

Report Title:	Joint Central and Eastern Berkshire Waste and Minerals Plan –Regulation 18 Consultation on the Draft Plan
Contains Confidential or Exempt Information?	NO
Member reporting:	Councillor Coppinger Lead Member for Planning
Meeting and Date:	Planning and Housing Overview and Scrutiny, 16 May 2018
Responsible Officer(s):	Russell O’Keefe, Executive Director & Jenifer Jackson, Head of Planning
Wards affected:	“All”

REPORT SUMMARY

- 1 A joint Waste and Minerals plan is currently being prepared by Hampshire Services of Hampshire County Council for the four participating local planning authorities (Royal Borough of Windsor and Maidenhead, Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council).
- 2 Following the Issues and Options consultation in June/July 2017 work has progressed in the preparation of a draft Joint Waste and Minerals Plan and a range of supplementary documents and evidence base studies.
- 3 The Governance arrangements agreed by the Joint Members Panel provide for each LPA to have the opportunity to separately agree draft documents at each stage in the plan making process.
- 4 The timetable agreed with our partner authorities is to run the consultation period for 8 weeks from Wednesday 20th June until Wednesday 15th August and to provide for consultation events where the plan provisions can be explained and members of the community can ask questions about the impact of the plan and receive answers from minerals and waste planning experts.

1 DETAILS OF RECOMMENDATION(S)

That Planning and Housing Overview and Scrutiny note the below report to Cabinet which contains the following:

RECOMMENDATION: That Cabinet notes the report and:

- i) That the Draft Plan for the Central and Eastern Berkshire Joint Minerals and Waste Plan (Appendix 1) be approved for the purposes of consultation under Regulation 18 of the Town and Country Planning (Local Planning) Regulation 2012;
- ii) That community involvement on the Draft Plan for the Central and Eastern Berkshire Joint Minerals and Waste Plan and associated supporting documents be authorised; and

- iii) That the Head of Planning, be authorised 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 Portfolio Holder, prior to community involvement.

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

- 2.1 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. Minerals and Waste is an area of planning which is strategic in nature and as such is better planned for on a larger geography than an individual unitary authority.
- 2.2 The Royal Borough of Windsor and Maidenhead is preparing the Central and Eastern Berkshire Joint Minerals and Waste Plan jointly with Reading Borough Council, Bracknell Forest Borough Council and Wokingham Borough Council. Hampshire Services of Hampshire County Council has been commissioned to prepare the plan on behalf of the four local planning authorities.

Table 1: Options

Option	Comments
The Royal Borough of Windsor and Maidenhead is preparing the Central and Eastern Berkshire Joint Minerals and Waste Plan jointly with Reading Borough Council, Bracknell Forest Borough Council and Wokingham Borough Council. The next stage in plan making is a Regulation 18 consultation. This is the recommended option.	The Council has previously agreed to this joint working arrangement in order to progress the statutory requirement for the authority to have a waste and minerals plan which is up to date.
The Council could chose not to proceed to Regulation 18 of the plan making process. This is not the recommended option.	The Council would therefore renege on the previous decision and contractual arrangements and would have to take forward this element of plan making alone through a different mechanism.

3 KEY IMPLICATIONS

- 3.1 The issues and options consultation will fulfil the second stage in consultation under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.
- 3.2 The preparation of the Joint Minerals & 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.

- 3.3 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. The Councils currently rely on a Replacement Minerals Local Plan for Berkshire (Adopted in 1995 but subject to Alterations in 1997 and 2001) and the Waste Local Plan for Berkshire (1998). These were prepared and adopted by the former Berkshire County Council and are now out of date. The policies in the existing minerals and waste plans for Berkshire were designed to guide development until 2006. Although the 'saved' policies are still used, their effectiveness is now very limited.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consultation will be undertaken with a wide range of parties, including those on the Royal Borough's Local Plan consultation database, during the period Wednesday 20 th June until Wednesday 15 th August 2018.	Regulation 18 fails to meet the timetable set out in LDS	Regulation 18 20 June 2018 to 15 August 2018	n/a	n/a	20 June 2018 to 15 August 2018

- 3.4 Following on from the consultation on the Issues and Options stage of local plan preparation, a Draft Plan has been prepared. This takes account of the results of consultation on the Issues and Options (Summer 2017) as well as information put forward in 2 separate "Call for Sites" exercises. Discussions have been held with a range of planning authorities and other organisations that may be affected by the strategies and policies in the Plan under the requirements for Duty to Co-operate. This has ensured that effective cooperation has been undertaken where there are cross-boundary impacts. The results of these discussions have been taken into account in preparing the Draft Plan.

- 3.5 The Joint Minerals and Waste Plan builds upon the formerly adopted minerals and waste plans for the Berkshire area, and updates, improves and strengthens the policies to ensure that they are relevant in the period up to 2036. The Draft Plan sets out background and context information relevant to planning for minerals and waste in the Central and Eastern Berkshire area. It sets out various evidence and analysis along with forecasting for future needs for minerals extraction and waste facilities in the plan area. It proposes a spatial vision and a spatial strategy which notes extensive cross boundary movement of minerals and waste materials. Inevitably in the case of minerals extraction, the spatial strategy is closely aligned with the availability of winnable resources within the plan area.
- 3.6 The Issues and Options Consultation was the first formal stage of engagement in the process to move to a fully up to date local plan. This was essentially a consultation on technical issues and did not propose any options in terms of sites. The main purpose was to gather evidence and define the most appropriate data sources for analysis of both demand and supply (for minerals) and looking at projected waste levels and capacity for management. The documents did, however also set out a vision which in term provided principles for polies approaches.
- 3.7 Statutory notices were placed in the press as required. Because of the technical nature of most of the consultation, it was considered that public engagement events were considered unlikely to be appropriate at the time. The consultation included a range of stakeholders from industry as well as a comprehensive list of stakeholders from the Borough's local plans consultation list. All parish councils were notified of the consultation and were supplied with copies of the documents. Documents were also available in the libraries and the town hall. From the Windsor and Maidenhead area, consultation responses were received from Datchet, Wraysbury and Horton Parish Councils. A summary report of the representations made at the Issues and Options stage is available on the Joint Minerals & Waste consultation website.¹
- 3.8 As a result of the responses received and consideration of local circumstances, the options have been narrowed down to identify the draft policies and proposed allocations. The Draft Plan (previously referred to as 'the Preferred Options') identifies and sets out the following subjects for the period up to, and including, the year 2036.
- The long term Spatial Vision and Strategic Objectives for minerals and waste in Central and Eastern Berkshire;
 - The delivery strategy for minerals and waste planning that identifies how the objectives will be achieved through development policies in the plan period;
 - The Development Management (DM) policies that will be used when the Local Planning Authorities make decisions on planning applications; and
 - How each policy will be implemented and monitored by the Central & Eastern Berkshire Authorities to ensure their effectiveness.
 - Proposal sites and safeguarding areas that will ensure that the plan provides sustainable options to, so far as possible, meet the objectively assessed needs of the area.

¹ www.hants.gov.uk/berksconsult

- 3.9 The vision of the plan seeks to ensure, working with other authorities and bodies, the maintenance of a steady and adequate supply of minerals, maximising the contribution that minerals development can bring to local communities, the economy and the natural environment. It intends that waste will be managed in a sustainable way, in accordance with the waste hierarchy. It seeks to ensure the best environmental solution to waste management is delivered. The Plan will also ensure that the full extent of social, economic and environmental benefits of minerals and waste development are captured, contributing to and enhancing quality of life and living standards within the area, whilst minimising impacts on the natural environment.
- 3.10 The Draft Plan sets out a range of policies for both minerals and waste planning. For minerals these include policies covering the spatial strategy, the safeguarding of mineral resources and minerals infrastructure, managing the supply of sand and gravel, and supporting the supply of chalk and clay and of recycled and secondary aggregates. Policy also provides support for aggregate wharves or rail depots. For waste planning the policies include an overall strategic policy, safeguarding policies for waste management facilities, the provision of additional waste infrastructure capacity and a policy to control the re-working of landfill sites. The document also contains a series of development management policies which provide a framework for dealing with planning applications. These include policies on sustainable development, climate change, various environmental protection, restoration of workings, protecting public health, safety and amenity, water and flooding, transport, design and ancillary development.
- 3.11 The vision of the plan seeks to ensure, working with other authorities and bodies, the maintenance of a steady and adequate supply of minerals, whilst maximising the contribution that minerals development can bring to local communities, the economy and the natural environment. It intends that waste will be managed in a sustainable way, in accordance with the waste hierarchy. It seeks to ensure the best environmental solution to waste management is delivered. The Plan will also ensure that the full extent of social, economic and environmental benefits of minerals and waste development are captured, contributing to and enhancing quality of life and living standards within the area, whilst minimising impacts on the natural environment.
- 3.12 The Draft Plan proposes the allocation of a number of strategic sites to enable the delivery of the vision. Because options for provision of minerals is largely constrained by geology the Royal Borough has a number of proposed minerals sites within its boundaries. Some of these are current workings, which have some potential for expansion or extension. Waste sites coming forward through the call for sites, listed in the table of proposed sites below.

Table 1 – (Proposed sites in Royal Borough of Windsor and Maidenhead)
Summarised from Appendix A of the Draft Joint Minerals and Waste Plan April 2018

Site Name	Location	Proposal	Identified Issues
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Berkyn Manor Farm	Horton	Green Waste or energy recovery 2.7 Ha site Existing use: working farm with some industrial use	<i>Ecology:</i> including impact on SPA/Ramsar sites, SSSI sites, and local wildlife sites. <i>Hydrology:</i> <i>Heritage:</i> Grade II listed building <i>Transport:</i> access to Poyle Road <i>Landscape:</i> Hedgerows and boundary planting
Datchet Quarry / Riding Court Farm	Datchet	Aggregate recycling for the life of the quarry 3.0 Ha site Existing sand and gravel quarry	<i>Ecology:</i> Impact on wildlife sites and SPA/Ramsar sites <i>Landscape:</i> screening and impact on historic Ditton Park. <i>Transport:</i> HGV routing Water and Flood risk: groundwater protection and flooding - within Flood Zone 3a
Ham Island	Old Windsor	Extraction of 1.5 million tonnes of sand and gravel transported by barges and new on-site wharf. 55 Ha site Fields adjacent to a waste water treatment works	<i>Restoration:</i> Enhancement of natural habitats and local landscape including public access and amenity areas <i>Ecology:</i> Impact on SPA/Ramsar sites, protection of SSSI Wraysbury and Hyth End, Impact on wildlife <i>Landscape:</i> Impact on setting of the River Thames, screening for adjacent residents <i>Heritage:</i> archaeology potential, scheduled ancient monument on

			<p>the site,</p> <p><i>Transport:</i> Critical that wharf can be constructed as road access not possible.</p> <p><i>Water and Flooding:</i> Wholly within Flood zones 2 and 3. Ground water protection zone.</p>
Horton Brook Quarry	Horton	<p><i>Inert recycling</i></p> <p><i>55 Ha site</i></p> <p><i>Existing use operational sand and gravel quarry.</i></p>	<p><i>Ecology: Protection of SPA and Ramsar sites and SSSI environments. Impact on wildlife.</i></p> <p><i>Landscape: landscape improvements required for group of sites</i></p> <p><i>Transport: HGV routing agreement</i></p>
Monkey Island Wharf	Bray	<p>Aggregate Wharf - Transport sand and gravel along the river Thames, through a navigable waterway known as the 'Cut' to a proposed new barge unloading facility. Sand and gravel then sent to Monkey Island Lane processing plant via conveyor.</p>	<p><i>Ecology:</i> Protection of Bray Pennyroyal field Site of Special Scientific Interest (SSSI) and Bray Meadows SSSI. Impact to Greenway corridor, potential pollution to river habitats.</p> <p><i>Landscape:</i> Strengthen planting and screening.</p> <p><i>Heritage:</i> archaeology</p> <p><i>Transport:</i> HGV and Barging route agreement</p> <p><i>Water and Flood Risk:</i> site largely within flood zones 2 and 3.</p>
Poyle Quarry	Horton	<p>Phased extraction of approximately 800,000 tonnes of sand and gravel with no processing on site</p> <p>21.8 ha site</p>	<p><i>Restoration:</i> Agriculture and nature conservation interests at original ground levels.</p> <p><i>Ecology:</i> Protection of</p>

		Existing arable fields	SPA/Ramsar sites, Impacts on wildlife <i>Landscape:</i> Improvement of planting and new areas to be set aside, quality of the Colne Valley Way <i>Transport:</i> Provision of a new access will be required, most likely onto Poyle Road; HGV routing agreement
Poyle Quarry Extension	Horton	Extension to Poyle Quarry extracting 250,000 tonnes of sand and gravel with no processing on site Two areas – 4 Ha and 2 Ha. Existing arable fields	<i>Restoration:</i> Agriculture at original ground levels <i>Ecology:</i> Protection of SPA and Ramsar sites and SSSI environments. Impact on wildlife. <i>Landscape:</i> landscape improvements required for group of sites. Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area. <i>Transport:</i> Provision of a new access will be required, most likely onto Poyle Road; HGV routing agreement
The Compound	Pinkneys Green	Green waste processing 2 Ha site Existing Hardstanding with permission for agricultural barn	<i>Ecology:</i> Impact on Maidenhead Thicket and Carpenters wood Local Wildlife sites, impact of potential surface water discharge. <i>Landscape:</i> enhanced screening <i>Transport:</i> HGV routing agreement
Water	Holyport	Extraction of 1.9 million	<i>Restoration:</i>

Oakley		<p>tonnes of high quality sand and gravel.</p> <p>Processing will be undertaken at Monkey Island Lane, located north of the site</p> <p>57.4 Ha site</p> <p>Existing agricultural fields</p>	<p>Agriculture with nature conservation interests/daily recreation.</p> <p>Ecology: protection of SSSIs , impact to greenway corridor, landscape scale impacts on protected species. Impact on river plain habitat.</p> <p>Landscape: retention of existing screening planting and enhancement.</p> <p>Diversion of footpath,</p> <p><i>Heritage:</i> archaeological potential is high</p> <p><i>Cumulative Impact</i> in light of BLP proposals in the area.</p> <p><i>Transport:</i> Access required to the A308. HGV routing agreement</p> <p><i>Water and flooding:</i> Ground water source protection area.</p>
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3.13 The Draft Plan sets out a range of policies for both minerals and waste planning. For minerals these include policies covering the spatial strategy, the safeguarding of mineral resources and minerals infrastructure, managing the supply of sand and gravel, and supporting the supply of chalk and clay and of recycled and secondary aggregates. Policy also provides support for aggregate wharves or rail depots. For waste planning the policies include an overall strategy policy, safeguarding policies for waste management facilities, the provision of additional waste infrastructure capacity and a policy to control the re-working of landfill sites. The document also contains a series of development management policies which provide a framework for dealing with planning applications. These include policies on sustainable development, climate change, various environmental protection, restoration of workings, protecting public health, safety and amenity, water and flooding, transport, design and ancillary development.

3.14 The Draft Plan refers to a number of separate studies as follows:

- *Minerals Background Study*: updated since its original publication as part of the Issues and Options consultation undertaken during summer 2017;
- *Waste Background Study*: updated since its original publication as part of the issues and Options consultation undertaken during summer 2017;
- *Interim Strategic Environmental Assessment Report*: This incorporates the Sustainability Appraisal and sets out the assessment of how policies and sites ensure that the Local Plan will not have any significant impacts on the Central & Eastern Berkshire environment, communities and economy.
- *Habitats Regulation Screening Report*: sets out the assessment of potential impacts of the policies and sites on European designated habitats.
- *Safeguarding Study*: This considers the safeguarding of mineral resources and associated infrastructure, including that associated with waste management;
- *Duty to Cooperate Statement*: sets out the key strategic issues that have been identified how the Joint Authorities have worked with other councils, public bodies and other organisations to address these issues and maximise the effectiveness of the Plan.
- *Strategic Transport Assessment (STA)*: documents key transport evidence and sustainability issues;
- *Strategic Landscape and Visual Assessment*: overview of the likely impact on visual and landscape character of each of the proposed site allocations in the Draft Local Plan;
- *Restoration Study*: sets out the provision of effective, deliverable measures for appropriate restoration, aftercare and after-use;
- *Waste: Proposal Study*: details how new and enhanced waste management infrastructure will be provided in suitable locations across the plan area;
- *Minerals: Proposal Study*: considers viable proposals for Sharp Sand and Gravel extraction and Minerals infrastructure;
- *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;
- *Strategic Flood Risk Assessment* – sets out the flood risks associated with the Plan area and the findings of assessments of the proposed site allocations.

Other supporting documentation will include a consultation response form and a survey questionnaire.

- 3.15 All documentation will be available to view and download from the Joint Minerals & Waste Plan consultation website².

² www.hants.gov.uk/berksconsult

- 3.16 Draft versions of these documents are available to Councillors on request. Finalised versions will be made available via the Council's website as part of the consultation.
- 3.17 Consultation will be undertaken jointly by Hampshire Services with the Joint 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 Royal Borough's Local Plan consultation database, during the period Wednesday 20th June until Wednesday 15th August 2018. The consultation will involve sending emails/ letters to individuals, organisations, councillors, and internal officers. Advertising and details will be placed on the RBWM website. It is also proposed to hold two local engagement events where the communities will be able to hear a presentation of the plan proposals and to ask questions of the Minerals and Waste experts who have prepared the plan. The number, dates and venues for these events have yet to be confirmed.
- 3.18 Representations made in response to the Draft Plan consultation document, SA/SEA report and other relevant documentation will be given due consideration in the preparation of the next stage document, the pre-submission draft plan, for which approval is programmed to be sought at the end of 2018/in the early part of 2019.

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 No financial implications arising from this report.

5 LEGAL IMPLICATIONS

- 5.1 The preparation of the Joint Minerals & 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.

6 RISK MANAGEMENT

- 6.1 As the Council is working collaboratively with neighbouring Local Authorities, each of which will be asked to approve the Draft Joint Minerals and Waste Plan for public consultation under regulation 18, there is a risk that one or more of the partner authorities may not consent to go forward to public consultation. The Local Development Scheme indicates that the Joint Minerals and Waste Plan will go through formal processes to publication in late 2019 and submission in 2019. A delay in undertaking consultation on the draft plan jeopardise that timetable.
- 6.2 If RBWM or any of the other three councils delay or do not approve the document in its current form, it will not be possible to undertake the public consultation within the current timetable. Given the weight given to having plans

that are based on up to date evidence in the NPPF, it would be undesirable to continue to rely on the saved policies of the 2006 plan for longer than necessary.

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Decision taken by any one of the partner authorities not to proceed	HIGH	Collaborative working through a joint officer and member board	LOW
Delay to the decision making timetable resulting in LDS being out of date	MEDIUM	Collaborative working through a joint officer and member board	LOW

7 POTENTIAL IMPACTS

7.1 None.

8 CONSULTATION

- Consultation with the Joint Central and Eastern Berkshire Joint Member and Officer Board.

9 TIMETABLE FOR IMPLEMENTATION

Table 5: Implementation timetable

Date	Details
20 th June 2018	Regulation 18 consultation opens.
5 th August 2018	Regulation 18 consultation closes.

9.1 Implementation date if not called in: Immediately.

10 APPENDICES

Appendix A contains the Draft Plan.

11 BACKGROUND DOCUMENTS

11.1 The background documents to support the report will be available on commencement of the Regulation 18 consultation. Councillors may request a copy of any document listed at 3.14 from the Head of Planning.

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Alison Alexander	Managing Director	27.04.18	27.04.18
Russell O'Keefe	Executive Director	30.04.18	1.05.18
Andy Jeffs	Executive Director	30.04.18	1.05.18
Rob Stubbs	Section 151 Officer	30.04.18	1.05.18
Louisa Dean	Communications	30.04.18	1.05.18

REPORT HISTORY

Decision type: Key decision	Urgency item? No.	To Follow item?
Report Author: Jenifer Jackson, Head of Planning, 01628 796042		

