator data, in combination with Waste Data Flow where required?

**Q. 82**

Do you think that non-hazardous waste arisings should be estimated using Waste Data Flow and Commercial & Industrial arisings models?

**Q. 83**

Do you think that non-hazardous waste arisings should be estimated using a combination of the above?

**Q. 84**

Do you think that non-hazardous waste arisings should be estimated using another method? If so, please specify what method and where the data should be sourced?

**ISSUE: Non-hazardous waste management**

- 10.15 **Error! Not a valid bookmark self-reference.**<sup>6</sup> shows the management of waste received in Central & Eastern Berkshire and Slough in 2015, based on WDI data. This represents 102% of the waste that originated from the same area (1,148,032 tonnes). However the role of the incinerator in Slough is notable in representing more than third of this area's waste management. It is also worth noting that 35% of the waste management tonnages are recorded as having gone to waste transfer facilities, therefore they will have gone on to different facilities after that.

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<sup>60</sup> UK statistics on waste: <https://www.gov.uk/government/statistics/uk-waste-data>

**Table 6 - Non-hazardous waste management in Central & Eastern Berkshire and Slough (tonnes and percentage for each category)**

Facility WPA	Landfill	MRS	On/In Land	Transfer	Treatment	Incineration	Total
Bracknell Forest				104,839	8,615		113,454
Reading				139,612	7,532		147,143
Windsor & Maidenhead				18,955	72,009		90,964
Wokingham	37,102	29,177		1,656	3,461		71,397
Slough		14,747	69,772	145,945	76,238	437,049	743,753
<b>Total</b>	<b>37,102</b>	<b>43,925</b>	<b>69,772</b>	<b>411,006</b>	<b>167,855</b>	<b>437,049</b>	<b>1,166,710</b>
<b>Percentage</b>	<b>3%</b>	<b>4%</b>	<b>6%</b>	<b>35%</b>	<b>14%</b>	<b>37%</b>	<b>100%</b>

Source: WDI, 2015 and EA Incinerator Inputs, 2015

- 10.16 Currently a significant quantity of waste goes to the Lakeside Energy from Waste (EfW) facility in Colnbrook, Slough. This is part of a contractual arrangement and is generally supported by Slough, as the facility can take much more waste than Slough Borough Council produces. This facility has a capacity of 410,000 tonnes per annum<sup>61</sup>. However, the government has indicated that it prefers the proposed additional runway at Heathrow airport as an airport expansion option<sup>62</sup> and this would impact both the Colnbrook EfW and rail depot.
- 10.17 There is one operational non-hazardous landfill in the Berkshire area, which is in Wokingham (Star Works) which has around 53,000 tonnes void left for non-hazardous waste planned for 2016 and 2017, and around 105,000 tonnes void left for inert waste and restoration inputs, planned for up to 2021<sup>63</sup>. Through work with the South East Waste Planning Advisory Group, it has been established that there has been a decline in operational landfill in the South East region and that landfills are becoming regional, rather than local facilities.

<sup>61</sup> Lakeside Energy from Waste facility website - <https://www.lakesideefw.co.uk/>

<sup>62</sup> Government announcement regarding Heathrow expansion - <https://www.gov.uk/government/news/government-decides-on-new-runway-at-heathrow>

<sup>63</sup> 2015 planning application at Star Works landfill - [https://www2.wokingham.gov.uk/sys\\_upl/templates/BT\\_WOK\\_PlanningApplication/BT\\_WOK\\_PlanningApplication\\_details.asp?action=DocumentView&ApplicationCode=153171&pgid=1813&tid=147&noCache=740\\_994P\\_lanning%20permission](https://www2.wokingham.gov.uk/sys_upl/templates/BT_WOK_PlanningApplication/BT_WOK_PlanningApplication_details.asp?action=DocumentView&ApplicationCode=153171&pgid=1813&tid=147&noCache=740_994P_lanning%20permission)

**ISSUE:** Non-hazardous waste is managed at a regional level and there is no self-sufficiency within Central & Eastern Berkshire, particularly in terms of Energy from Waste and non-hazardous landfill facilities.

**Q. 85**

Do you agree that the Colnbrook Energy from Waste facility is a vital strategic waste management facility for Central & Eastern Berkshire and Slough and so a replacement of the capacity within the area should be strongly supported?

**Q. 86**

Do you agree that landfill is becoming a regional level waste management facility and that it is not always appropriate to seek to allocate local sites?

**Q. 87**

Which of these approaches do you consider is the most reasonable in terms of waste management?

**Option A** - Continue to use existing waste management facilities network, even when they are in nearby counties.

**Option B** - Seek to make full provision within Central & Eastern Berkshire for the waste management facilities that match the estimated waste arisings.

**Option C** - Seek to make greater use of the existing types capacity (e.g. of inert waste facilities, see below) and provide for net self-sufficiency for waste.

**Option D** - Continue to use existing waste management facilities network, however seek to make greater provision for facilities higher up the waste hierarchy and provide for net self-sufficiency for waste.

**ISSUE: Inert waste data**

10.18 Inert waste is generated primarily from construction, demolition and excavation (CD&E) wastes. Due to the nature of the waste, much of the arisings can be re-used immediately and thus does not need to leave the site. Additionally, activities relating to inert waste may fall under exemption for waste permits and so the data would not be collected by the EA. Table 7 shows the data that the EA holds in the WDI.

**Table 7 - Inert waste arisings from Central & Eastern Berkshire and Slough (tonnes and percentage for each authority)**

<b>Authority</b>	<b>Waste</b>	<b>Percentage</b>
Bracknell Forest	165,071	12%
Reading	466,756	35%
Windsor & Maidenhead	181,903	14%
Wokingham	137,082	10%
Slough	382,940	29%
<b>Total</b>	<b>1,333,752</b>	<b>100%</b>

Source: WDI, 2015

- 10.19 A potential source of data on inert waste are the annual Aggregate Monitoring surveys, which include data from aggregate recycling facilities. Another option is estimating CD&E waste, which is largely inert, based on the level of construction activity in an area. A disadvantage of trying to estimate the total volume of CD&E waste, besides the poor availability of data, is that not all of it will require facilities provided through the waste planning regime so the numbers may well be an overestimate of the waste management needs for this waste stream.

**ISSUE:** Environment Agency Waste Data Interrogator data on inert waste is less robust than the non-hazardous data, but other sources of data may not necessarily be more comprehensive or robust.

**Q. 88**

Which of the following approaches do think is the most reasonable to estimate arisings of inert waste?

**Option A** - Use Environment Agency Waste Data Interrogator data.

**Option B** - Complement Environment Agency Waste Data Interrogator data with aggregate recycling monitoring data.

**Option C** - Complement Environment Agency Waste Data Interrogator and aggregate recycling data with estimates based on construction activity.

**Option D** - Other method. Please specify what method and where the data should be sourced.

**ISSUE: Inert waste management**

- 10.20 Central & Eastern Berkshire and Slough in 2015, based on WDI data, managed 76% of the inert waste that originated from the same area. 23% of the waste management tonnages are recorded as having gone to waste transfer facilities, while 33% went to landfill.
- 10.21 Unlike non-hazardous landfill, inert landfill has far less environmental impacts and landfilling of inert material can sometimes serve a useful purpose in that it

can be used for restoration, filling in voids, building up certain areas etc. As the guidance on what constitutes a recovery operation is reasonably specific<sup>64</sup>, aiming to completely eliminate inert landfill may exclude some potentially beneficial uses of inert waste. Still, every effort should be made that any landfilling of inert waste is indeed beneficial.

**ISSUE:** Inert landfill has different characteristics than non-hazardous landfill so it may be useful to treat it differently.

**Q. 89**

Do you agree that inert landfill is significantly different to non-hazardous landfill?

**Q. 90**

Do you agree that there might be benefits to inert landfill beyond those operations that are classed as recovery?

**ISSUE: Hazardous waste data and management**

- 10.22 The Hazardous Waste Data Interrogator (HWDI) is considered more robust than the EA WDI, as regulations around hazardous waste are stricter and highly likely to require permits. However the HWDI does not show waste down to an individual waste facility (so individual sites cannot be identified and mapped) and excludes certain type of specialist waste, such as radioactive waste.
- 10.23 The specialist nature of hazardous waste and the facilities required to manage it, mean that these facilities are often of a regional or national nature, as the quantities of waste from each local authority are too small to justify a greater number of facilities. This waste travels further than other types of waste and each authority is not expected to provide a full range of hazardous waste management facilities.
- 10.24 Central & Eastern Berkshire and Slough produced around 47,000 tonnes of hazardous waste and managed around 11,000 tonnes of hazardous waste (23%), with 24% of the waste management tonnages recorded as having gone to waste transfer facilities.

**ISSUE:** Hazardous waste is a highly specialist area and it is unlikely that the Plan will be able to provide all the facilities required for all the hazardous waste streams arising in the Plan area.

<sup>64</sup> Waste recovery on land guidance, 2016: <https://www.gov.uk/government/collections/waste-recovery-on-land-guidance>

**Q. 91**

Which of the following options do you think is the most reasonable approach to managing hazardous waste?

**Option A** - Continue the current patterns of hazardous waste management and provide a criteria-based policy on which new proposals could be judged.

**Option B** - Meet net self-sufficiency through increased provision of waste management of other types of waste streams (non-hazardous and inert).

**Option C** - Seek to provide greater capacity in the hazardous waste management facility types that are currently present, aiming for net self-sufficiency in the hazardous waste stream.

**Option D** - Seek to provide greater capacity and greater diversity of hazardous waste management facilities, aiming for net self-sufficiency in the hazardous waste stream.

**Q. 92**

Can you suggest robust sources of data on hazardous waste facilities?

**Q. 93**

Can you suggest stakeholders that would have a particular interest in hazardous waste?

**ISSUE: Specialist waste**

10.25 Like hazardous waste, a number of other waste streams require highly specialised waste facilities. The following specialist waste streams have been identified:

- Wastewater including sewage mixture
- Oil & oil/water mixture waste
- Chemical wastes
- Waste wood
- Agricultural waste
- Food waste
- End of Life Vehicles (ELV) and metal recycling
- Waste Electrical and Electronic Equipment (WEEE)
- Clinical / healthcare waste
- Dredged material
- Mining waste
- Low Level Radioactive Waste (primarily from the non-nuclear industry)<sup>65</sup>
- Residues from waste treatment
- Contaminated Soil

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<sup>65</sup> The UK Radioactive Waste & Materials Inventory (<http://ukinventory.nda.gov.uk/>) does not identify any radioactive waste sites within CEB and Slough, therefore only low level radioactive waste is considered.

**ISSUE:** There are many types of hazardous and specialist waste and data can often be hard to obtain.

**Q. 94**

Do you agree that we need to consider the above specialist waste streams?

**Q. 95**

Are there any other types of hazardous or specialist waste that arise or that are managed in facilities in Central & Eastern Berkshire and Slough?

**Q. 96**

Where else could we look for data on other types of hazardous or specialist waste?

**Q. 97**

Are there particular types of hazardous and specialist waste that we need to plan for and why?

**ISSUE: Future waste arisings**

- 10.26 The waste management trends in England from 2000 to 2015 show a fluctuating situation, with downward trends between 2006 and 2009, but then a steady increase of 8 million tonnes per year on average from 2009 onwards.
- 10.27 A number of factors might influence waste arisings in the future including population and economy growth, the circular economy and leaving the European Union.
- 10.28 The planning practice guidance (PPG) for waste gives advice on how to predict waste growth in the future, based on the source and properties of the waste.<sup>66</sup> It states that local authorities should “set out clear assumptions on which they make their forecast, and if necessary forecast on the basis of different assumptions to provide a range of waste to be managed”. It also sets out certain assumptions and factors that it recommends considering.

**ISSUE:** There are a number of national and local development projects which will impact waste growth in Central & Eastern Berkshire.

**ISSUE:** Waste arisings growth estimates need to work with a set of reasonable assumptions.

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<sup>66</sup> Planning practice guidance for waste, 2015- <https://www.gov.uk/guidance/waste>



**Q. 98**

Should we use waste management changes in the past as a basis for predicting waste arisings in the future?

**Q. 99**

If yes, are trends over the past 10 years a good period of time to use?

**Q. 100**

Should we weight waste arising predictions to take account of population and business growth predicted in the constituent authorities' emerging local plans?

**Q. 101**

Should we use a range of scenarios including introducing a buffer of 15% above our estimates and 15% below our estimates to demonstrate the unpredictability of future waste arisings?

**Q. 102**

Do you agree with the assumptions recommended for use in waste forecasting in the Planning Practice Guidance for waste?

**Q. 103**

What other assumptions do you think we should use?

**Q. 104**

Do you agree with the use of low, medium and high waste growth scenario?

**Q. 105**

Do you have suggestions about what range of waste growth the plan should consider, providing reasons and data sources?

**ISSUE: Future waste capacity**

10.29 Four main scenarios can be used to explore the potential need for waste capacity in the future:

- **Baseline scenario (business-as-usual)** - what could happen if we plan to **maintain the current capacity** of the waste infrastructure, meeting any legislative requirements, but not seeking to change how waste is currently managed.
- **Providing for our needs scenario** – what could happen if we plan to increase the full diversity of waste management facilities to better match the full range of waste types that we produce. This would include providing for more landfill.

- **Recovery improvement scenario** – what could happen if we plan to divert as much waste as possible from landfill, including through the provision of more EfW facilities.
- **Recycling improvement scenario** - what could happen if we plan to increase the recycling capacity of the waste infrastructure to encourage more diversion of waste from both landfill and EfW facilities.

**ISSUE:** Waste scenarios offer a way of comparing different waste management planning options, but there are many possible scenarios not all of which can be explored.

**Q. 106**

Do you agree that we should use waste scenarios to explore waste management planning options?

**Q. 107**

Do you agree with the four scenarios discussed above and that they cover the majority of options?

**Q. 108**

If not, what scenarios would you suggest?

**ISSUE: Locational requirements for waste facilities**

10.30 National guidance suggests plans should not generally prescribe the waste management techniques or technologies that will be used to deal with specific waste streams in the area. Rather, the type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area should be identified.

10.31 We have identified seven broad types of waste management development:

1. *Category one:* Activities requiring open sites or ancillary open areas (involving biological treatment)
2. *Category two:* Activities requiring open sites or ancillary open areas (not involving biological treatment)
3. *Category three:* Activities requiring enclosed industrial premises (small scale)
4. *Category four:* Activities requiring enclosed industrial premises (large scale)
5. *Category five:* Activities requiring enclosed building with stack (small scale)
6. *Category six:* Activities requiring enclosed building with stack (large scale)
7. *Category seven:* Landfilling

**ISSUE:** There are many types of waste management facilities, with differing locational requirements.

**Q. 109**

Do you agree with the seven broad categories of waste management facilities listed above as a useful way of grouping them by locational requirements?

**Q. 110**

If not, what are your suggestions and why?

**Q. 111**

Do you have any comments on the particular planning considerations they may have?

**ISSUE: Transportation of waste**

10.32 Central & Eastern Berkshire has many close functional interrelationships with its neighbouring authorities. Waste produced in Central & Eastern Berkshire is not necessarily processed within the Plan area. Some is likely to be transported elsewhere and at the same time waste may be brought into the area.

10.33 As there are currently no operational rail depots or wharves within Central & Eastern Berkshire, all of the waste within the Plan is transported by road. The possibility of using the Colnbrook rail depot in Slough for the transport of waste could be explored, however its future operation is threatened by the Heathrow Expansion plans, as discussed in the minerals section.

**ISSUE:** Central & Eastern Berkshire is well connected by road and rail. It is assumed that all waste movements are undertaken by road due to the lack of any rail depot or wharf within the Plan area.

**Q. 112**

Do you agree with the assumption that all waste is currently transported by road in Central & Eastern Berkshire?

**Q. 113**

Do you agree that it is unlikely that waste will be transported by water during the Plan period and if not where should transfer docks be located?

**Q. 114**

Do you agree that transportation of waste by rail should be encouraged, where possible and if so where should rail depot facilities be located?

## 11. Supporting documents

11.1 This Consultation Paper is supported by a number of documents including:

- Minerals: Background Document;
- Waste: Background Document;
- Sites Assessment Methodology Report; and
- Other Methodologies Report.

11.2 We would welcome your comments on these documents as they will help to inform how the plan-making process continues, particularly in relation to identifying sites for allocation within the Minerals & Waste Plan but also in relation to the data that is used to identify what our future minerals and waste needs will be during the Plan period.

11.3 There are also a number of factual documents which also support the Plan-making process including:

- Consultation Strategy
- Duty to Cooperate Statement
- Equalities Impact Assessment
- Sustainability Appraisal (incorporating Strategic Environmental Assessment) – Scoping Report
- Habitats Regulation Assessment – Methodology and Baseline

11.4 We do not require your comments on these documents but they are available for reference.

## 12. How to Respond

[add detail on website /response form]

## Glossary

**Aggregate Monitoring (AM) Survey:** The aggregate minerals survey provides information on the national and regional sales, inter-regional flows, transportation, consumption and permitted reserves of primary aggregates in England. The surveys cover both land won and marine dredged aggregates.

**Amenity:** Something considered necessary in order to be able to live comfortably

**Apportionment:** National government set a figure for the production of aggregates, usually expressed as an annual figure, which a mineral planning authority has to take account of and provide for in their minerals planning documents.

**Biological Treatment:** Technologies that use bacteria under controlled conditions to break down organic materials and wastes.

**Brickworks:** A factory or plant where bricks are made.

**British Geological Survey (BGS):** The British Geological Survey focuses on public-good science for government, and research to understand earth and environmental processes. It provides objective and authoritative geoscientific data, information and knowledge.

**Central and Eastern Berkshire:** The administrative areas of Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council.

**Claypits:** A pit or mine from which clay is extracted

**Commercial Waste:** A legal definition relating to waste from premises used for trade, business, sport, recreation or entertainment, etc.

**Construction, Demolition and Excavation (CD&E) wastes:** Wastes from building and civil engineering activities. Legally classified as industrial waste.

**Department for Food and Rural Affairs (DEFRA):** The UK Government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities.

**Department of Communities and Local Government (DCLG):** The UK Government department for communities and local government in England.

**End of Life Vehicle (ELV):** End of Life Vehicle such as an old car disposed of as scrap.

**Energy Recovery Facility (ERF):** A facility at which waste material is burned to generate heat and / or electricity.

**Energy Recovery Incineration (Energy from Waste (EfW)):** Burning of waste materials at high temperatures under controlled conditions with the utilisation of the heat produced to supply industrial or domestic users, and/or generate electricity.

**Environment Agency (EA):** A public organisation with the responsibility for protecting and improving the environment in England and Wales. Its functions include the regulation of industrial processes, the maintenance of flood defences and water resources, water quality and the improvement of wildlife habitats.

**Environmental Permit:** Permits are required by anyone who proposes to deposit, recover or dispose of waste. The permitting system is separate from, but complementary to, the land use planning system. The purpose of a Environmental Permit and the conditions attached to it is to ensure that the waste operation which it authorises is carried out in a way which protects the environment and human health.

**Green Belt:** An area designated in planning documents, providing an area of permanent separation between urban areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.

**Habitats Regulation Assessment (HRA):** Statutory requirement for Planning Authorities to assess the potential effects of land-use plans on designated European Sites in Great Britain. The HRA is intended to assess the potential effects of a development plan on one or more European Sites (collectively termed 'Natura 2000' sites). The Natura 2000 sites comprise Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

**Hazardous Waste:** Hazardous waste is waste that contains hazardous properties that may render it harmful to human health or the environment. Hazardous wastes are listed in the European Waste Catalogue.

**Hazardous Waste Data Interrogator (HWDI):** The Environment Agency's CDR that is released annually and contains information on hazardous waste received, hazardous waste removed and hazardous waste moved between permitted waste operators by local authorities and regional areas.

**Household Waste:** A legal definition relating to waste from domestic sources such as households, caravans and residential homes.

**Incinerator Bottom Ash (IBA):** The coarse residue left on the grate of waste incinerators.

**Industrial Waste:** A legal definition relating to waste from any factory, industrial process (excluding mines and quarries) or premises used for services such as public transport or utilities, etc. Construction and demolition waste is classified as industrial waste.

**Inert Waste:** Waste that does not normally undergo any significant physical, chemical or biological changes when deposited at a landfill site. In the context of inert waste, it is materials such as soil, clay, chalk and spoil.

**Landbank:** A measure of the stock of planning permissions in an area showing the amount of un-exploited mineral, with planning permissions, and how long those supplies will last at the locally apportioned rate of supply.

**Landfill:** An engineered and controlled waste disposal facility at which waste is placed on or in the land.

**Land-won:** Aggregate won from the land.

**Local Aggregate Assessment (LAA):** The National Planning Policy Framework identifies that mineral planning authorities should produce Local Aggregate Assessments (LAAs) to support the preparation of Mineral Local Plans and act as a Monitoring Report. The LAA should include an estimate of what will constitute a steady and adequate supply of aggregates and should be used as a basis for the provision for aggregate supply made in a Local Plan. The LAA also provides a basis for assessing the need for minerals supply infrastructure such as marine aggregate wharves, recycling facilities and rail depots.

**Low Level Radioactive Waste (LLW):** This is generally protective clothing, tools, equipment rags, filters, etc., that mostly contain short-lived radioactivity. Although it does not need to be shielded, it needs to be disposed of in a different manner than when disposing of every-day rubbish.

**Managed Aggregate Supply System (MASS):** A system of addressing the spatial imbalances in aggregate supply and demand. MASS is used by government to secure adequate and steady supplies of minerals needed by society and the economy without irreversible damage, within the limits set by the environment and assessed through sustainability appraisals.

**Marine-won:** Aggregate dredged from the sea, almost exclusively sand and gravel.

**Mineral Products Association (MPA):** The Mineral Products Association is the trade body for the UK's aggregates, cement and concrete industries.

**Materials Recovery Facility (MRF):** A plant for separating out recyclable waste streams, either mechanically or manually, prior to reprocessing.

**Mineral Planning Authority (mpa):** The local planning authority responsible for planning control over mineral extraction and other management related development.

**Municipal Solid Waste (MSW):** Household waste and any other wastes collected by a Waste Collection Authority, or its agents, such as municipal parks and gardens'

waste, street litter, waste from fly-tipping, waste delivered to council recycling points and Civic Amenity site waste.

**National Planning Policy Framework (NPPF):** In 2012, the Government streamlined a number of planning policies into one main document – the National Planning Policy Framework (NPPF). This contains the policy framework that Local Plans need to follow and planning decision-making. Local Plans will need to be compliant with the NPPF.

**Net Self Sufficiency:** Providing enough waste management capacity to manage the equivalent of the waste generated in a given area, while recognising that some imports and exports will continue.

**Non Hazardous Landfill:** One of the three classifications of landfills made by the Landfill Directive, taking non-hazardous waste.

**Non Hazardous Waste:** Waste permitted for disposal at a non-hazardous landfill, such waste is neither inert or hazardous and includes the majority of household and commercial wastes.

**On / In Land:** A waste management category used by the Environment Agency for waste that has been disposed of on or in land, but that classifies as a recovery operation and not as landfill.

**Primary Aggregate:** These are aggregates produced from naturally occurring mineral deposits, extracted specifically for use as aggregate and used for the first time. They are produced either from rock, formations that are crushed to produce 'crushed rock' aggregates, or from naturally occurring sand and gravel deposits.

**Rail Depot:** A railway facility where trains regularly stop to load or unload freight (goods). It generally consists of a platform and building next to the tracks providing related services.

**Recycled Aggregate:** Aggregate materials recovered from construction and demolition processes and from excavation waste on construction sites.

**Recycled / Recovered Products:** Products manufactured from recyclables or the by-products of recovery and treatment processes e.g. secondary aggregates manufactured from incinerator ash.

**Recycling:** The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products.

**Residual Waste:** Waste which cannot be recycled, has not be captured in a recycling scheme or rejected after sorting/recycling has taken place.



**Restoration:** Process of returning a site to its former use, or restoring it to a condition that will support an agreed after-use such as agriculture or forestry.

**Safeguarding:** The method of protecting needed facilities or mineral resources by preventing inappropriate development from affecting it. Usually, where sites are threatened, the course of action would be to object to the proposal or negotiate an acceptable resolution.

**Secondary Aggregate:** Aggregates derived as a by-product of other quarrying and mining operations or industrial processes, including colliery spoil, china clay waste, slate waste, power station ashes, incinerator bottom ashes and similar products.

**Sharp Sand and Gravel:** Coarse sand and gravel suitable for use in making concrete.

**Soft Sand:** Fine sand suitable for use in such products as mortar, asphalt and plaster.

**Special Waste:** Waste as defined in the Control of Pollution (Special Waste) Regulations 1980, which may be dangerous to life or has a flashpoint of 21 degrees C or less, or is a medicinal product available only on prescription, requiring special care in its transport and disposal. Now superseded by Hazardous Waste.

**Sterilisation:** When a change of use, or the development, of land prevents possible mineral exploitation in the foreseeable future.

**Strategic Environmental Assessment (SEA):** A system of incorporating environmental considerations into policies, plans, programmes and part of European Union Policy. It is sometimes referred to as strategic environmental impact assessment and is intended to highlight environmental issues during decision making about strategic documents such as plans, programmes and strategies. The SEA identifies the significant environmental effects that are likely to result from implementing the plan or alternative approaches to the plan.

**Sustainability Appraisal (SA):** In UK planning law, an appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process, to allow decisions that are compatible with sustainable development. Since 2001, sustainability appraisals have had to conform to the EU directive on Strategic Environmental Assessment (SEA).

**Tileworks:** A place where tiles are made.

**Transfer Station:** A site to which collected waste is delivered and transferred to bulk transport for onward delivery by road, rail or water to a waste processing, reprocessing, recycling, recovery or disposal site.

**Void Space:** Unused licensed capacity at a landfill site.

**Waste:** Any substance or object which the producer or the person in possession of it intends to, is required to, or does discard. Defined by the Environmental Protection Act 1990. Waste includes any scrap material, effluent or unwanted surplus substance or article which requires to be disposed of because it is broken, worn out, contaminated or otherwise spoiled. Explosives and radioactive wastes are excluded

**Waste arisings:** The amount of waste generated in a given locality over a given period of time.

**Wastewater:** Wastewater is a broad term describing a mixed liquid waste which can contain a wide range of contaminants in varying concentrations. It is produced by domestic residences, commerce and industry, and/or agriculture and is often disposed of via a pipe, sewer or similar structure.

**Waste Data Interrogator (WDI):** Released by the Environment Agency annually and contains information on waste received, waste removed and waste moved between permitted waste operators by local authorities and regional areas.

**Waste Electrical and Electronic Equipment (WEEE):** End of life electrical and electronic equipment. Either classed as household or non household WEEE.

**Waste Hierarchy:** Preferred waste management options in the following order (most preferable first): reducing waste; reusing waste; recovery (recycling, composting, energy recovery) and only then disposal as a last option.

**Waste Planning Authorities (WPA):** The local planning authority responsible for planning control over waste disposal and other management related development.

**Waste Transfer Station (WTS):** A location where waste can be temporarily stored, separated and bulked after being dropped off by domestic.

# Agenda Item 5

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Report Title:	Response to the Housing White Paper: 'Fixing our broken housing market'
Contains Confidential or Exempt Information?	<i>NO - Part I</i>
Member reporting:	Cllr Wilson, Lead Member for Planning Councillor Dudley, Lead Member for Housing Councillor McWilliams, Deputy Lead Member for Affordable Housing
Meeting and Date:	Cabinet - 25 May 2017
Responsible Officer(s):	Russell O'Keefe, Executive Director
Wards affected:	All

## REPORT SUMMARY

1. On 7 February 2017 the government published its Housing white paper: 'Fixing our broken housing market'. It contains a series of proposals intended to improve the delivery of housing and inviting responses by 2 May 2017.
2. This report summarises the key aspects of the white paper and the Royal Borough's response. There are no direct costs associated with the report. The response is in line with the council's strategic outcome to continue investing in infrastructure and support the regeneration of our towns whilst protecting the character of the Royal Borough and its overall ambition to build a borough for everyone.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Cabinet notes the report and:

- i) **Strongly endorses the RBWM submitted response to the Housing White Paper consultation which is detailed in Appendix A**

## 2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The aims of the white paper, 'Fixing our broken housing market' are to boost housing supply and create a more efficient housing market whose outcomes more closely match the needs and aspirations of all households.
- 2.2 There is a role for local authorities, private developers and a variety of other stakeholders including local communities, housing associations and not for profit developers, lenders, institutional investors, utility companies and infrastructure providers to play to turn the proposals into reality.

### **Key issues for the borough**

- 2.3 There are a number of significant areas of interest for the council given its progress to date in adopting the Borough Local Plan and in light of its ambitious regeneration agenda.
- 2.4 Key amongst these are:
- Proposed changes to wording of the NPPF presumption in favour of sustainable development.
  - The plan making process.
  - Changes to duty to co-operate.
  - Assessing housing requirements.
  - The role of Green Belt land.
  - Housing land supply certainty.
  - Changes to planning fees to boost local authority capacity.
  - The introduction of a housing delivery test.
  - Build to rent.
  - Changes to s106 / CIL.
  - Extension of right to buy and its implications for the council.
- 2.5 In general the Council welcomes the range of changes proposed in the consultation, recognising the challenges that the borough has faced to date in producing its own local plan, some of which are acknowledged through the proposals (such as the introduction of a standardised approach to assessing need; and greater clarity about the role of Green Belt reviews in delivery against an area's housing requirement).
- 2.6 Three of the four chapters were subject to consultation. There were 38 questions in the consultation and the Borough's responses are available in Appendix A; the deadline for responses was 2 May. The final chapter confirmed the government's commitment to introduce a number of previously trailed measures (see 1.10) and did not form part of the consultation.
- 2.7 Appendix B illustrates the affordability ratio of local authorities, highlighting the severe problem in the south east. The Council has acknowledged this problem affecting the Royal Borough specifically and acutely and has therefore considered the emerging proposals and responded to the consultation.

### **Chapter 1: Planning for the right homes in the right places**

- 2.8 The proposals have the potential to affect the council significantly. These include changes to ensure local authorities have up to date, sufficiently ambitious plans that are easier to produce and more accessible; maximising the use of suitable land, clarifying reasons to restrict development whilst maintaining the presumption in favour of sustainable development; the role of Green Belt land; strengthening neighbourhood planning and design and using land more efficiently for development.

### **Chapter 2: Building homes faster**

- 2.9 This seeks to address the lag between plans being developed, permissions for homes being granted and those homes being built. Again, a number of the proposals directly affect the council's role in the housing market through proposals to provide greater certainty around housing land supply by adding the option of agreeing this on an annual basis rather than five years; deterring

unnecessary planning appeals; sharpening tools for councils to speed up housebuilding; and the introduction of a housing delivery test.

### Chapter 3: Diversifying the market

2.10 This looks at ways to improve the amount, quality and choice of housing that people want; including looking specifically the role of local authorities in delivering homes themselves beyond using their planning powers.

2.11 The council had already advanced its plans to seek to do much of this through its property company, RBWM Property Company Ltd; adopting a business plan in December 2016. The business plan had three aims: to best put the council's assets to use for the council tax payer and resident, by turning assets as efficiently as possible into revenue generating streams; to develop an affordable housing property portfolio and to be a key part of Maidenhead regeneration by increasing housing in the town centre. The consultation response therefore considers the impact of any proposals on its existing plans and ambitions.

### Chapter 4: Helping people now

2.12 Recognising the fact that some of these changes will take time to have an impact, there are also proposals designed to help people immediately. These are confirmation of changes already discussed so are not covered in the council's response. These include the introduction of the Lifetime ISA, an income cap on eligibility for Starter Homes, dropping the mandatory 20% of new developments to be Starter Homes in favour of using local discretion, securing fairer deals for renters and leaseholders and improving the use of empty homes.

**Table 1: Recommended options**

Option	Comments
Endorse the council's response to the white paper 'Fixing our broken housing market'. <b>This is the recommended option.</b>	Provides clarity to government, residents and other stakeholders on the council's views on emerging significant policy changes.
Note the response to the white paper 'Fixing our broken housing market'.	Residents, stakeholders and the government note the submitted response by the council but do not endorse the comments. The council's position on significant policy changes therefore remains unclear. This is not recommended.

## 3. KEY IMPLICATIONS

**Table 2: Key outcomes**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Council's views on emerging policy submitted for	After 2 May 2017	By 2 May 2017	N/A	N/A	2 May 2017

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
consideration by government.					

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 There are no direct financial implications on the budget by endorsing the consultation response.

#### **5. LEGAL IMPLICATIONS**

- 5.1 There are no direct legal implications arising from the Cabinet paper. The council will have to adapt or amend its policies and / or approach when any proposed changes become legislation.

#### **6. RISK MANAGEMENT**

- 6.1 There are no risks associated with responding to a consultation. Not responding, puts the council at risk of not having its views considered by the government.

#### **7. POTENTIAL IMPACTS**

- 7.1 The report is for noting and the impacts of any policy changes resulting from the consultation will be assessed at the appropriate point.

#### **8. TIMETABLE FOR IMPLEMENTATION**

**Table 3: Timetable for implementation**

<b>Date</b>	<b>Details</b>
7 February 2017	Consultation published
8 February – 2 May 2017	Council response formulated in conjunction with relevant lead members, lead officers and other consultees (see 8.1).

- 8.2 Implementation date if not called in: Immediately

#### **9. APPENDICES**

- 9.1 Appendix A: Royal Borough of Windsor and Maidenhead Consultation Response.  
Appendix B: Affordability ratio by local authority, 2015.

#### **10. BACKGROUND DOCUMENTS**

- 10.1 The full consultation can be viewed here:  
<https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

## 11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Dudley	Chairman of Cabinet Lead Member for Housing	27/4	
Cllr Rankin	Lead Member for Economic Development and Property	27/4	
Cllr Wilson	Lead Member for Housing	27/4	28/4 & 1/5
Cllr McWilliams	Deputy Lead Member for Affordable Housing	27/4	2/5
Alison Alexander	Managing Director	27/4	1/5
Russell O'Keefe	Executive Director	27/4	27/4
Andy Jeffs	Interim Executive Director	27/4	
Rob Stubbs	Section 151 Officer	27/4	27/4
Terry Baldwin	Head of HR		

### REPORT HISTORY

<b>Decision type:</b> For information	<b>Urgency item?</b> No
Report Author: Jenifer Jackson, Head of Planning 01628 796042 with Anna Robinson and Alan Baldwin	

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# Appendix A: 'Fixing our broken housing market'

## Housing White Paper

### February 2017

#### Consultation Questions and Council Responses

##### Question 1

Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

Yes.

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

The Royal Borough is not currently part of a combined authority area but in principle, yes.

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan? Yes, this will better enable local authorities to understand with clarity what resources, evidence base and preparation is required with the best likelihood of their plan being found sound by the Planning Inspectorate especially if plans are required to be updated every 5 years.

##### Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together? It would assist if there was a clear expectation as to the length of consultation required by legislation at each stage of plan making for DPDs. There is the potential for 'consultation fatigue' from those that are being consulted throughout the different regulatory processes; it takes planning policy officers considerable time assessing their comments which can be made over and over again. If plans are to be required every 5 years then the process, including consultation process, should be streamlined. Guidance on proportionality included in the NPPG would also be helpful to local authorities. It is understood that the Examination process has already been improved.

##### Question 3

Do you agree with the proposals to:

a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people? Yes; the pressures of an ageing population for example do need a multifaceted approach and suitable housing is an important aspect of managing this. We would also encourage housebuilders and developers to construct housing that is suitable and easily adaptable for all. Consideration at initial design stage can incorporate small but

simple changes that may enable occupants to live in their homes for longer and / or easily adapt as their needs change.

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan? **Yes. Such an approach would ensure that there is consistency between local authorities, it would avoid prolonged debate with developers and others in the construction sector and would make this aspect of plan preparation more efficient. The Council would appreciate more clarity as to what constitutes an up to date plan.**

#### **Question 4**

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?; **Yes; the call for sites process undertaken by the Royal Borough would have been aided by this and so is a welcome development which should be supported by advice from CLG as to what would be contained within a strategy and how land could be maximised.**

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?; **Yes; the council agrees that, given the significance of the issue, any clarification surrounding the importance of meeting identified development needs is helpful as is clarity on the constraints and reasons for not doing so.**

c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees? **Yes, guidance from Natural England on how to identify Ancient Woodland would be welcomed by the Council. This would then be an additional burden for local authorities to survey their administrative area to identify Ancient Woodland; there will be some authorities that do not have the resource to carry out this work.**

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed? **Yes; changes of this nature leave less room for 'interpretation' which can cause delay.**

#### **Question 5**

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves? **Yes.**

#### **Question 6**

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land

assembly (such as where 'ransom strips' delay or prevent development)? This authority agrees that something needs to be done to prevent ransom strips preventing development which is integrated well into a settlement. There are obvious benefits of land owners working together. However, it is difficult to enforce land owners to bring forward development when they may have a different strategy. Ensuring that CPO powers are available and supported when land owners are obstructing development that is in the best interests of the area / community may help to facilitate development.

### Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard? Yes; these are important benefits and it is essential to ensure a balance between provision of housing and provision of homes that promote a good quality of life.

### Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?; Yes. Agree that Neighbourhood Plan have a role in identifying small sites for future development..

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?; Yes; villages play an important role in providing sustainable and balanced communities.

c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?; The council is generally supportive of this proposal.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?; The Council is of the view that it is difficult to be prescriptive. Local Authority areas differ widely and it would not be appropriate to apply a blanket approach for such a policy to all areas.

e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; Yes, where appropriate and providing it does not diminish the contribution to infrastructure provision or affordable housing.

and f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly? Yes, in principle, the Council supports this proposal and recognises the additional resource that would be required to use these tools effectively whilst ensuring high quality development in the Borough.

## Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages? Streamlined plan making procedures that are clear on the evidence base required would assist. Support in national policy for innovation and clear support for high quality development which respects local distinctiveness would assist this Council in negotiating with developers to bring forward schemes which achieve resident support.

## Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements? Yes.

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land? Whilst the Council would support this proposal it is not clear how it could be delivered unless the Council owns other land within the Green Belt which could be used to make the compensatory improvements. It would not be realistic to seek such improvements on private land. Equally this would then have to be secured in perpetuity. It might prove more practical to ensure that where land is removed from the Green Belt it makes an appropriate contribution to strategic green infrastructure and ensures that access to the countryside beyond is retained where it exists or secured where it is possible to achieve it. There is the potential for land to be 'swopped' as part of the compensatory measures providing that the land to become Green Belt performs the functions of Green Belt set out in the NPPF..

c) Appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt? In order to respond it would be necessary to identify what are appropriate facilities for existing cemeteries; Council's should plan cemetery provision in their local plan, it can perform a Green Infrastructure function too. If the facilities are fundamental to the cemetery then it is likely that a Very Special Circumstances case might be made. Government should instead consider making changes of use of land in the Green Belt appropriate as per the previous policy contained in PPG2.

d) Development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt? This Council has experience of development which is harmful to the Green Belt and not sustainably located being supported by local people on the basis that they would wish to develop their own land in the same way. Whilst not objecting in principle the Council would suggest caution, protection of the Green Belt is important.

e) Where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question? No: neighbourhood plans are prepared by volunteers and are not required to be supported by the weight of evidence; this is a technical assessment

and should be contained in a DPD. This Council supports the position that Green Belt is a strategic policy and boundaries should not be amended through the Neighbourhood Plan.

f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs? Sustainable development around existing transport hubs and other infrastructure should be given considerable weight when reviewing green belt. This is the approach the Royal Borough has taken and so therefore this is endorsed.

#### Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above? No.

#### Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought? We have encountered different approaches from different neighbourhood planning groups but generally this is not supported.

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?; Yes, this has been of benefit locally. By encouraging high quality high density development we will make better use of our limited land assets.

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?; Yes; we support engaging with developers and discussions with the local community at an early stage. A balance needs to be struck between the views of a minority and the needs of a wider community.

d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; Yes.

and e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process? Whilst widely accepted design standards are useful, experience has been that Building for Life placed too much emphasis on other factors and was not a focus for design per se. As local distinctiveness is so key to sense of place it would be more appropriate to support detailed townscape and landscape assessments and to make clear that Neighbourhood Plans could be based on that detailed assessment work thus lending weight to design policies.

### Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?; **Yes. However, high density development in the right place with a consideration to the area and its existing make up is vital. Pursuing an approach with just produces the highest return may not leave a legacy of sustainable communities over the longer term, or have due regard to the character of an area, especially if it is a designated area for conservation or landscape importance..**

b) address the particular scope for higher density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?; **Yes; this seems an obviously more efficient use of land to promote sustainable development. However, in some locations such development may change the complexion of the area and we should guard against over development where the quality of existing urban grain is worthwhile protecting and/or where protection of heritage assets would require a different approach..**

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?; **Yes; without these mitigations it would be difficult to support this.**

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby? **Yes; local flexibility is sometimes necessary though with clear guidance.**

### Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be? **Density on its own is not reflective of development which may or may not be acceptable in the local context.**

### Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

**Local Authorities need to have a clear understanding of 'public sector' owned sites in their areas. An obligation to list these in a freely accessible database by area would be a helpful resource. The owners of these sites could be encouraged to start a dialogue with the Local**

Authority fulfilling an enabling role. In many cases it is likely that significant opportunity can be unlocked by some creative thinking and taking a long term approach.

### Question 16

Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a one year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?; **There should be more encouragement to form longer term thinking in the first instance; if housing land supply position is agreed for a year then the requirement for a buffer is not understood – either the authority has or does not have a five (or more) year supply of housing. The application of a buffer, or a variable buffer, just lends weight to the ability of developers to interpret a position which is what this proposal seeks to avoid..**

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy? **Yes, within a specified timescale of it being submitted to PINS.**

c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure? **The purpose of a standardised methodology is surely to clarify the position, the role of PINS would be to ratify the position set out by the Planning Authority – essentially the former rather than the latter.**

### Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

a) a requirement for the neighbourhood plan to meet its share of local housing need?; **No. Neighbourhood Planning is not set up in away that would easily enable the local people voluntarily preparing the plan to be able to prepare this information or have the evidence to set it out. The current situation of enabling a local community to chose to allocate sites and perhaps meet the identified local need a different way to that proposed in the adopted DPD should remain e.g. Thame NP.**

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area? **No. The Parish Council or Neighbourhood Forum has no control over whether the Council delivers housing (equally neither does the Council have control over whether the homes are built) and local choice by local people as to what development they wish to see should not be eroded by the pursuit of housing delivery.**

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need? **Site allocations should remain in the plan as the best way of focusing on delivery of a planning consent and therefore a pipeline of sites..**



### Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

The fee should be designed as a cost recovery mechanism for the appeal process insofar as it relates to the role of the Planning Inspectorate. All developers have access to advice from planning consultants and to pre planning advice from the Local Planning Authority. There remains the ability for appellants to seek an award of costs should it be considered that the local authority has acted unreasonably. b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; The level of the fee should be such that it discourages speculative appeals but not so large that it inhibits the accessibility of the appeals system unfairly. Planning application fees are not refunded when an application is refused, if the fee relates to the cost incurred in conducting the appeal it should not be refunded.

and c) whether there could be lower fees for less complex cases. Yes, this seems a sensible approach.

### Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers? Planning policy can only realistically set out a framework for the delivery of high quality digital infrastructure, it cannot bring it forward. Government should consider how it requires providers to bring digital infrastructure forward through licensing of those providers.

### Question 20

Do you agree with the proposals to amend national policy so that:

- the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and
- authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

Yes, in principle, subject to policy constraints and whether the strategic infrastructure is required to deliver development in the area or being brought forward for reasons unrelated to the delivery of development in a plan.

### Question 21

Do you agree that:



a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing? **Yes, providing it is recognised that this will be subject to market forces, land owners strategy, etc. making its benefit unclear. It is generally recognised that a developer will not build a house which cannot be sold at the right price. Whilst case law has assisted in making what constitutes commencement of development more clear it is considered that it would assist if the legislation is amended to clarify the position and to cover the requirement to discharge all pre-commencement conditions before a start is made on site.**

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted? **Yes, if a one yearly housing delivery test is to be introduced this information will be necessary for local authorities to understand. It will also assist authorities in producing the Authority Monitoring Report and in enforcing CIL.**

c) the basic information (above) should be published as part of Authority Monitoring Reports? **No, as it is not within the gift of the Authority.**

d) that large housebuilders should be required to provide aggregate information on build out rates? **This could discourage sites being brought forward and be counter productive to encouraging development.**

## **Question 22**

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development? **What constitutes 'realistic' if it is a self appraisal could be subjective / unreliable and it is not clear what effect this information will have in the decision making process. It is not the delivery per se but the timing of the delivery of housing that is the issue on sites up and down the country..**

## **Question 23**

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development. **Some applicants will not be the ultimate developers. For some applicants they may have a small historic track record. There are too many variables to make this meaningful data and it introduces another area which will be open to discussion and ultimately result in further delays in the process.**

## **Question 24**

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to

deter new entrants to the market? **Yes – large scale site would require clear definition, what is large scale for one authority is not for another.**

#### **Question 25**

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

**There are many variables as to why sites may not get built out during a 3 year period, it does not seem appropriate to try to force development. Smaller developers will be contending with market conditions, materials and labour availability etc. All of this means that viability can be compromised by adding a further complexity to an ideal programme of developing a site.**

#### **Question 26**

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect? **Yes; this would be a welcome step forward.**

#### **Question 27**

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers? **Making a developer build out a scheme that for whatever reason, usually market conditions or finance related, is delayed would be a discouragement to development in the medium term. Funders would put in place conditions to protect themselves, inevitably leading to higher costs and therefore potentially viability issues. There are other ways to encourage development and build out.**

#### **Question 28**

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan? **Yes providing what constitutes an up to date plan is defined, perhaps as a plan which has been adopted in the preceding 5 years.**

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter? If there is no local plan in place (rather than there is a plan in place but it is out of date) consideration should be given as to why there is no plan in place which might inform the baseline for this assessment.

c) Net annual housing additions should be used to measure housing delivery? This is one measure and a useful one, but it would seem appropriate to also consider 'approvals' and therefore future pipeline through commitments. Otherwise the planning authority is being penalised for the non-delivery of development by the landowner/developer over whom there is no control.

d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17? This would not encompass a situation whereby the baseline has significantly risen in the last year, in which case the baseline should be averaged out over the rolling three period such as not to penalise the authority for having a recently adopted plan.

### Question 29

Do you agree that the consequences for underdelivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?; This assessment should include commitments and any previous over supply and clarity that this will be assessed over the rolling three year period. Providing that the annual housing requirement provisions have been consulted upon and the consultation responses published plus time given to the local authority to conduct the work – at this juncture this seems unlikely.

b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?; No, for the reason set out in response to (a) and additionally this should take account of commitments as well as delivery. Again this should be below 85% over the rolling three year period assessed on a given date. The reason for the 20% buffer is unclear, elsewhere the consultation makes reference to a 10% buffer which might be more appropriate.

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?; The presumption in favour does not apply to all authorities, there are exceptions and this requires clarification. Some authorities have constraints over part of the Borough which would prevent the presumption applying in that part as set out in the NPPF.

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; As (c) above and with regard to commitments in addition to delivery..

and e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%? As (d) above.

### Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas? This Council is seeking to recruit professionals to the planning service and other services within the Council that support the planning function. There would appear to be a shortage of appropriately resourced, qualified planners with the right skills set to handle more complex proposals. A national campaign to encourage new entrants to the sector would help with the longer term position. This is not a new issue in this sector, and very little has been done to try to address it. There is a view that the constant change to the planning system does not assist in attracting new entrants to the sector and has been a significant contributory factor to experience officers leaving the sector or leaving local government.

The removal of the strategic level of planning has resulted in uncertainty and Council's are now working together to effectively replace the regional plans with similar documents which do not have a statutory function but without which the wider understanding of the role that each plays in the bringing forward of new homes and creation of new jobs is unco-ordinated. A wider review of 'green belt' that has regard to the purposes of including land in the Green belt rather each authority making a decision on the land within its administrative area would assist especially in the context of the growth of London. Further, investment in infrastructure provision has been a reason for delay in delivery of development and has been a significant factor in development being seen as unacceptable by local residents who see only the constraints to growth in the local area and not the benefits.

### Question 31

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?;

The council agrees with the revised definitions with the following recommendations; the inclusion of an income cap for Starter Homes along with a restriction on the maximum property value of £450,000, and affordable private rent is restricted to delivery on build to rent sites only. We are potentially storing up a problem with virtually no provision of affordable housing at 'social' rents. National policies could take more account of London and the South East and the very different market conditions that exist here. Widening the 'intermediate' market is welcomed, but there needs to be clarity on definitions, which with several initiatives can be confusing for potential owners / renters. One such initiative is pocket flats, i.e. flats with smaller than the existing minimum space standard for a one-bedroom new build, which is 50 square metres, or 550sq ft. Pocket flats are mainly one-bedroom apartments of 38sq m (418sq ft), in blocks with outside space that's often a roof terrace and no parking.

b) introduce an income cap for starter homes?;

The inclusion of an income cap is welcomed as it brings the tenure in line with other affordable housing products and ensures that affordable housing is accessed by those who need it. There are no specified restrictions on the maximum property value in the proposed definition. We would recommend that a maximum property value of £450,000 is added to ensure that the intention of the tenure to support those in housing need into the housing market is maintained.

c) incorporate a definition of affordable private rent housing?;

The inclusion of affordable private rent as an affordable housing tenure is acceptable as long as sufficient details are included that prevent it being used in replacement of other forms of tenure. Restrictions that this tenure is only to be delivered on Build to Rent schemes will enable delivery

of the tenure on appropriate sites without impacting on the delivery of other forms of affordable housing.

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

A transitional period for adoption of these measures is sensible to give authorities time to plan how these tenures will meet their housing needs on future development sites.

### Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

It is recommended that decisions on tenure delivery remains locally determined and is linked with the evidenced housing needs of the community. There is sufficient incentive in place to encourage the delivery of home ownership tenures in the existing framework.

b) that this policy should only apply to developments of over 10 units or 0.5ha?

It is recommended that affordable housing contributions are sought on all new residential developments, dependent on viability. Due to the restrictions of greenbelt, the opportunity for larger sites to come forward that provide affordable housing contributions is reduced, which impacts on the council's ability to collect contributions that could go towards meeting the housing needs of the community. Such restrictions can influence the numbers of units built where a developer seeks to keep development under the threshold. Encouraging mixed tenure development and mixed communities should be recognised and where smaller developments are mono tenure this may restrict this aspiration.

### Question 33

Should any particular types of residential development be excluded from this policy?

No. Clarification on this point would assist in negotiating with developers of schemes which are either entirely for a Class C2 use or are for a mixed C2/C3 use.

### Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England? Generally, yes. However, as below, it will be vital to encourage not discourage practical and incremental approaches that are sustainable.

### Question 35

Do you agree with the proposals to amend national policy to: a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures? b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change? Yes. It is important to encourage sensible and viable technologies and building techniques that will support the agenda, but inappropriate to force development of financially unviable methods that impact on viability and potentially reduce overall numbers.

### Question 36

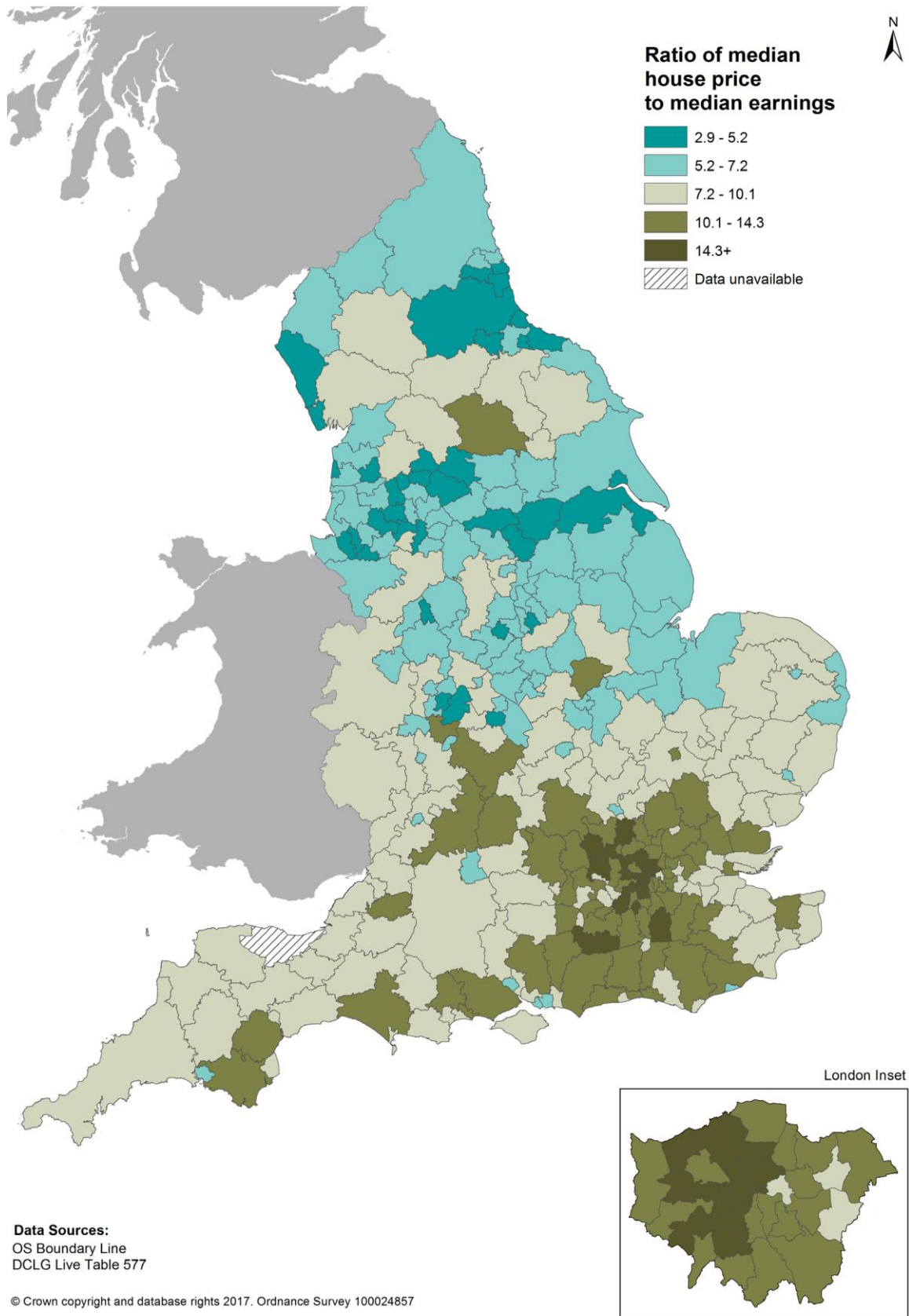
Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework? **The Borough will be in a position where it limits potential development opportunity due to flood risk. Long term there will need to be 'measures' that may alleviate the risk and could free up potential sites which are otherwise sustainably located in a town centre. Similarly, there are a number of 'techniques' and 'approaches' that facilitate high quality development that takes account of this. The Environment Agency is not co-ordinated in its own approach to flood risk. Residents find it confusing that the Agency does not object to a scheme yet it is refused because it does not meet the Sequential or the Exception test on which the Agency does not comment. More regular updating of the mapping held by the Environment Agency which defines land designated as liable to flood would also assist this authority.**

### Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development? **Yes. However, there needs to be recognition that new development will be disruptive. In some cases where major regeneration is proposed this will have an impact for a significant period of time. Those affected by this should be consulted and kept updated on what is proposed, when and how it will be delivered, but will not have an ability to stop developments that have been approved through the usual channels.**

### Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included? **Yes.**



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Report Title:	<b>Empty Homes Action Plan</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Cllr Simon Dudley – Leader of the Council
Meeting and Date:	Cabinet - 25 May 2017
Responsible Officer(s):	Russell O’Keefe – Executive Director
Wards affected:	All

www.rbwm.gov.uk



## REPORT SUMMARY

1. This report proposes a new plan to bring further empty homes back into use in the Borough to utilise them for affordable housing.
2. The plan would result in an additional 25 properties per annum being available for affordable housing.

## 1 DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION: That Cabinet notes the report and:**

- i) **Approves the action plan of bringing back empty homes into use for the affordable housing portfolio.**

## 2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

2.1 Long term empty properties are a potential resource for the local authority to use its housing, revenue and enforcement powers to bring back into use as affordable rented housing.

2.2 Bringing long term empty homes back into use was highlighted by the Government as a key priority in ‘Laying the Foundations’, a Housing Strategy for England in 2011. This strategy led to a number of incentives being put into place to support local authorities and their partners which the Council adopted including;

- The payment of New Homes Bonus for long term empty properties put back into use;
- Changes to Council Tax exemptions for empty homes and the introduction of the Premium Council tax charge for properties left empty over 2 years.
- New discretion for local authorities around certain categories of property exemptions for council tax from 1 April 2013 which the Royal Borough adopted changes include:
- Properties that are unoccupied and unfurnished will receive 100% exemption for a maximum period of one month,

- Properties that are unoccupied and unfurnished for two years or more will be charged an additional 50% on top of the full council tax

2.3 In addition to this work the Residential Services Team have used two approaches to bring back properties back into use :

- An empty homes loan via the flexible home improvement loans suite of products available, where a loan is secured against the property and is repayable on the fifth anniversary of the loan. The Council has provided 10 empty homes loans to properties in the Borough.
- An empty homes loan for owners to undertake repairs to their property on the condition that the property is made available at an affordable rent (80% of the market rent) and managed by a registered provider for an agreed 5 year period. There are currently two properties that are managed by Housing Solutions on behalf of the owners.

2.4 The current numbers of empty homes recorded in the Borough are as follows :

**Table 1: Empty Homes**

<b>Category</b>	<b>Numbers</b>
Long Term Empty (More than 6 months)	609
Empty attracting the 50% Council Tax premium	308

2.5 A proposed new action plan to bring further empty homes back into use has been developed. This can be found in Appendix 1. The main focus of the action plan is on developing four products:

- **Providing a tenant finding service** - In cases where the property is in good condition, and the owner would rather rent the property, the Council can assist with the provision of a tenant finding scheme. Similar schemes run by other Local Authorities and Housing Associations include incentives such as a one off incentive payment, guaranteed rent for the length of the tenancy and management services in exchange for a set tenancy length
- **Providing a full grant or an interest free (or low interest) loan to cover costs of renovation** - The Council could provide a grant or a loan (up to a certain limit) to the property owner with the requirement to sign up to a nominations agreement with the Council. The Council then has rights to provide tenants to the property over a certain period, usually a minimum of 5 years. However, length of letting period would be dependant on amount of grant. Should the property be sold within the letting period, grant would have to be re-paid.
- **Help owners sell their properties** - This could involve providing information and an introduction to local estate agents, or, holding a list of investors or those interested in purchasing empty homes that could be made available to owners of empty homes.

- **Work in partnership with a Registered Provider and the Council's Property Company to redevelop empty homes for affordable housing**
  - This option could be used for larger properties identified as uninhabitable and too costly to renovate, where the only viable option would be to demolish and re-develop the site.

**Table 2: Options**

<b>Option</b>	<b>Comments</b>
To agree to the empty homes action plan and the resources required to deliver it.	This will deliver additional stock estimated to be 10 units in 2017-18 the set up year and 25 in subsequent years
<b>Recommended Option</b>	
Not to agree to the empty homes action plan	This will not deliver potential additional stock.

### 3 KEY IMPLICATIONS

**Table 3: Key implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
40 empty properties brought back into use as affordable housing supply by April 2019	Less than 40 units	42 units	43-45 units	46-50 units	April 2019

### 4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The report seeks the addition of £30,000 revenue each year for 3 years of available development funds to the ASC Commissioning function to deliver the action plan in conjunction with Residential Services and the Revenues and Benefits teams.

**Table 4: Financial impact of report's recommendations**

<b>Capital</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Addition	£30,000	£30,000	£30,000
Reduction	0	0	0
Net impact	£30,000	£30,000	£30,000

- 4.2 Additional capital bids may be sought through the life of the programme to fund loan and incentive schemes.

### 5 LEGAL IMPLICATIONS

- 5.1 The council has a range of legal enforcement powers to bring properties back into use. These are listed in Appendix 2.

## 6 RISK MANAGEMENT

**Table 5: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Empty properties are not able to be brought back into use	Medium	Having the empty property responsibility within the Housing Commissioning portfolio will mitigate this risk by having a single point of contact to coordinate the empty homes action plan.	Low

## 7 POTENTIAL IMPACTS

- 7.1 The impact of the scheme will benefit residents who are in housing need as empty homes will be brought back into use.

## 8 CONSULTATION

- 8.1 The report will be considered by Housing and Planning Overview and Scrutiny

## 9 TIMETABLE FOR IMPLEMENTATION

**Table 5: Implementation timetable**

<b>Date</b>	<b>Details</b>
May 2017	Cabinet agree the action plan
May 2017	Action plan commences

## 10 APPENDICES

Appendix 1 - Empty Homes Action Plan

Appendix 2 - Enforcement powers

## 11 BACKGROUND DOCUMENTS

N/A

## 12 CONSULTATION (MANDATORY)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Commented &amp; returned</b>
Cllr Simon Dudley	Leader of the Council	26/04/2017	26/04/2017
Alison Alexander	Managing Director	25/04/2017	25/04/17
Russell O'Keefe	Executive Director	25/04/2017	25/04/17
Andy Jeffs	Executive Director	25/04/2017	25/04/17
Rob Stubbs	Section 151 Officer	25/04/2017	25/04/17
Terry Baldwin	Head of HR	25/04/2017	25/04/17
Mary Kilner	Head of Law and Governance	25/04/2017	25/04/17

### REPORT HISTORY

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> Yes
Report Author: Nick Davies – Service Lead Commissioning	

## APPENDIX 1: DELIVERY PLAN

ACTION	KEY TASKS	RESPONSIBILITY	TARGET DATE
1. Identify resource for Empty Homes Action Plan	<ul style="list-style-type: none"> <li>• Identify and allocate staffing resource to carry out the Action Plan</li> </ul>	Service Lead Commissioning	May 2017
2. Research to identify empty homes and compile a detailed empty homes register	<ul style="list-style-type: none"> <li>• Obtain list of properties registered as long term vacant on Council tax records</li> <li>• Review RBWM webpage content</li> <li>• Inform local members of the project so that they can feed back any identified empty properties in their ward.</li> <li>• Compile a database/register of empty homes including data on the reasons for them being empty, a tailor made options plan and recorded actions of intervention taken</li> </ul>	Housing Enabling Officer / Empty Homes supply officer	June 2017

<p>3. Market the service to raise awareness and encourage bringing empty properties back into use</p>	<ul style="list-style-type: none"> <li>• Set up an empty homes page on the Council website</li> <li>• Produce and distribute information leaflets</li> <li>• Connect with local partners and agencies that will help deliver the programme objectives</li> </ul>	<p>Empty Property Officer</p>	<p>July - August 2017</p>
<p>4. Publish Empty Property Programme</p>	<ul style="list-style-type: none"> <li>• The programme will include:             <ol style="list-style-type: none"> <li>1. <b>Providing a tenant finding service.</b> In cases where the property is in good condition, and the owner would rather rent the property, the Council can assist with the provision of a tenant finding scheme. Similar schemes run by other Local Authorities and Housing Associations include incentives such as a one off incentive payment, guaranteed rent for the length of the tenancy and management services in exchange for a set tenancy length</li> </ol> </li> </ul>	<p>Empty Property Officer</p>	<p>August 2017</p>

	<p><b>2. Provide a full grant or an interest free (or low interest) loan to cover costs of renovation</b></p> <p>The Council could provide a grant or a loan (up to a certain limit) to the property owner with the requirement to sign up to a nominations agreement with the Council. The Council then has rights to provide tenants to the property over a certain period, usually a minimum 5 years, however, length of letting period would be dependant on amount of grant. Should the property be sold within the letting period, grant would be re-paid.</p> <p><b>3. Help owners sell their properties</b></p> <p>This could involve providing information and an introduction to local Estate Agents, or, holding a list of investors or</p>		
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	<p>those interested in purchasing empty homes that could be made available to owners of empty homes.</p> <p><b>4. Work in partnership with an Registered Local Landlord to redevelop empty homes for affordable housing</b></p> <p>This option could be used for larger properties identified as uninhabitable and too costly to renovate, where the only viable option would be to demolish and re-develop the site.</p>		
5. Create local framework for delivery of the programme	<ul style="list-style-type: none"> <li>• Connect with local partners to 'roll out' the programme and confirm arrangements for delivery of any options requiring partner involvement</li> </ul>	Empty Property Officer	September 2017

## **Appendix 2: Enforcement**

### **Empty Dwelling Management Orders**

Empty Dwelling Management Orders (EDMOs) provide a relatively new legislative tool for local authorities to tackle privately owned empty homes. They provide some important new powers and a framework that can assist both property owners and local authorities find a solution that enables an empty property to be returned to use. CLG has published detailed technical guidance on EDMOs.

<http://www.communities.gov.uk/housing/housingmanagementcare/emptyhomes/>

The implementation and operation of EDMOs requires dedicated resources to take on the role of 'landlord' e.g. drafting leases, getting keys cut, repairs, day to day management. Since its stock transfer, the Council no longer has property management expertise or resources to undertake this process. An external partner (preferably an RP) would need to be identified to carry out these services. EDMOs are not a suitable option for resolving all empty homes.

### **Compulsory Purchase**

Where a local authority has tried to facilitate a private sale and this and other methods of returning the property to use have failed, compulsory purchase might be considered. Compulsory Purchase is perhaps the strongest power available to tackle empty homes. It is not however a power that rests with the local authority. A local authority may apply to the Secretary of State for an order to be made. The local authority will need to demonstrate that there is a compelling case in the public interest for the property to be compulsorily purchased, and that other methods of returning the property to use have been tried and have failed. In most cases this means that compulsory purchase is a method of last resort. In addition, the local authority will need to show that it has clear intentions for the use of the property/land, and be able to show that it has the necessary resources available to go through with the CPO. Legislation in England and Wales gives local authorities the power to acquire land and property compulsorily where the owner is not willing to sell by agreement. Section 17 Housing Act 1985 is a general enabling piece of law that allows a local authority to acquire under-used or ineffectively used property/land etc. for residential purposes if there is a general housing need in the area.

### **Enforced Sale**

Enforced sale is actually a procedure that allows local authorities to recover debt, but a number of local authorities have used it as a way of getting empty properties back into use. The power dates back to the Law of Property Act 1925. This gives local authorities the power to sell properties in order to release the money tied up in the value of the property. This enables them to recover money they are owed. Where the owner fails to repay the debt secured on their property the power enables the local authority to force the sale of the property in order to recover the debt.

Debts are secured on properties by the local authority making a local land charge or making a caution on the land registry certificate at HM Land Registry. Once the charge is in place the local authority can pursue the enforced sale without further legal recourse.

### **Prevention of Damage by Pests Act 1949**

This Act gives Local Authorities the power to enforce owners of the land to take steps to keep the land free from mice and rats. This can include clearing vegetation, refuse and items from a property in order to remove the potential for harbourage of vermin. If the owner fails to comply, the Council can carry out the works in default and enforce the sale of the property in order to recover the debt.

### **Section 77 of the Building Act 1984**

Section 77 of the Building Act 1984 enables local authorities to deal with buildings that it considers to be dangerous. It can apply to a Magistrates' Court for an order requiring the owner to make the building safe or demolish it. If the owner fails to comply, the Council can carry out the works in default.

### **Section 78 of the Building Act 1984**

Section 78 of the Building Act 1984 allows local authorities to deal with buildings that pose an immediate danger. This emergency measure allows the local authority to carry out remedial works itself without giving the owner the opportunity to deal with it himself. The local authority is only entitled to carry out works that remove the danger.

### **Section 29 of the Local Government (Miscellaneous Provisions) Act 1982**

Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 allows local authorities to carry out works to an unoccupied building to prevent unauthorised entry or to prevent it from becoming a danger to public health. 48 hours notice is needed unless the works are required immediately. Costs are recoverable.

### **Sections 79-81 of the Environmental Protection Act 1990**

Sections 79-81 of the Environmental Protection Act 1990 allows the local authority to require abatement of statutory nuisances. The term statutory nuisance applies to a range of problems that might arise from empty homes, including accumulations of rubbish or dampness affecting neighbouring properties. The act allows local authorities to serve an abatement notice on the owner of the premises requiring works to abate the nuisance. If the notice is not complied with the local authority can carry out works in default.

### **Enforcement to require demolition**

Local authorities have powers that enable them to demolish and clear unwanted homes and make better use of the land. Powers under the Housing Act 1985, amended by the 2004 act, allow local authorities to declare clearance areas and serve demolition orders. Alternatively local authorities can use compulsory purchase powers to acquire properties prior to demolition.

### **Section 215 (Town and Country Planning Act 1990) 'eyesores and heavily littered land'**

Where the condition of land or buildings is having an adverse effect on the amenity of the area, the Council can issue a notice requiring steps to be taken to remedy the condition of the land or building. A notice could be served, for example, where the paint or rendering of a property or the condition of the garden was in such a poor condition that it was harming the character of the area. The notice must describe the steps that need to be taken and the period for compliance. It is an offence not to comply with the notice. The Council may also carry out the work itself in default of compliance with the notice and place a legal charge on the property to recover its expenses.

### **Listed Buildings**

There are also a number of powers available to local authorities under the Planning (Listed Building and Conservation Areas) Act 1990. .

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