

Public Document Pack

Head of Governance: Karen Shepherd: (01628) 796529

TO: EVERY MEMBER OF THE COUNCIL FOR THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

YOU ARE HEREBY SUMMONED TO ATTEND the Meeting of the Council of the Royal Borough of Windsor & Maidenhead to be held as a **Virtual Meeting** – [Online access](#) on **Tuesday, 28 July 2020 at 6.15 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 20 July 2020



Duncan Sharkey
Managing Director

Rev Drake will say prayers for the meeting.

A G E N D A

PART I

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence

2. COUNCIL MINUTES

To receive the minutes of the meeting of the Council held on 23 June 2020.
(Pages 11 - 66)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest
(Pages 67 - 68)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council
(Pages 69 - 70)

5. PUBLIC QUESTIONS

a) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Johnson, Leader of the Council:

Does the Leader of the Council believe he owes a fiduciary duty to the Secretary of State for Housing, Communities and Local Government in relation to the latter's powers under Schedule 1, Sub-Paragraph 2(5)(c) of the Housing and Regeneration Act 2008 and, if so, will he urgently write to the Ministry to disclose fully the findings of the CIPFA investigation?

b) Adam Bermange of Boyn Hill ward will ask the following question of Councillor Cannon, Lead Member for Public Protection and Parking

Would the Lead Member confirm the current legal and contractual basis for parking enforcement within self-administered Residents' Parking Zones and whether it is the Council's intention to withdraw enforcement in those streets that decline to become designated as Council-administered schemes? If so, when?

c) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor

Will the Lead Member provide details of the demise of the Legacy Leisure Trust and outline the governance arrangements of Leisure Focus.

d) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Johnson, Leader of the Council:

For the sake of transparency will the Royal Borough provide the terms of reference for the review of financial governance that it requested from CIPFA?

e) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Johnson, Leader of the Council.

Why were Members not informed in the Council report of July 2019 that surveyors Knight Frank had, in March 2019, given an Existing Use Value (EUV) for the Nicholson Shopping Centre (excluding hope value) of £18m?

f) Andrew Hill of Boyn Hill ward will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

During any pre-application meetings for major developments, is it standard protocol for officers to advise applicants that the approved tall building policy in the Maidenhead Area Action Plan (para 3.40) limits maximum building heights to 12 storeys in order "to respect the size and compact nature of Maidenhead and respect visibility from the surrounding countryside to the existing level"?

(The Council will set aside a period of 30 minutes to deal with public questions, which may be extended at the discretion of the Mayor in exceptional circumstances.)

The Member who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting.

The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A Member responding to a supplementary question will have two minutes to respond).

6. PETITIONS

To receive any petitions presented by Members on behalf of residents.

(Notice of the petition must have been given to the Head of Governance not later than noon on the last working day prior to the meeting. A Member submitting a Petition may speak for no more than 2 minutes to summarise the contents of the Petition).

7. REFERRALS FROM OTHER BODIES

To consider referrals from other bodies (e.g. Cabinet)

i) 2019/20 ANNUAL REPORTS FROM THE OVERVIEW AND SCRUTINY PANELS

To consider the following recommendation:

RECOMMENDATION: That full Council notes the 2019-20 annual reports of the four Overview and Scrutiny Panels.

(The results analysis of the January 2020 Member survey on Overview and Scrutiny is attached for background information as this was used to inform Panel discussions when developing annual reports)

(Pages 71 - 98)

ii) COUNTERPARTY LIST ADDITION

To consider the above report (To Follow)

8. CONSTITUTIONAL AMENDMENTS - AUDIT AND GOVERNANCE COMMITTEE

To consider the above report
(Pages 99 - 208)

9. COMMUNITY GOVERNANCE REVIEW - WINDSOR TOWN COUNCIL

To consider the above report (Pages 209 - 224)

10. JOINT CENTRAL AND EASTERN BERKSHIRE MINERALS & WASTE PLAN - PROPOSED SUBMISSION

To consider the above report
(Pages 225 - 476)

11. MEMBERS' QUESTIONS

a) Councillor Larcombe will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor

What procedural changes will be made to ensure that Members are able to put their questions (including a supplementary if required) and receive answers at Council Meetings?

b) Councillor Larcombe will ask the following question of Councillor Cannon, Lead Member for Public Protection and Parking:

When did the Flood Liaison Group last report to the Council?

c) Councillor Hill will ask the following question of Councillor Johnson, Leader of the Council:

On Saturday 14th March 2020 at the Weir Opening you gave a public commitment that the Waterways project would be completed. A4 Underpass, Chapel Arches access and boat storage, Chapel Arches lowering the hard invert, Library Boat Launching Ramp & GWR Sewer Crossing are yet to be scheduled. Can you inform council when these matters will be addressed.

d) Councillor Davey will ask the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

With finances under incredible pressure, if all the projects in Maidenhead town centre were generating CIL and 106 revenues, what would the future revenues for those properties given planning permission be? Also the Nicholson Centre, should it be given permission?

e) Councillor Davey will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

How much extra is it costing RBWM each month to go back to weekly bin collections and how does this fit with the aims of the climate strategy?

f) Councillor L. Jones will ask the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor:

Can the Lead Member clarify the role of the 'Chair' of Full Council (the Mayor) in ensuring 'full and effective debate and decision making by the Council with the

overriding aim of promoting confidence in the council by the public.’

g) Councillor Knowles will ask the following question of Councillor Clark, Lead Member for Transport and Infrastructure:

In 2019 the then Leader of the Council announced a trial of streetside EV charging points involving 3 units which were to be placed on Alma Road in Windsor along with a number of free trial EV for use by residents. When can we expect the results of this trial to be published?

h) Councillor Bond will ask the following question of Councillor Johnson, Leader of the Council.

Will the pension fund governance review mentioned in the CIPFA report and 2019/20 audit plan be made available in advance of an action plan (as has happened with the CIPFA report itself) to help RBWM’s Pension Fund committees comply with s106 (1) (b) of the LGPS (Amendment) Regulations 2015 to “ensure the effective and efficient governance ... of the Scheme”?

(The Council will set aside a period of 30 minutes to deal with Member questions, which may be extended at the discretion of the Mayor in exceptional circumstances.

The Member who provides the initial response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting.

The questioner shall be allowed up to one minute to put a supplementary question at the meeting. The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. A Member responding to a supplementary question will have two minutes to respond).

12. MOTIONS ON NOTICE

a) By Councillor Werner

This Council;

i) Offers a vote of thanks to the residents of the Royal Borough, the vast majority of whom, whilst facing very difficult personal sacrifices and restrictions to liberty, have diligently followed both letter and the spirit of the emergency legislation brought in to protect public health during the Covid-19 global pandemic;

ii) Acknowledges the extraordinary courage and commitment to community shown by many thousands of residents, individually, through neighbourhood groups and with our charitable partner organisations, throughout this terrible time;

iii) Also, publicly recognises the skill, dedication and tenacity with which our officers have co-ordinated these efforts and the Council’s own activities, for the benefit of all.

b) By Councillor McWilliams

This Council:

- i) Commits to upholding the highest standards of public office
- ii) Encourages all Members, officers and residents alike to avoid unkind, rude and personal attacks and comments against anyone
- iii) Given recent global events, recognises the Office for Democratic Institutions and Human Rights' statement on racism & xenophobia:

"Prejudice or hostility towards a person's race, colour, language, nationality, or national or ethnic origin. While some communities are particularly vulnerable, any ethnic group can be the target of racism. Intolerant discourse in the media or from politicians can lead to increased racist sentiments towards migrants and other minorities, including in the form of scapegoating."

c) By Councillor Knowles

As a council we've had a very disrupted schedule of meetings this year due to Covid 19. Recent meetings have demonstrated that there is too little time in the current schedule of full Council meetings leading to frustration and overlong meetings. When you have too much business to fit into a meeting it makes sense to have more meetings.

This Council amends the calendar of council meetings to establish monthly full Council meetings from this meeting forward until further notice. If there is insufficient business to transact those monthly meetings may be cancelled if required.

d) By Councillor Taylor

This Council:

- i) Recognises the need to promote local businesses and think of inventive ways to help them as well as bringing much needed footfall into our Town Centres.
- ii) Agrees the possibility of a new Artisan Street Market will be pursued, with the view to holding quarterly if successful. This will include local businesses from around the borough.
- iii) If successful, we will extend this idea to Windsor, with the view to create a unique shopping experience in each town centre.

e) By Councillor Sharpe

This Council has no confidence in the Chairman of the Infrastructure Overview and Scrutiny Panel.

(A maximum period of 30 minutes will be allowed for each Motion to be moved,

seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote).

COUNCIL MOTIONS – PROCEDURE

- Motion proposed (mover of Motion to speak on Motion)
- Motion seconded (Secunder has right to reserve their speech until **later** in the debate)
- Begin debate

Should An Amendment Be Proposed: (only one amendment may be moved and discussed at any one time)

NB – Any proposed amendment to a Motion to be passed to the Mayor for consideration before it is proposed and seconded.

- Amendment to Motion proposed
- Amendment must be seconded BEFORE any debate can take place on it

(At this point, the mover and seconder of original Motion can indicate their acceptance of the amendment if they are happy with it)
- Amendment debated (if required). Members who have spoken on the original motion are able to speak again in relation to the amendment only
- Vote taken on Amendment
- If Agreed, the amended Motion becomes the substantive Motion and is then debated (any further amendments follow same procedure as above).
- If Amendment not agreed, original Motion is debated (any other amendments follow same procedure as above).

- The mover of the Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- At the conclusion of the debate on the Motion, the Mayor shall call for a vote. Unless a named vote is requested, the Mayor will take the vote by a show of hands or if there is no dissent, by the affirmation of the meeting.
- If requested by any **5** Members the mode of voting shall be via a named vote. The clerk will record the names and votes of those Members present and voting or abstaining and include them in the Minutes of the meeting.
- Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting

(All speeches maximum of 5 minutes, except for the Budget Meeting where the Member proposing the adoption of the budget and the Opposition Spokesperson shall each be allowed to speak for 10 minutes to respectively propose the budget and respond to it. The Member proposing the budget may speak for a further 5 minutes when exercising his/her right of reply.)

Closure Motions

a) A Member who has not previously spoken in the debate may move, without comment, any of the following Motions at the end of a speech of another Member:

- i) to proceed to the next business;
- ii) that the question be now put to the vote;
- iii) to adjourn a debate; or
- iv) to adjourn a meeting.

b) If a Motion to proceed to next business is seconded, the Mayor will give the mover of the original Motion a right of reply and then put the procedural Motion to the vote.

c) If a Motion that the question be now put to vote is seconded, the Mayor will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

d) If a Motion to adjourn the debate or to adjourn the meeting is seconded, the Mayor will put the procedural Motion to the vote without giving the mover of the original Motion the right of reply

Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The Member must indicate the procedure rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

Personal explanation

A Member may make a personal explanation at any time with the permission of the Mayor. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the requirement of a personal explanation will be final.

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Public Document Pack Agenda Item 2

COUNCIL - 23.06.20

AT A MEETING OF THE BOROUGH COUNCIL held as a Virtual Meeting - Online access on Tuesday, 23rd June, 2020

PRESENT: The Mayor (Councillor Sayonara Luxton), The Deputy Mayor (Councillor Gary Muir)

Councillors John Baldwin, Clive Baskerville, Christine Bateson, Gurpreet Bhangra, Simon Bond, John Bowden, Mandy Brar, Catherine Del Campo, David Cannon, Stuart Carroll, Gerry Clark, David Coppinger, Carole Da Costa, Wisdom Da Costa, Jon Davey, Karen Davies, Phil Haseler, Geoff Hill, David Hilton, Maureen Hunt, Andrew Johnson, Greg Jones, Lynne Jones, Neil Knowles, Ewan Larcombe, Ross McWilliams, Helen Price, Samantha Rayner, Joshua Reynolds, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, John Story, Chris Targowski, Helen Taylor, Amy Tisi, Leo Walters and Simon Werner

Officers: Nikki Craig, Adele Taylor, Ian Gillespie, Tracy Hendren, Russell O'Keefe, Chris Joyce, Mary Severin, Duncan Sharkey, Karen Shepherd, David Cook and Andrew Vallance

Also Present: Barbara Richardson (MD of the RBWM Property Company)

4. APOLOGIES FOR ABSENCE

No apologies for absence were received.

5. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That:

- i) The minutes of the meeting of the Council held on 25 February 2020 be approved**
- ii) The minutes of the extraordinary meetings of the Council held on 18 March 2020 and 26 May 2020 be approved.**

6. DECLARATIONS OF INTEREST

Councillor Rayner declared a Personal Interest in the item 'Horton and Wraysbury Neighbourhood Plan – Formal Making of the Plan' as she owned land and property in the ward. She had taken legal advice and had been told she could take part in the debate and vote on the item.

Councillor Bhangra declared a Disclosable Pecuniary Interest in the item 'Appointment of Panel Chairman' as he was nominated as Chairman of the Licensing Panel, a role which attracted a Special Responsibility Allowance.

7. MAYOR'S COMMUNICATIONS

The Mayor had submitted in writing details of engagements that the Mayor and Deputy Mayor had undertaken since the last ordinary meeting, which were noted by Council.

8. PUBLIC QUESTIONS

- a) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor Hilton, Lead Member for Finance:**

Can the Lead Member advise if the RBWM is still paying interest on LOBO loans and if so what rate of interest is being paid?

Written response:

The Council has the following two LOBO loans outstanding:

£5m borrowed from Barclays in 2006 at an interest rate of 4.19% that is due to be repaid in 2066

£8m borrowed from Dexia in 2008 at an interest rate of 4.19% that is due to be repaid in 2043

Barclays have waived their right to increase the interest rate on their loan, and with interest rates at historically low levels it is not expected Dexia will seek to increase their rate either as the Council would be able to repay the loan and refinance at a lower rate.

These loans form a small proportion of the Council's borrowing and the Council regularly reviews its borrowing levels and the split between long and short-term borrowing. The Council seeks to balance the benefits of low interest rates of short-term borrowing and the protection against future interest rate increases of long-term borrowing.

The Council's current borrowing strategy is for any new borrowing to be taken out on a short-term basis to take advantage of low interest rates, and in consultation with its Treasury Management advisors, to seek and review options to increase its proportion of long-term borrowing where this can be obtained at a favourable rate.

Mr Wilson had submitted a supplementary question in writing, which was read out by officers: 'Given that refinancing this debt at short/ medium term interest rates would save the Council around £200,000 per year will he now provide full details of these loans and the external advice received on these loans to date?'

Councillor Hilton responded that the council had taken advice on whether or not it would be possible to close these loans out, and it would not be without significant penalty which was why they remained. If that did not answer the question, Councillor Hilton stated that he would speak to the council's Section 151 officer to see if she interpreted it differently and send a written response if appropriate.

Written response provided after the meeting: The two Lender Option Borrower Option debts were discussed with the Council's Treasury Management advisers, Arlingclose. They commented that at the moment there isn't a big enough margin between the rate we are currently paying on these loans and the rate at which, we could take out a new loan to make it worthwhile repaying these at the moment. If we were to repay the loans early we would have to pay the banks an upfront payment that was the equivalent value of the interest payments we would have made to them over the course of the loans had they ran to maturity. An estimate of the impact of repaying the LOBO loans by taking out new fixed-term borrowing at current rates suggests our costs would increase by £5m.

b) Ed Wilson of Clewer and Dedworth West ward asked the following question of Councillor Johnson, Leader of the Council:

Will the Leader of the Council advise the approximate value of the Royal Borough's assets including those held within the RBWM Property Company?

Written response:

The total value of commercial and corporate assets is £628m. The Council's assets are divided into two separate portfolios for valuation purpose.

The commercial portfolio is revalued every year. This year the total was £81.4 million. Commercial assets held for sale, which are also revalued every year and this year were valued at £63 million. These are assets where a formal commitment within the regeneration programme has already been made to dispose of them. Both of these categories are valued to open market value and total £144.4m.

The Council also hold corporate assets, which currently stand at a value of £483.6 million. The corporate assets are re-valued every 5 years on a rolling programme according to type and/or use. The valuation assumptions for corporate properties are on existing use value and include high value specialist properties like schools and leisure centres which are valued on a depreciated replacement cost (DRC) basis and not a market basis (this is not what the properties would realise if they were sold on the open market).

RBWM Property Company Ltd – holds residential assets only. The total value of those assets as of 31st March 2020 is £3.39m. These assets are valued on a fair/open market value basis.

Mr Wilson had submitted a supplementary question in writing, which was read out by officers: 'For the sake of transparency will the Leader undertake to publish a list of commercial assets identified for sale?'

Councillor Johnson responded that the council's Asset Management Strategy was an item on the agenda for Cabinet later in the week. It provided was a holistic approach to managing both the operational assets and those in the wider regeneration programme or for disposal. Given the commercially sensitive nature it would be imprudent for him to provide a list at the meeting, however he would review to see what could be released. The council believed in a policy of services not buildings, i.e. that the service should not be limited by the asset from which it was currently operating. The strategy was ambitious and integrated well with the council's climate change objectives.

c) Maria Evans of Riverside ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

The council has declared its directly controlled annual carbon footprint is only 0.7% of the Borough's production emissions; let alone accounting for the Borough's consumption emissions. What is your strategy to engage with other stakeholders to play their part in reducing the Borough's footprint to net-zero?

Written response:

We have made clear in the strategy document that we will only be able to deliver on the ambition of net zero if we work in partnership with others. This includes everyone from central Government, businesses, community groups to individuals in our community.

The council has a clear leadership role and we have set out the principles of our engagement plan in the strategy document itself. It specifies, to engage stakeholders to play their part, we will:

- Communicate the key objectives and actions of the strategy*
- Engage with key groups and organisations on the work that can be undertaken in partnership as we move forward.*
- Engage with residents and organisations on how they can contribute to the delivery of the strategy through the actions they take on a day to day basis. The strategy proposes several approaches, all of which are available for public view, so we hope people take the time to engage with it and feedback their thoughts to us.*
- Communicate progress on the delivery of the strategy.*

By way of a supplementary question, Ms Evans commented that the council had hoped stakeholders would play a part in delivering the strategy. Hope would not be enough. If the council led on its own she believed it would fail. She asked if the Lead Member would recognise success relied on all stakeholders including Frimley Park Health Trust, South East Water, housing associations and schools, who between them were responsible for over 99% of carbon emissions. Would the council stop hoping for engagement and form a leadership body of equals, and commit to do this within 6 months?

Councillor Stimson responded that the council had put forward a strategy and it would now go before the community. They had already climbed a hill but there was still a huge hill to climb. She recognised that organisations such as Frimley Park and South East Water would need to be involved to get to carbon neutral. Councillor Stimson stated that she would do her utmost; she agreed hope would not get the strategy over the line. She hoped all could see that hope would move to action. In 6 months' time actions would be on the table. Results would be seen, rather than just hope.

d) Andrew Elder of Eton and Castle ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

2019 was the warmest year on record in Europe; 1.2 degrees above the reference period. 1.5 degrees is the recommended limit to avoid catastrophic climate change. Can you demonstrate that the strategy for the borough will enable actions to be fast enough? And if not, why not?

Written response:

The council have declared their ambition to have a net zero emission Borough by 2050 at the latest which is in line with the latest climate science and international consensus on limiting catastrophic climate change. The council has produced a strategy to demonstrate it is serious about taking action to meet this ambition.

Our target is in line with the UK government target and we will work hard to bring this forward as it becomes possible. The UK government put its target into law to meet its obligations under the Paris Agreement, the historic international 2015 agreement on climate change which committed the world to pursue efforts to limit the temperature increase to 1.5°C.

We have committed to review our trajectory of emissions to net zero based upon the latest evidence and expert advice to ensure we continue to meet our obligations and commitments.

By way of a supplementary question, Mr Elder commented that the international consensus was not only that 2050 was the latest date to reach net zero, it was also that the emission reduction pathway was not a straight line. As page 76 of the Climate Change Community Net Zero report clearly illustrated this. As experts had previously informed the council, the trajectory in the strategy would mean the per capita carbon budget would be exceeded by 2028. Given this it was obvious there was not 6 months to wait, therefore he asked if the council would set up a working group to set revised targets before the end of July?

Councillor Stimson responded that by mid-July the council would be engaging with the community. She could not promise a working group by the end of July. She understood that comments about trajectory and that this was not a satisfactory solution. If a large amount of carbon was scooped up early there would be more success in reaching the target. Within 6 months the council would be looking at it again. Councillor Stimson commented that she would be happy to meet with Mr Elder to talk further on the issue.

e) Deborah Mason of Riverside ward asked the following question of Councillor Johnson, Leader of the Council:

Can you explain how this represents a consultative and collaborative approach to local democracy when critical documents relating to the Climate Strategy were not made available to the public before the question submission deadline?

Written response:

In developing the strategy, we have engaged through a series of public workshops and events to seek the views of the community. The more detailed work undertaken with specific community groups has helped to build a stronger strategy which we believe demonstrated our collaborative approach.

It is important to recognise that full Council is being asked to approve the strategy for public consultation. This will provide all residents and other stakeholders to provide their views which we will consider and make appropriate changes to the strategy before we adopt it.

By way of a supplementary question, Ms Mason asked for assurance that further collaborations with stakeholders would be transparent, timely and responsive and would she be willing to document this in a terms of reference.

Councillor Stimson responded that she was a firm believer in fair process. This did not mean that everyone got what they wanted but that the best ideas for the community were taken on, which would enable the council to get to the quickest point that was needed to get to. This would be what a terms of reference should indicate. She did not think the council had engaged exactly how it had wanted to; going forward she would like to do it differently.

f) Fiona Hewer of Bisham and Cookham ward will ask the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Does the Council consider the Phase 1 Habitat Survey conducted by Wild Maidenhead in 2017 a suitable baseline for measuring improvements to biodiversity in the Climate Strategy and, if not, what do you propose?

Written response:

We welcome the work that has already been undertaken and it provides a great starting point. The council has committed to develop a biodiversity baseline and metrics for the borough based on the work already undertaken in the Green and Blue Infrastructure Study and by the local 'Wild Groups'.

We need to undertake the actions set out in our strategy and welcome the opportunity to work with you to determine the most suitable baseline to be able to fulfil this commitment outlined in the draft strategy.

By way of a supplementary question, Ms Hewer commented that the written answer said that the council's intention was to set a biodiversity baseline and metrics, but did not say when. If the Council truly wanted to respond to the ecological crisis it declared in June 2019 it would have adopted a baseline, set targets and started work. Instead it was mowing verges full of wildflowers so pollinators had no food, giving planning permission without wildlife-friendly measures and standing by while local wildlife sites were abandoned. Wild Maidenhead was concerned that there had already been a loss of water voles and breeding farmland birds, and hedgehog populations were crashing. Would the council have started positive borough-wide actions to increase and support biodiversity before Christmas to begin to prevent further losses?

Councillor Stimson responded that the council had started with 7-9 verges; signs were putting up to say 'don't cut'. Wild Maidenhead had a fantastic biodiversity policy but it was not for the whole of the borough therefore there was still work to do. The council would do its best and look to work with Ms Hewer. The Climate Change and Sustainability Officer had a Masters in Biodiversity.

g) Mike Copland of Bisham and Cookham ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Unmanaged access to sensitive habitats, for example for dog-walking and watersports, is likely to decrease biodiversity. Can the Lead Member reassure me of the Council's commitment to implementing an Environment and Climate Emergency strategy by giving examples of when and how expert advice on biodiversity protection has taken precedence over such 'business as usual' activities?

Written response:

We recognise the importance of biodiversity and therefore the natural environment has been highlighted as one of four key themes within the strategy document. This includes setting up a new 'Natural Capital' programme that will enable the council to manage its natural environment projects in a co-ordinated way.

We have committed to a net gain in biodiversity of 10% over the next five years in the strategy document and the new programme will help us achieve that. In addition, we have set an objective to increase awareness of biodiversity to ensure that council officers and the wider community are better educated to support us in this challenge.

By way of a supplementary question, Mr Copland commented he had taken the written response to mean that, to date, the council had not allowed biodiversity protection to take precedence over business as usual in any council owned location. He hoped the Lead Member agreed this did not help to address the environmental challenge that was faced. The strategy stated that there was a target to identify areas of biodiversity by June 2021 but there were over 60 sites across the borough already recognised as local wildlife sites. Had they been considered? Working with local groups, the sites with the greatest potential could be identified by the end of the year. This would allow discussions with landowners in January 2021 and a target to have clear action plans for 50% of identified sites by June 2021 rather than just to start looking at them.

Councillor Stimson responded that she felt the statement was unfair as there were 110 acres at Battlemead Common. The council had thought hard about how it should be treated as a biodiversity site. The council had worked with local groups on this and would continue to do so. She asked Mr Copland to call her the following week for further discussion.

h) Mike Copland of Bisham and Cookham ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Given that the Council has, in declaring the Emergency, recognised the existential threat we face can the Lead Member confirm that commitments or assumptions made before the Emergency was declared will be subject to review and that addressing climate change and enhancing biodiversity and our natural capital will take priority unless there are other exceptional considerations?

Written response:

The strategy document makes clear that this strategy will be a priority across every part of the council. It will require officers and members to work together to review council policies to ensure they are compatible with our commitment to deliver carbon emissions to net zero as well as the clear objectives in each of the four key themes.

Our other strategies will need to be reviewed in light of our commitments on climate change to support our overall commitment to net zero by 2050. The actions set out in this strategy will support those changes and set policy direction for any new or emerging strategies.

By way of a supplementary question, Mr Copland commented that changing basic assumptions about how a community behaved was difficult. Engagement was part of that as was training for council officers. In the natural environment action plan the date to complete training, particularly for planning staff, had moved in recent drafts from 2.5 years to 3.5 years from declaration. To change the regime for roadside verges would take 5.5 years. Would the council commit to review actions to find ways to bring dates forward?

Councillor Stimson responded that she would commit to looking at the dates to see what could be done.

i) Andrew Hill of Boyn Hill ward asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

The LPA informed me that it was not mandatory for planning panels to be presented with factually correct information *provided* any falsehoods were given “in good faith”. What process is followed to determine “good faith” where falsehoods are subsequently identified, and why aren't such matters returned automatically to the Member panel for reconsideration with the corrected known facts?

Written response:

All decisions taken by the Council's Planning Panels are taken based on the information that is before them at the time. Decisions on planning applications are final once the decision notice has been issued and as such it is not possible for a decision to be returned to the Panel.

By way of a supplementary question, Mr Hill commented that the new Head of Planning had effectively stated that once a decision notice had been issued, it was not possible for a decision to be returned to a planning panel. His predecessor had put exactly the opposite in writing to Mr Hill, quoting that ‘if material considerations had presented themselves since the decision, this would require the matter to be referred back to the committee’. He asked the Lead Member if he agreed that, if the LPA became aware after a meeting that the panel had been misled by false statements, it was better for it to come back to the same planning panel for reconsideration in light of the known correct facts.

Councillor Coppinger responded that it must be frustrating when two opposing views were given. He felt the issue would be best addressed by way of a meeting with the Lead Member and the new Head of Planning.

j) Andrew Hill of Boyn Hill ward asked the following question of Councillor Johnson, Leader of the Council:

Given Deloitte's finding that the valuation of Council assets and RBWM Property Company Limited assets are being “commissioned and conducted” under just one set of shared instructions, can you explain why this company is no longer acting as an arms-length trading company, and state whether that company's MD is formally considered an officer of RBWM itself?

Written response:

RBWM Property Company Ltd is a company wholly owned by the Council. The commissioning of the valuation report was done jointly as the RBWM Property Company's asset base is small in comparison to the Council's. The appointment of the valuer was done under a fully compliant procurement process. RBWM Property Company has to follow the same procurement regulations as the council.

RBWM Property Company has its own independent board and works under a shareholder protocol agreement. The company is arms length from the Council. The Managing Director of RBWM Property Company is not an officer of the Council.

By way of a supplementary question, Mr Hill commented that the External Auditor had said the assets of the council and the RBWM Property Company should be 'commissioned and conducted under separate instructions'. Mr Hill noted that the response appeared to reject the auditor's view, saying the company was small. It had also been stated that the MD of the Property Company was not an officer of RBWM but he had found many references on the council website that she was an officer, for example in the March-June Forward Plan for the previous year, stating that she was the lead officer for an item on the Nicholson's Shopping Centre. Could the Leader explain how she appeared to be an officer of the council on such a major application when it had been said she was not an officer.

Councillor Johnson responded that the Managing Director of the Property Company was not an officer of the local authority. An explanation had been provided that was a clear statement of fact about the separation of the two entities. If Mr Hill believed reports were written in error he asked him to forward them on to him and he would investigate.

k) Jennifer Shaw of Belmont Ward asked the following question of Councillor Johnson, Leader of the Council:

We are now emerging from a slow onset, extensive crisis into another - Climate Change. What specific actions to address the environment and climate emergency will you commence now to capture the gains made, practical and behavioural, during the Covid-19 crisis?

Written response:

The strategy sets out objectives and actions across all areas of the council. The sustainability team sits within the service that is co-ordinating the recovery planning for the covid-19 crisis which will help to ensure we are promoting a green recovery.

One practical example is the recent submission for funding to the Department for Transport to introduce changes in our town centres to support walking and cycling. As a council we have taken the opportunity to reduce travel to and from our offices which has positive impacts on carbon emissions.

We also recognise the important role the community has played in the covid-19 response. We are now working with our community volunteers and organisations to understand how we can continue to work together, and any lessons learnt can be applied to the development and delivery of our climate strategy.

By way of a supplementary question, Ms Shaw thanked the Lead Member for the actions already being taken. She noted one action had been to encourage people to drive by offering three hours free parking to help the economy. Given the radical requirements to reduce emissions and provide COVID-19 safe space, would the council consider no-car days twice a week in the town centres and putting incentives in place for walkers and cyclists using local businesses to encourage less polluting means of travel and strengthen a truly local and circular economy.

Councillor Johnson responded that the 3 hour free parking had been introduced to restart the High Street economy by enticing residents and visitors back to the town centres, thereby supporting the economy, jobs and future investment. In the medium to long term the council wanted to encourage people to travel by walking or cycling, but the immediate priority was to get people in to increase trade.

I) Dave Scarbrough of Belmont ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

In order to reach net-zero in the Borough and in the whole country by 2050, do you agree that we need to leave all fossil fuels in the ground and all new electricity generation must be by renewable means?

Written response:

Reducing our reliance on fossil fuels is undoubtedly very important. In the UK, emissions from electricity generation have fallen by 50% since 2013 (based on evidence from the Committee on Climate Change in 2019). This is significant progress in a very short period of time. The amount of renewable capacity being added to the grid each year is significant.

There is still a need for electricity to be generated on very short notice to meet the peaks in demand. This new electricity generation may need to continue come from fossil fuels in the short to medium term, but we expect that as battery and demand management technology improves, it will be possible to phase this out.

The UK is also currently reliant on natural gas for heating with one of the most comprehensive gas networks in the world. The government has plans to decarbonise gas grid with the use of alternatives such as biomethane. We recognise the need to transition and as part of our new strategy will encourage the most polluting homes in the Borough, namely those using oil for heating to move to low carbon alternatives.

By way of a supplementary question, Mr Scarbrough commented that the main pollutants resulting from natural gas electricity generation were nitrogen oxides which caused respiratory problems. They also reacted with other substances in the air to produce particulate matter and ozone which caused shortness of breath, heart attacks and premature death. Public Health England stated that there were 69 premature deaths in RBWM annually due to Particulate Matter. Recent research indicated that one was more likely to die from Covid-19 if there was poor air quality. The borough already had five AQMAs, and the highest growth rate of asthma related death in the country. What specific measures would the council take to address this life-threatening problem?

Councillor Stimson responded that measuring air quality outside of schools was something the council wanted to do but there was a funding issue. Trying to slow down drivers outside of schools and running their cars whilst waiting outside schools would also be important. As Lead Member she would like to charge higher prices in the middle of towns and also look at increasing walking and cycling routes into towns. Leaving fossil fuels in the ground also was important but there was not yet enough renewable energy available.

m) Claire Taylor of Eton and Castle ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Understanding that the financial situation of the council has been made even worse by the Covid-19 emergency, will the Council contract work on a biodiversity action plan (and other work to implement the strategy) to local voluntary groups who will likely be able to take the work forward at low or no cost?

Written response:

We have identified the need to work with local voluntary groups to support the delivery of the climate strategy. As set out in the strategy, the action plan will be developed into a full delivery plan that will set out the scope of every action and how they will be delivered. We welcome the opportunity to discuss this further through the proposed stakeholder advisory board to identify the best way to deliver each action.

By way of a supplementary question, Ms Taylor commented that Wild Eton and Eton Wick looked forward to hearing more about the proposed stakeholder advisory. She asked how many professional ecologists the council employed and what input had they had had into the strategy.

Councillor Stimson responded that there were two full time officers and there were others involved, but she was unsure of the level of input. She would respond with a written answer.

Written response: The council has one professional ecologist who has been involved in internal consultation on the strategy, this has included internal workshops to develop the action plan. We have also worked closely with the wider parks and countryside team who have relevant knowledge and experience in these areas to develop the proposals within the Natural Environment theme of the strategy. Our Service Lead for Sustainability, who has been one of the key contributors in writing our strategy also has a Masters in Ecology.

n) Sarah Scarbrough of Belmont ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

The interim strategy lacks detail and input from RBWM's CEC. What do you expect will be gained from a public consultation on the interim strategy as it stands?

Written response:

This strategy presented to full council is the result of a series of public workshops and events which included members of the RBWM CEC and other key stakeholders.

In addition to this, the RBWM CEC and three other groups representing each of the strategy's four themes were given the opportunity to comment on the document itself. These comments were considered and the majority were incorporated. Stakeholders including RBWM CEC received written responses to their comments which explained whether their comments could be incorporated and the rationale behind this.

The public consultation offers an opportunity for all residents in the Borough to provide their views and feedback on our climate and environment strategy. It also provides an excellent opportunity to raise the profile of the issues and improve engagement with communities and businesses on the climate crisis.

By way of a supplementary question, Ms Scarbrough commented that a public consultation on a lengthy strategy document was very unlikely to draw the attention of the majority of the borough's community. The council needed to use a different method to engage, inform and inspire residents and businesses and gain the public mandate to support the difficult decisions that needed to be taken to reach carbon net zero at or before 2050. Would the council be prepared to send out more targeted information and ask the public 'Are you satisfied that the Council has chosen to aim for 2% warming rather than the 1.5% limit that the Paris agreement indicated should be pursued?

Councillor Stimson responded that a lot could be achieved by reaching out to large organisations. It had been seen with COVID-19 that the community was able to come together. The consultation approach was that the council was looking to change the way things were done and wanted the views of the community including would could be done better and how could it be speeded up. The council would be approaching businesses as well. If there were specific questions the CEC wanted to ask they would be considered, however she highlighted it was a serious consultation rather than a few lines on a piece of paper.

o) Georgina Ellis of Datchet, Horton and Wraysbury ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Does the Lead Member agree with me that lack of good biodiversity action planning leads to food insecurity, poorer health and increased flood risk? Can the Council explain why a biodiversity action plan has not been a priority for RBWM despite repeated offers from voluntary groups to help with the implementation of this vital element of the Climate Strategy?

Written response:

We recognise the importance of biodiversity and this is why the natural environment has been highlighted as one of four key themes within the strategy document. This includes setting up a new 'Natural Capital' programme that will enable the council to manage its natural environment projects in a co-ordinated way to support biodiversity.

We understand the frustration from some people who want faster progress on specific issues and projects. However, it is important that we have the right overall approach

to tackling the climate emergency that allows us to prioritise the right activities to ensure we meet our overall ambitions of being net zero by 2050 at the latest.

Ms Ellis was not in attendance to ask a supplementary question.

p) Sarah Bowden of Boyn Hill ward asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

Given that the inspection of the Borough Local Plan will not now happen until Autumn, will the Council commit to immediately draft and put in place in 2020 a Supplementary Planning Document that stipulates the actions required to prevent making the Environment and Climate Emergency situation any worse?

Written response:

It is correct that the Stage 2 BLP hearing sessions will now not happen until the autumn, but there is a significant amount of work required to prepare for these hearing sessions. Earlier this month the Local Plan Inspector issued her Stage 2 Matters, Issues and Questions, along with a request that the Council responds to every question. There are over 200 questions, many of which raise complex issues, requiring detailed input from consultant advisors, as well as Officers in other departments.

It is important that development in the borough supports our ambition to be net zero by 2050 at the latest. Many of the policies in the Borough Local Plan seek to address directly or indirectly matters in relation to the environment and climate change, and getting the Borough Local Plan through the examination process and adopted remains a Council priority.

The draft Environment and Climate Strategy put before council this evening, sets out an action to prepare more detailed advice in Supplementary Planning Documents but this will need to sit under the new Borough Local Plan once it is adopted.

By way of a supplementary question, Ms Bowden commented that an emergency SPD had been originally proposed in December last year and an offer of help to produce it was made in January. The response was that it was not possible whilst the BLP was under inspection. Since then 900 planning applications had been approved, and contrary to this it was understood that a new Borough-Wide Design Guide SPD was up for approval later in the week. The response led her to believe that it was resources and priorities that were the issue rather than the status of the inspection. How many more months of planning application approvals that made the current situation worse was the Lead Member prepared to subject the borough to? Given the responses and lack of urgency demonstrated she was personally withdrawing her support of the council and redirecting her valuable time where it would have more impact addressing the climate emergency.

Councillor Coppinger responded that everyone needed to understand that the officers of the council had had a very difficult time dealing with the COVID-19 emergency in the last few months. It has had involved many officers working very hard under extreme pressure. This was not an excuse but it was a fact. The council had to deal with applications within a certain time therefore they had to proceed. The council had limited resources within the policy area; officers had had to focus time on the

questions raised in relation to the BLP by the Inspector. He was sorry that this did not meet Ms Bowden's requirements but the council was doing the best job it could.

q) Rachel Cook of Boyn Hill ward asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

Given that it is an important part of the National Planning Policy Framework, why have biodiversity measures such as ecological appraisal and habitat connectivity been omitted from the Borough Wide Design Guide SPD, and will you commit to including those amendments suggested by Wild Maidenhead?

Written response:

The Borough Local Plan Proposed Changes Policy NR2 incorporates a requirement that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value (such as hedgerows, trees, river corridors and other water bodies and the presence of protected species). It also requires new developments to identify areas where there is an opportunity for biodiversity to be improved including through recognising the importance of green corridors. Subsection 4 of that policy specifically requires that development proposals must be accompanied by ecological reports in accordance with BS 42020, to aid the assessment of proposals.

As such, the Council's expectation on developers in relation to enhancing and protecting biodiversity is clearly spelled out in the emerging BLP

It is not necessary to repeat these requirements in the Borough Wide Design Guide, as relevant planning applications will be considered against the policies in the Borough Local Plan, as well as against the more detailed requirements set out in Supplementary Planning Documents, including the Borough Wide Design Guide.

The Borough Wide Design Guide SPD does refer to biodiversity measures, some of which have been strengthened following consultation on the draft version.

Finally, further opportunities for connecting wildlife and habitats will be addressed in the forthcoming Green and Blue Infrastructure SPD.

By way of a supplementary question, Ms Cook asked when would the Green and Blue SPD be put into place.

Councillor Coppinger responded that he anticipated it to be in place by the autumn/winter of 2020.

r) Emily Tomalin of Bisham and Cookham ward asked the following question of Councillor Clark, Lead Member for Transport and Infrastructure:

Ghentrification for Cyclists! Can RBWM copy the simple, bold, low cost strategy of Ghent, where traffic was discouraged from town centres with filters on side roads that stopped cars, allowed bicycles, reducing speed limits to 20 mph and giving cyclists clear priority? Motor vehicles could still access all areas but only by travelling outside the town and in again, between segments.

Written response:

We have reviewed the Ghent example and, as a Borough, are considering where and how the use of filters, pop-up cycle space and priority crossings can benefit local journeys. All of our cycling ambitions are based on the valuable work that went into the Cycling Action Plan 2018-2028. This used local trip data and input from local residents' groups to identify routes and measures to prioritise. At the moment we are pursuing a 20mph zone for Maidenhead Town Centre and have identified where and how the current available funding can best benefit everyone, including cyclists, to allow people to make the journeys they want to make.

The first step is additional monitoring, which we are currently undertaking. Our intention is to apply for the Emergency Active Travel Fund currently being made available by the Department for Transport to help deliver the Cycle Action Plan. This fund is for pop-up bike lanes, wider pavements, safer junctions, and cycle and bus-only corridors. The borough has already applied for the first tranche of this Emergency Active Travel funding (we have yet to hear the outcome) and we will soon be applying for the second tranche of funding. The second tranche forms the larger portion of potential funding.

The local character of the Borough means that for Maidenhead, Windsor and Ascot, there are only a few access points to High Streets and town centres. This does not make the implementation of filters straight forward, as it means that they have a significant impact on all traffic movements. For this reason it is felt necessary for such a decision to be fully considered. Once the benefits are better understood we will move forward accordingly.”

By way of a supplementary question, Ms Tomalin asked the council to explore committing income from parking charges, not excessive for the elderly or disabled, in order to improve public transport for cycling and walking. Could the council explain the multiple benefits of this to residents and local businesses including the cost-benefit ratio?

Councillor Clark responded that parking charges should not be connected with the investment. If there was an investment in cycling infrastructure to address issues in the cycling action plan that was part of the balanced budget. The collection of revenues for applications, licences etc. was a separate issue as part of the council's revenue. The council was pursuing a policy of looking at promotion of cycling in town centres under the emergency funding and it would always look how to balance its budgets and how to progress the cycling action plan.

s) Emily Tomalin of Bisham and Cookham ward asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

Would the Council consider a new planning designation to encourage local organic food production? Many areas are poorly used agriculturally in the hope that houses could be built. Instead could the Council find a way to encourage small holdings or allotments?

Written response:

Unfortunately, the planning system cannot be used to directly control whether food production is organic (or non-organic), and nor can the planning system be used to directly control where any food grown in the Borough is sold and consumed.

However, the Proposed Changes version of the BLP does include Policy QP2 (Green and Blue Infrastructure), and this policy requires development proposals to contribute to the maintenance, enhancement, and where possible, enlargement of the Borough's existing green and blue infrastructure, which includes allotments, community gardens/orchards and urban farms.

In addition, the Site Allocation Proformas included in the BLP specifically require some of the sites allocated for development to provide new allotments and/ or community gardens and orchards.

I therefore believe that the BLP will help maintain land that can be used for local food production, as well as creating new allotments and/ or community gardens and orchards, as part of the Plan's strong place-making agenda. This is reinforced through the climate strategy objectives to promote sustainable food production, including an action to provide more opportunities for people to 'grow their own'.

By way of a supplementary question, Ms Tomalin asked if the council could make money and create jobs by supporting more local food production, also supplying fresher food to local businesses and schools.

Councillor Coppinger responded that he would discuss the issue with officers and provide a written response.

Written response: The council has identified 'promoting sustainable food choices' as an objective of the climate strategy in our natural environment theme. As part of that work we would be working closely with local suppliers to provide education and promote more local production. There is unlikely to be direct financial benefit to the council but there could be wider economic and social benefits to the borough as a whole. The primary objective of this work is to deliver the environmental benefits but there is also an opportunity to promote the benefits to the local economy, health and wellbeing. As part of our covid-19 recovery strategy we have also been promoting local businesses through our communication channels and will continue to do so as part of this work.

t) Adam Bermange of Boyn Hill ward asked following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

The BLP under examination will increase carbon emissions by 22.5%. The Inspector now asks whether the proposed additional Policy SP2 is effective in meeting the requirements, under Section 19(1A) of the Planning and Compulsory Purchase Act, to include policies securing that development contributes to the mitigation of, and adaptation to, climate change. How does the Lead Member propose to respond?

Written response:

As a country and a borough, we have committed to be net zero by 2050, at the latest. To achieve this will require carbon emission reductions across a whole range of sectors and activities. The climate strategy sets out the key areas of focus to 2050, with an action plan for the next five years to support transition to net zero. We welcome your views on the strategy in the forthcoming public consultation.

The RBWM Planning Policy Team is currently working through all the Matters, Issues and Questions, ensuring a comprehensive response is ready for submission by 7th August 2020.

The Inspector has asked several questions in relation to Policy SP2, and in responding, Officers will be taking into account legal advice, as well as the wide range of policies and proposals in the BLP that directly (or indirectly) address the requirement to contribute to the mitigation of, and adaptation to, climate change.

The work undertaken by the Council does not suggest or support the proposition that the BLP will increase carbon emissions by 22.5% and the Council strongly considers that the proposed changes to the plan, including the addition of Policy SP2, strengthen the Plan in terms of climate change and biodiversity.

By way of a supplementary, Mr Bermange commented that the council's commitment to reaching net zero by 2050 was a positive step and this target was now enshrined in the amended Climate Change Act.

Given, under that Act, the Secretary of State had a duty when acting to consider UK domestic action on climate change and taking this together with the recent Heathrow Ruling does the Lead Member share his concern that, without significant strengthening of SP2, the Secretary of State would be duty bound to take over the entire plan-making process, under the default powers of Section 27 of the Planning and Compulsory Purchase Act, and impose whatever changes he saw fit to make the BLP sound? Was it not now wiser to submit under the less stringent economic viability constraints of the 2019 NPPF?

Councillor Coppinger responded that he expected the Inspector would ask the council to make major modifications and the council was happy to accept them. He was unsure of the consequences of Mr Bermange's question; he would therefore provide a written response.

Written response provided after the meeting: Many thanks for the supplementary question. As you will be aware, the Local Plan Inspector has asked over 200 questions to assist in her determination of whether the Borough Local Plan is legally compliant and sound. A few of these questions relate to Policy SP2. I have discussed with experienced officers, and they have confirmed that is not unusual for an Inspector to ask a lot of questions about a complex Local Plan. The Inspector is seeking to ensure that she has a good understanding of all of the key issues, prior to providing her Final Report on the Examination.

I do not see any reason at this time for the Secretary of State to use his powers under Section 27 of the Planning and Compulsory Purchase Act. The Borough Council is seeking to assist the Inspector with her Matters, Issues and Questions, and is generally working to support the ongoing Examination of the Borough Local Plan. The Council has asked the Inspector to recommend any changes to the Borough Local Plan that she feels are necessary to enable the Plan to be found sound, and as necessary and appropriate, these recommendations will address Policy SP2.

I am afraid I do not fully understand the final part of the question, in relation to submitting under the 2019 NPPF. The Borough Local Plan has of course passed through the Stage 1 Hearing process, and we are continuing at this time to progress the Plan under the transitional arrangements set out at paragraph 214 of the NPPF (February 2019).

u) Adam Bermange of Boyn Hill ward asked the following question of Councillor Hilton, Lead Member for Finance and Ascot:

Is the Lead Member satisfied that the Cabinet invested sufficient time in challenging the deliverability, from a legal and compliance standpoint, of the incremental residents' parking permit income as well as the other opportunities and savings relied upon in setting a balanced budget for 2020/21?

Written response:

When setting a balanced budget for 2020/21 almost £5.5m of savings proposals were identified. Each of these savings will have been considered in terms of their deliverability including the actions and steps that would need to be taken to ensure planned delivery. Prior to the budget being agreed at full council in February 2020, it was considered at Corporate Overview and Scrutiny too.

Whilst significant due diligence is undertaken to provide reassurance that all aspects that may affect delivery of any saving have been considered, in the case of the parking permit income it was identified after the budget was set that the intended way to deliver the scheme was incorrect. This will have an impact in the financial year 2020/21 and means the council will have to manage the financial implications of this in year by finding alternative savings and take other steps to manage our resources.

For this financial year, a new tracker has been introduced as part of the budget monitoring process which tracks intended savings delivery and identifies any risks to delivery and identifies any alternative options to manage resources appropriately. This will be included in our publicly available monitoring reports which will be considered at Cabinet on a bi-monthly basis, starting from July.

By way of a supplementary question, Mr Bermange congratulated the council for its remedial steps in writing the wrong however he was sceptical that the alternative saving in excess of £100,000 would be found when the Lead Member was unable to identify a £35,000 virement to fund four weeks of free parking. He asked whether the Lead Member intended to dip into the £1.3m contingency budget to fund the error and given other savings and opportunity deliverability issues such as the family hubs project, how much of the contingency fund was left?

Councillor Hilton responded that the £35,000 would be funded from other sources and the service would make savings in other areas. The council would remain very strict in the way it dealt with overspends. The council was sitting in a difficult and different place at the moment due to significant potential overspends as a result of COVID-19. The government had provided £7m of funding. The council would be working on a new Medium Term Financial Strategy and was determined to deliver a balanced budget.

v) Susy Shearer of Clewer East Ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

'The greenest building is the one already standing.' Recycling existing buildings including heritage assets takes maximum advantage of already utilised energy and materials. Furthermore, re-using those with even average energy performance consistently offers immediate climate change impact reductions as compared with more energy-efficient types of new construction. How will these principles be reflected in the Climate Strategy?

Written response:

This will clearly depend on the specific example. Using low carbon building techniques, it is possible to construct buildings that have both low embedded and operational carbon. Existing buildings can be expensive to retrofit and heritage buildings may well have conservation considerations.

We recognise that 'existing buildings' make up the vast majority of buildings that we will have in 2050 and we will need to tackle those to get to net zero. As part of our strategy, we will prioritise projects based on a number of factors including how much carbon emission reductions they will deliver. We will also be working with businesses in the Borough to encourage them to consider the buildings they operate from.

By way of a supplementary question, Ms Shearer welcomed the suggestions that low carbon building techniques would be used in new construction and recognised the challenges that could be faced in the process of recycling buildings. She asked the Lead Member to confirm that recycling buildings would be typically referred to as a principle in the strategy.

Councillor Stimson responded that a large proportion of existing buildings would still exist in 2050; a lot would need to be retro-fitted to be carbon neutral. There was a large task ahead.

w) Susy Shearer of Clewer East Ward asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

An estimated 25% of car journeys in the Borough are under 2 miles yet are a major contributor to CO₂, NO₂ and noise pollution and community severance. What specific measures will be included in the Climate Strategy to shift these journeys away from cars and towards walking, cycling and public transport?

Written response:

The climate strategy sets out an ambition to decarbonise transport and incentivise more use of active transport modes. This will help tackle pollution and carbon emissions issues you set out and improve people's health and wellbeing. It contains a number of specific measures to achieve this.

Delivery of our current cycling action plan is an important first step. It aims to increase cycling journeys by 50% by 2028. Opportunities for people to walking and cycle more will be identified in new 'growth areas' as part of development planning too.

In addition, the strategy sets out public transport usage will be incentivised; through the investigation of options for demand responsive transport in the borough. The climate strategy also recognises that the best way of reducing emissions is to avoid unnecessary travel. It commits to facilitate the roll out of digital infrastructure in the borough to enable flexible working.

The strategy recognises that some journeys will still need to be made by car. To minimise the impact of this, and to further reduce air pollution and carbon emissions issues you set out; we will support the reduction in emissions of these journeys through infrastructure provision for electric vehicles charging.

By way of a supplementary question, Ms Shearer commented that she had been pleased that the council had committed to implementing a cycling action plan scheme and would include facilities for cycling in new developments, along with demand responsive public transport. Incentives such as Advantage Card reward points for cycling and walking would be greatly welcomed. Additional provision through government funded safe space interventions would simultaneously help expand cycling and walking route networks and support climate change objectives. Would the Lead Member confirm that safe space interventions would be added to the strategy, particularly as future waves of COVID-19 were a genuine risk.

Councillor Stimson responded that alongside Councillor Clark she would be working on the issue to increase the number of cycling journeys by 50%, which was already in the strategy.

9. PETITIONS

No petitions were submitted.

10. REFERRALS FROM OTHER BODIES

Climate Strategy

Members considered the council's draft climate strategy and action plan to allow the document to be published for public consultation.

Councillor Stimson explained that it was a year ago, in June 2019, when the council had declared an environmental and climate emergency. As part of the motion at full Council, the Royal Borough made a commitment to form a cross-party steering group, to develop a draft strategy, and bring it before council a year later. The commitment made as a Council in June 2019 was to achieve a target of net zero carbon emissions in the Borough by 2050, in line with Government policy. This was the minimum commitment. From the number of questions that had been submitted tonight she was aware there was a strong desire for the strategy to be as ambitious as it could be. This was her wish too and the council had committed to publishing an updated trajectory within 6 months of the strategy being approved by full Council.

The latest figures had put the Borough emissions at 670.8 kt CO₂. Of that 38% was domestic, 33% was transport, and 28% was industry, commercial and agriculture.

When domestic use, the biggest sector, it was gas emissions that were the issue. There were 151,000 residents in the borough living in 59,000 properties, with upwards of 700 being built annually that would need to be taken account of as well. This was the biggest sector to influence and the council would work with government on funding to retrofit homes to decarbonise them.

Councillor Stimson highlighted the areas the strategy covered;

- Circular economy - how to become more sustainable in the use of resources, from not using them, to reducing waste, encouraging material re-use, increasing recycling, and supporting less resource intensive lifestyles
- Energy: how to use less energy in buildings and homes, decarbonisation of supply
- Natural environment: how to look after and improve this part of the Thames Valley and in so doing increase residents' health and wellbeing.
- Transport: how to reduce the need for carbon intensive travel by encouraging walking and cycling, investing in digital infrastructure, encouraging sustainable travel, electric vehicle charging points, cycle routes.

This was a true emergency, with the climate changing on a scale and pace that threatened the current way of life and more so that of children and their children. The COVID-19 pandemic had shown how people could adapt rapidly, and how the borough was capable of working together with urgency to try to help those more vulnerable.

From her perspective as Lead Member, this had been a hard mountain to climb, and the council was just in the foothills. The execution had not been perfect. A month ago her Cabinet colleagues had trusted her (along with the Director of Place) to strengthen the draft strategy presented to them with the work of four stakeholders. A much stronger document was therefore presented. It was still not perfect. It was, after all, a draft. The council needed to engage with businesses, identify a budget and a governance structure. There would be many other challenges that had not yet been thought of; facing a climate emergency was something all councils were struggling with for the first time.

The process going forward needed to encapsulate "fair process". She felt there was a nervousness that rippled through some Members and officers when she spoke of stakeholder engagement. She was not trying to achieve harmony through compromise by getting everyone's buy in. Fair process pursued the best ideas whether they were put forward by one or many. It was about engagement, explanation and expectation clarity. When practiced, it engendered trust and buy-in.

In adopting the report, the Council in its entirety would be demonstrating that the challenge was of paramount importance, placing climate change high on the agenda of every council Member and every department. To achieve the goals that had been set out, the council would utilise a range of internal funding sources and deliver its programme of activity. A challenge of this urgency and scale would require funding from central government. The council would also continue to lobby government to make available specific funding.

Councillor Stimson commented that she had many people she would like to thank but did not have time. She particularly wished to thank Sarah Bowden for her patience and her fair approach. She also thanked Gerry and Julian and Councillors Davies and Da Costa.

Councillor Davies commented that the natural world became all the more precious when people were shaken out of their usual complacency by a reminder of just how precarious life was; the sharp contrast made the sky seem bluer, the air fresher, flowers more colourful and birdsong more beautiful. When a crisis happened, it could also be seen what was possible. In the COVID-19 crisis, human beings had shown they were resourceful, inventive, imaginative, and generous. Those same attributes needed to be harnessed to address the existential environmental crisis.

It had been a privilege over the last year to spend time with local residents who had offered so much expert advice on tackling the crisis. She paid tribute to Dr Sarah Bowden for her work leading the CEC over the last eighteen months and kicking the process off. Those connections were something the council needed to develop into a truly participatory process, so that everyone used the unique tools at their disposal. Going forward, the consultation needed to both harness the expertise of stakeholders and reach out to the wider population of the borough and not just engage with those who are already engaged. Councillor Stimson and the sustainability team had worked extremely hard over the last nine months to get to this point, but it was vital that every single Member and every single officer in the Royal Borough truly took ownership of the strategy and for developing it.

There was no time to lose. Accepting the strategy only marked the start of the process. A year ago Councillor Davies had argued for a target date of 2030, as many councils had. In the strategy there was a clear acknowledgement that 2050 was a backstop date and that the target date must be brought forward as this became possible. There was also a commitment that the Steering Group would continue to develop the objectives, scope and methodology of the strategy. There was also a commitment to publishing a revised trajectory to net zero within six months of the strategy being accepted.

That being the case, this was a once in a lifetime opportunity to act. It was not the strategy for the next thirty years, but she believed it was the strategy for this year and she therefore urged Members to support it.

Councillor W. Da Costa thanked Councillor Stimson for agreeing to revisit and bring the strategy back in six months. Stakeholders and residents felt they had not been listened to hence the fervent questions from residents earlier in the meeting. Stakeholders were starting to disengage and stop supporting the council; one world renowned expert has even called the paper and council “hapless” and had withdrawn their support.

The council had to address the issue, involve residents, and collaborate because all were in it together. Much good work had been done by many including officers but, it was important to start off on the right foot. Climate change resilience must be included to safeguard residents and services. Dangerous levels of climate change were already locked in, actions to limit it were needed. Councillor Da Costa suggested three clear objectives to cover:

- Net Zero Carbon emissions by 2030 or 2040
- Protect and restore native biodiversity

- Develop Climate Change Resilience for the extreme weather

There was a need to be clear and precise about the three key objectives, the metrics, the targets, and the timeframes and then turn these into policy and report on each in every report that was produced by the council, and embed them in all planning documents.

There was a limited budget of carbon that could be used before dangerous concentrations of greenhouse gases were in the atmosphere, precipitating extreme levels of climate change. Targeted carbon emissions were straight line but should be logarithmic. If they were there would be massive reductions in carbon emissions in the earlier years meaning the target was more likely to be hit before dangerous levels. Baseline emissions should be produced from scratch using metrics which should then be used to assess all projects and evaluated retrospectively for success. Borough wide baseline assessments of biodiversity, soil types, and geography and geology must be produced to inform a Biodiversity Strategy for the whole borough. Metrics including blue infrastructure and green infrastructure could then be used to inform the Borough Local Plan. The council must take up the free offer of help from Natural England and DEFRA

Biodiversity should target protection of species, habitat, and green space, and target restoration back to earlier levels. Green urban spaces and biomimicry should be considered. Passivhaus standards for building materials, processes and building operations should be applied to all new builds and even retrofits. The Supplementary Planning Document must include standards and methodologies for zero carbon, biodiversity restoration and, climate change resilience. Then developers would know what they were aiming at and how to achieve it.

There were other issues not included in the plan such as transportation being decarbonized which accounted of 40% carbon emissions. Plant based diets must be promoted, which would contribute to a 10% reduction in carbon emissions

Work could start on the plan now but it must start off on the right foot, and agree to bring back a revised strategy in 6 months and include input from stakeholders, a board of governance and, two Citizen Assemblies, funded by DEFRA. This was a once in a life time opportunity; it was a life or death opportunity.

Councillor del Campo commented that without direct funding it was difficult to see how a strategy could be perfect but it was a good starting point. She wished to highlight the issue of emissions outside the council's direct operational control. She was glad to see that Procurement would look at ways to contractually require contractors to reduce emissions. It would be impossible to measure progress if they were not included in the council's baseline emission figures. Schools were included but there were a number outside of the local authority control.

Councillor Singh commented that this was an evolving piece of work that would need to be periodically revisited. He thanked the Lead Member and officers for what had already been achieved.

Councillor Werner welcomed the work completed by the working group and stated he would be supporting the strategy at the vote. The country was fighting a dreadful virus and the council was fighting a financial situation of its own making. Ultimately the climate emergency could destroy all life on earth therefore it needed to be dealt with urgently and fast. It would cost money but he asked 'what cost the planet?' He paid

tribute to the work of the working group but he was disappointed that there were so many barriers put in the way. The final report was a compromise between what the working group wanted and what the administration was prepared to allow. Ideally he would like to see some improvements, including an exponential model for carbon emissions. The Tyndall model clearly showed the way to achieve neutrality without exceeding global warming by 1.5 degrees was to invest now in up front improvements. The stakeholder representatives had highlighted a number of issues, but he urged them to stay involved in the process and hold the council to account. Councillor Werner requested that the strategy be brought back updated with money attached to make it a reality.

Councillor Davey commented that he knew the Lead Member's heart was in the right place and she was keen to find solutions. Improving recycling rates, promoting more sustainable choices, reducing energy demands, creating nice places all sounded idyllic. As a local authority, the need for carbon intensive travel would be reduced by encouraging walking and cycling as well as investing in digital infrastructure. It would create conditions for sustainable travel through the provision of infrastructure such as cycle routes and electric vehicle charging points, and minimise the impacts of road traffic by encouraging cleaner vehicles and supporting innovative smart mobility solutions.

It would take the combined efforts of business, industry, residents and community groups to make the strategy a reality and drive forward real change at the pace and scale that was required. There was talk of the government taking action to ramp up the electric vehicle market. In relation to the target for a growth of cyclists by 50% by 2028, Councillor Davey highlighted that the figure was currently 3%.

In measuring emissions the government advised local authorities to exclude motorway emissions or diesel railways. There were thousands of cars a minute moving in triangular form around Windsor, which was just ignored and instead the focus was on challenging local residents popping to the shops.

A straight line trajectory to net zero by 2050 was the current measure of success. If you asked local school children how they would measure success they would be looking at more of a logarithmic curve. Waste made up 4% of emissions. Targets of 44% waste recycled or composted, with a vision to be 50% by 2025 and improving composting rates by 10% by 2025. Councillor Davey felt these targets were very unambitious. How many people were completely ignoring recycling and chucking out their black bin waste in blue bins at this time? They did not care, they just wanted their rubbish not to be their problem. The council should explain to residents how much more that selfish behaviour costed when the recycling plant rejected the recycle load. Instead the strategy talked about swap shops. He questioned would RBWM fund these; they were not needed when there were charity shops and Facebook.

The strategy talked about 100 people switching domestic energy tariffs to green supplies each year. Councillor Davey asked if that was really ambitious enough to accelerate change.

Councillor Davey highlighted the roll out of digital infrastructure in the borough to enable flexible working, including identifying partners to provide 5G and superfast broadband and trial Smart City concepts in RBWM.

The strategy also talked about identifying a partner and funding model to deliver sufficient charging points to meet demand, monitored through the council's annual monitoring report. He understood that Connected Kerb were providing the kit for Alma Road and there was a budget allowance for the year. There was a need to review the CIL and S106 payments if the council was going to find the money for all the 5G technology.

The Lead Member mentioned 59,000 properties in RBWM so how did having 10,000 5G enabled electric charge points around RBWM fit with reducing energy demand? Councillor Davey suggested that surely 10,000 hydrogen fuelled cars would be far better for the environment and residents' health. The government had put 5G in the same box as motorways.

He could not support the paper without a debate on 5G, as without it the Climate Strategy was defeating itself. He would be looking for RBWM to have a proper, public debate on 5G pros and cons in the not too distant future.

Councillor Hilton commented that he believed everyone would be supportive of the Climate Change strategy which demonstrated that many people making relatively small changes delivered a big outcome. It was all about cultural change and that would take time. As Lead Member for Finance he was, with Cabinet colleagues, responsible for balancing the council's books. Cabinet members responsible for spending this money would be considering how that may be done in alignment with the four objectives of the Climate Change strategy.

Councillor Hilton explained that he also chaired the Berkshire Pension Fund Investment working group which proposed the investment strategy and, in the past, made individual decisions on how to investment £2.2 billion. However, in 2016 under government guidance, the fund had pooled its fund with the Local Pensions Partnership (LPP) who managed investments on behalf of the Berkshire fund and also the Lancashire County Pensions fund and the London Pension Fund Authority. There was a total of £17bn in the fund.

For a long time, pension funds had recognised their responsibilities under environmental, social, and governance (ESG) factors which were the three central factors in measuring the sustainability and societal impact of an investment in a company or business. LPP employed 400 people and one of the unintended consequences of pooling was that the resource had become available to provide ESG metrics. LPP had just developed a Responsible Investment Dashboard for client pension funds which presented summary information in a series of visual metrics which allowed engagement with invested companies to seek improvement. This would soon be shared with the Pensions Panel.

There were 89 Local Government pension schemes with assets totalling £300 bn. A number formed the Local Authority Pensions Fund Forum (LAPFF) which provided them with considerable financial muscle; to date 81 of the funds were members. The Forum considered that issues such as climate change and employment standards required as much investor attention as more traditional concerns such as corporate governance and executive remuneration. Councillor Hilton proposed that the Berkshire pension fund joined the LAPFF, something which he was sure Councillor Sharpe who chaired the Pension Panel would support. This did not form part of the local strategy but demonstrated that every aspect of the council's operations were totally committed to the cause.

Councillor Baldwin stated that he welcomed the paper. It had already undergone significant changes and it was much better for them. As the council moved forward, a clear plan for protecting the remaining natural treasures was needed. The council should urgently review the scope and range of its powers so that Members could be briefed on what was possible. No solution, no matter how radical, should be casually discarded. Preserving them in some sort of trust would benefit both the aims of the paper and the residents of the borough.

Whatever the mechanism, a way had to be found to permanently remove the threat of development on Deerswood Common. He thanked Wild Maidenhead for their extraordinary efforts in the area, from toad ladders upwards. Great Thrift Wood too should be the subject of an urgent review. This was a vital local engine for carbon absorption and one of the loveliest spots in the borough. The work done so far by the Friends of Battlemead Common needed to quickly restart as soon as the COVID-19 limitations could be overcome. This was perhaps the most important wild-life habitat in the borough. The ecological diversity, the rarity of bird species that nested there and its simple beauty made it a rare gem indeed. It was not a park; it was a nature oasis and it should be treated as such.

Councillor Bond commented that the strategy was a good start to an important task. He had been undertaking research into pension fund portfolio transparency and climate change risk and resilience. He welcomed Councillor Hilton's announcement. In relation to funding of the strategy. The report referred to internal funding sources which were strained at the moment, and the government. Brief mention was made of the local renewable energy co-op which left out so much. Many of the ideas had a payback including renewable energy and home insulation: The circular economy reduced the cost of landfill; low carbon transport usually had lower running costs; composting for even small gardens. Where there was a return there was potentially an investment. There were different risk profiles. Getting the funding was one of the key features of a successful outcome. The Steering Group had taken an important first step.

Councillor Rayner stated that climate change was a most serious threat to the planet. She was very proud to be part of a council that had declared a climate emergency and was working towards being carbon zero. The last few weeks of lockdown had shown what change could happen and that there was the capacity to adapt. She enjoyed being part of one of the key stakeholder groups, Plastic Free Windsor. She had begun to understand what was possible and achievable and this had led to increased engagement through the One Borough group. There were several offshoot projects. In her ward Wild Eton and Eton Wick had been established. With the waterways group they had been working to protect homes from flooding and improve resident access to the rivers and wildlife.

Councillor Rayner explained that in her Lead Member areas there had been a number of targets achieved. The new leisure centre would use 70% less energy than the previous one. The borough libraries had minimised single use plastics, which had also been removed from council meetings. Training for staff on biodiversity and climate change was planned and small groups had been able to take time off to work in the community, for example planting trees.

Councillor C Da Costa commented that she was disappointed to hear that Sarah Bowden had withdrawn her support. She had witnessed the amount of time invested

by many in the piece of work, this needed to be honoured by ensuring that climate change policies were woven throughout borough policies rather than put into silos.

Councillor Walters explained that he had originally been a climate change sceptic but was now convinced he had been wrong. He congratulated the Lead Member and her team on the strategy.

Councillor Tisi highlighted the circular economy and the need to reduce waste. She was disappointed that the strategy did not include any actions to reduce the waste from disposable nappies. A single child could create a tonne of waste before they were potty trained. Some local authorities encouraged the use of reusable, washable nappies by sharing knowledge and dispelling myths. Financial support was also often provided, although she appreciated that would be difficult at the moment. She suggested the council could work in conjunction with NCT groups, provide samples at libraries, seek incentive funding from the government and work with local providers to negotiate discounts.

Councillor Jones thanked the contributors to the working group; she understood this was a starting report. Reports included a section on climate change but it was important to fully understand the impact of each decision on the climate emergency that was faced. When measurable targets were in place, she requested that the impact be detailed in reports.

Councillor Knowles explained that he had spent many years living in central Europe, which led the way because of a surge of interest in Green parties in the 1980s. This had led to coalition involvement meaning the issue was higher on the agenda. From that experience, he was aware that everything was integrated. At a local authority level, the lead on climate change attended every single policy decision making meeting to ensure climate change was taken into consideration and prevented silos.

Councillor Price commented that over 50 years previously she had picked up a book called 'Silence of Spring'; the message within had affected her ever since. She requested three things be considered over the next 6 months. Increasing cycling had been mentioned but many of the borough residents were elderly whose only alternative was public transport. She would therefore like to see greater emphasis on public transport. The second area was consultation; she felt there was nothing in the report about the consultation. The third was the equality duty. The Equalities Impact Statement could not be left until the end otherwise the council would not be meeting its duty.

Councillor Carroll highlighted the involvement of young people, including the youth ambassadors for whom the issues was very important. A letter had been sent to all school seeking more involvement. He requested that the next iteration continue with the involvement of young people who offered unique insights. The issues highlighted by young people included a desire for the council to be ambitious, that the Members were accountable for undertaking actions both in the council and in their own lives. He felt it would be important for the Lead Member to bring forward a proposal to ask all councillors to commit to improvements from a lifestyle point of view, including investments. The council would be bringing forward a comprehensive recycling campaign including educating residents on which bins to use.

Councillor Sharpe commented that the strategy was an incredible piece of work that all had enjoyed working on. It had got the council to a position far better than previously. It was time to stop talking and get on with it by starting the consultation.

Councillor Hill commented that he felt there was some hypocrisy in the paper. The borough opposed development at Claires Court School, Lodge Farm and other areas yet there was a push to develop Maidenhead golf club and land south of Harvest Hill. The impact of COVID-19 meant a reduction in need for office space and some retail units would inevitably move to residential use. He would support the paper but he was concerned about overdevelopment in his ward.

Councillor Clark commented that it had been an enormous task to produce the paper in the timescale set, particularly given the distraction of COVID-19. The strategy was a dynamic document that would be reviewed.

Councillor Johnson highlighted that 12 months after declaring a climate emergency, the council had a draft strategy for consultation. It was a robust, forward-thinking, innovative document of which all could be proud. He thanked the Lead Member, councillors on the working group and the very valued stakeholder representatives. It was a document in constant need of review to take into account changes in technology, the markets and societal behaviour. He was pleased to see that issues raised 12 months ago, for example enhanced digital infrastructure and innovative use of technology, had been embedded. The COVID-19 situation demonstrated that such behavioural shifts in working patterns and daily lives was possible. It was not easy and needed to be balanced with the need to restart the local economy.

Councillor Stimson thanked Councillor Hilton for looking at the role of the Pension Fund. She highlighted that 15,000 trees had been planted by volunteers in Thrift Wood. Recycling of nappies was covered in the strategy but she welcomed a follow-up conversation with Councillor Tisi. The council was reviewing the trajectory; ideas to improve the situation were welcome from anyone in the community. She had enjoyed working with the stakeholders and thanked them for their input. She looked forward to working with everyone as the strategy progressed.

It was proposed by Councillor Stimson, seconded by Councillor Davies, and:

RESOLVED UNANIMOUSLY: That Full Council notes the report and:

- i) Approve the strategy for public consultation at the appropriate time.**

Fees and Charges Report 2020/2021 - addition

Councillor Hilton explained that the report detailed an addition to the councils proposed fees and charges for 2020/21. As a result of an administrative error this was not included in the schedule considered by Council in February.

The council had the ability to charge for some services, some charges were fixed and some discretionary. When discretionary the charge was based on the cost of the service and what was reasonable. When street furniture was damaged, on behalf of Highways, the Insurance team sought to recover the repair cost from the third party. The council made no charge for to the third party or their insurers for the time spent in

progressing the claim. To address this the administration fee was proposed to be added to recoveries, payable by the third-party insurers as part of the claim. It was anticipated this would amount to £2,000 a year.

It was proposed by Councillor Hilton, seconded by Councillor Story, and:

RESOLVED UNANIMOUSLY: That Full Council notes the report and approves the Street Furniture Cost Recovery Admin Fee for 2020/21 as set out in Appendix A.

11. CONSTITUTIONAL AMENDMENTS

Members considered amendments to a number of sections in the council constitution to improve clarity, consistency and transparency, avoid duplication, and ensure efficient use of resources.

Councillor Johnson proposed the motions in the report.

Councillor Rayner seconded the proposals. She explained that, as Members would be aware, the last full review of the constitution was undertaken during 2018, with a revised version in place from May 2019. As the council had operated under the revised constitution for over a year, it was now an appropriate time to review corporate governance arrangements.

In relation to employment functions, the purpose of the amendments to the terms of reference of the Employment and Member Standards Panel was to increase efficiency, largely by removing duplication whilst ensuring appropriate consideration of decisions relating to staffing. The Head of Paid Services already had responsibility for staffing matters within the council. The changes would lead to swifter decision making in response to business needs. The key change was the introduction of a five Member Appointment Committee to appoint Directors. In the case of the Managing Director (Head of Paid Services) Chief Finance Officer (Section 151 Officer) and Monitoring Officer, the Committee would make a recommendation to full Council. Recruitment of Heads of Service would be delegated to the Head of Paid Service. A number of items would be considered for approval by the Head of Paid Service in consultation with finance as appropriate. These included payment of discretionary payments to an employee other than those under a contract of employment. The Head of Paid Service would make Group Leaders aware of amounts in excess of £50,000 and all Members aware of amounts in excess of £100,000. New or significant changes to staffing currently required a Panel decision for groups of five or more employees where the total cost was more than £25,000.

Where relevant, data on policies for staff including corporate health and safety, equal opportunities and training and development would be published via the weekly Members' Update. The annual pay policy statement and proposals for any staff award were already contained in the annual budget papers considered by full Council. The Trade Unions would be invited annually to a formal meeting to discuss pay with relevant portfolio holders. Any other representations by the Trade Unions would be considered by the Head of Paid Service. The Employment and Member Standards Panel would become a Member Standards Panel going forward. The Employment Appeals Sub Committee would be a sub committee of the new Appointment Committee.

Councillor Rayner explained that in March 2020 the Employment and Member Standards Panel had considered and approved for recommendation to full Council changes to the Members Code of Conduct and complaints process, detailed in Appendices D and E. She drew Members' attention to the fact that two updates had been issued following publication of the agenda. These changes to the membership arrangements for the Members Standards Sub Committee were approved by the Employment and Member Standards Panel In March but unfortunately were not reflected in the appendices. They therefore formed part of the officer recommendations in the report.

A number of changes were proposed to strengthen both the Members Code of Conduct and the complaints process. The complaints process was considered to be overly complicated and it was felt that more decisions should be made by a Member Sub-Panel including an Independent Person, rather than by the Monitoring Officer alone. The Member Sub-Panel would also have wider powers of sanction. Other changes included introduction of a rule about breaches of the equality regulations and a new section to deal with Members failing to co-operate with the complaints process

The report also included a review of Overview and Scrutiny and full Council procedures. In addition, changes to the financial rules were proposed, which she knew the Lead Member for Finance would talk about.

In proposing the recommendations in the report, Councillor Rayner proposed an amendment relating to Motions of no Confidence, to include reference to Vice Chairmen of Overview and Scrutiny Panels:

C12 Motion of No Confidence

Motions of no confidence in the Leader, a Cabinet Member, any Member holding a Special Responsibility, *or any Vice Chairman of an Overview and Scrutiny Panel* must be signed by ten Members and must be delivered to the Head of Governance no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting). The wording of the Motion shall be "That this Council has no confidence in the *[insert relevant post]*"

No amendments will be allowed to the Motion at the meeting where the matter is discussed.

Motions of no confidence can be accepted at any Council meeting, including Annual and Budget Council meetings.

If following a Motion of no confidence the majority of Members of the Council vote to remove the Leader or any Member with a Special Responsibility (other than a Lead Cabinet Member, *as the power to remove a Lead Member is within the remit of the Leader*), a Motion, under Rule 13(t), to nominate a new Leader or Member with a Special Responsibility may be moved without notice. If a Motion to nominate is not moved then the election of the Leader of Council or re-appointment to the role with the Special Responsibility will take place at the next Council meeting.

If a majority of Members of the Council agree a motion of no confidence in a Chairman or Vice Chairman of an Overview and Scrutiny Panel, the Panel will be required to consider the appointment of a Chairman or Vice Chairman (as appropriate) at the next scheduled meeting of the Panel.

Councillor Johnson confirmed that he accepted the amendment.

Councillor Jones proposed three amendments:

Amendment 1:

Employment Appeals Sub Committee

B53.2 Membership

3 selected (*including one member from an Opposition group*) from the existing members (including substitutes) of the Appointment Committee

Councillor Jones explained that the Appointment Committee was politically balanced therefore it seemed sensible that a sub committee would also be politically balanced.

Amendment 2

A16 d) Call-in

Those Members requesting call-in should specify the reason for the call-in when making the request. Call-in should only be used in exceptional circumstances. These are where non-Executive Members have evidence that suggests that the Executive did not take the decision in accordance with the principles set out in Article 12.2. (*This includes, but is not an exhaustive list*):

Councillor Jones explained that she had been advised by officers that the intent had been to provide guidance rather than to restrict.

Amendment 3

Part 4 - Overview and Scrutiny

A6.1

The Chairmen *and Vice Chairmen* of each scrutiny panel shall be appointed by that Overview and Scrutiny Panel. *The Chairman and Vice Chairman of each scrutiny panel must be appointed from different political groups.*

Councillor Baldwin seconded the amendment.

Councillor Johnson stated that he did not accept the amendments proposed. Therefore Members debated each amendment in turn.

Councillor Jones confirmed the first amendment read as follows:

Employment Appeals Sub Committee

B53.2 Membership

3 selected (*including one member from an Opposition group*) from the existing members (including substitutes) of the Appointment Committee

Councillor Jones explained that the Appointment Committee was politically balanced therefore it seemed sensible that a sub committee would also be politically balanced.

Councillor Werner seconded the amendment.

Councillor Bhangra, seconded by Councillor Bateson, proposed a closure motion as per Part 2C 14.11 ii), that ‘the question be now put to the vote’.

Councillor Werner commented that it was unusual as Council had not heard any reasons why the administration did not wish to accept the amendment. He could not understand why the clarification on the membership of the sub committee would not be useful, when the main committee was politically balanced.

As there were no other speakers, Councillors Bhangra and Bateson agreed to withdraw the closure motion.

Members then voted on Amendment 1 proposed by Councillor Jones. The amendment was not accepted.

Constitutional Amendments - Cllr Jones amendment #1 (Emp Appeal Sub Cttee membership) (Amendment)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	Against
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For

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Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Gary Muir	Against
Councillor Helen Price	For
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	Against
Councillor John Story	Against
Councillor Chris Targowski	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

Members moved on to discuss the second amendment proposed by Councillor Jones. Councillor Jones confirmed the amendment read as follows:

A16 d) Call-in

Those Members requesting call-in should specify the reason for the call-in when making the request. Call-in should only be used in exceptional circumstances. These are where non-Executive Members have evidence that suggests that the Executive did not take the decision in accordance with the principles set out in Article 12.2. (*This includes, but is not an exhaustive list*):

Councillor Jones explained that she had been advised by officers that the intent had been to provide guidance rather than to restrict.

Councillor Werner seconded the amendment.

Councillor Reynolds commented that he was concerned that an amendment could not be accepted but there was no requirement to debate the proposal. He and others would welcome Councillor Johnson providing reasons.

Councillor Johnson stated that he did not accept the premise of the amendments and he did not wish to accept motions during the meeting when they could have been discussed with himself or the Lead Member in advance.

Councillor Knowles commented that the amendments seemed like common sense to tidy up some sections so they were fit for purpose.

Councillor C. Da Costa echoed the comments by Councillor Knowles. The proposals were simply to tidy up some wording so that there were no restrictions in the future. It may have been preferable to have discussed in advance but Members had the opportunity to do so at the meeting.

Councillor Werner commented that it was always better to have decisions taken in the open for transparency. The constitution was a key document of the constitution; it was

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better that decisions were not taken in smoke filled rooms hidden from the public gaze.

Councillor Johnson responded that talk of smoke filled rooms was ridiculous. All discussions should be in the open for public debate. He did not believe that bulldozing an amendment through on the night was appropriate.

Councillor Jones stated that she wished to respond in relation to the comment about 'bulldozing'. Members had had a week to look at the entire proposals. She was working full time therefore only had the weekend to look at them. She felt that, if the administration had used the Constitution Sub Committee, or the report had been published earlier, those conversations could have taken place.

Members then voted on Amendment 2 proposed by Councillor Jones. The amendment was not accepted.

Constitutional Amendments - Cllr Jones amendment #2 (call-in) (Amendment)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	Against
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Maureen Hunt	No vote recorded
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Gary Muir	Against
Councillor Helen Price	For
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	Against
Councillor John Story	Against
Councillor Chris Targowski	Against

Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

Members moved on to discuss the third amendment proposed by Councillor Jones. Councillor Jones confirmed the amendment read as follows:

Part 4 - Overview and Scrutiny

A6.1

The Chairmen *and Vice Chairmen* of each scrutiny panel shall be appointed by that Overview and Scrutiny Panel. *The Chairman and Vice Chairman of each scrutiny panel must be appointed from different political groups.*

Councillor Jones highlighted that the Centre for Public Scrutiny (CfPS) Good Scrutiny Guide (June 2019) included four principles of good scrutiny:

- Constructive critical friend challenge
- Amplifying the voices of the public
- Led by independent people who took responsibility for their role
- Driving improvement in public services

Three further key areas were accountability, transparency and involvement. These principles relied on a supportive political and organisational structure to allow robust scrutiny to develop and thrive. The administration had made a lot of collegiate working and transparency. It had been suggested by the CfPS that Chairman of Overview and Scrutiny Panels should be from opposition groups. The structure suggested in the amendment would support collegiate working in the important area of scrutiny and governance. CIPFA and the external auditors had said that the council's governance was not up to scratch. This would be an important way of ensuring cross-party working.

Councillor Baldwin seconded the amendment.

Councillor W. Da Costa stated that he agreed with the CfPS proposal that Chairman should be from the opposition. All Members were ordinary residents who cared for the borough and wanted the best. There was nothing to lose other than an SRA, which may or may not be insubstantial but should not be relevant. A collegiate approach would give better results.

Councillor Davey commented that as Vice Chairman of the Infrastructure Overview and Scrutiny Panel he thought that this was obviously the way to go. If true scrutiny and accountability did not take place, he suggested the council would end up in a place where one party made all the decisions all the time. He felt it was impossible for the administration to properly scrutinise the decisions it made at Cabinet. In his role, he would be making sure the Infrastructure Overview and Scrutiny Panel did great things during the year.

Councillor Knowles commented that there were a number of new councillors but as individual critical thinking matured and the panels developed, it could only be a good thing to have a divergence of opinion in scrutiny. The Panels had sensibly called-in a number of issues and helped to limit problems down the line. This was the role of scrutiny, to look at things in a different way. He had been more involved in planning panels than scrutiny, and felt that they worked in a collegiate way. This should be the same for scrutiny. A compromise would be to have the Chairman and Vice Chairman from different parties.

Councillor Johnson commented that he valued the role that scrutiny played and it was accurate to say that the function needed to be strengthened. The amendment was premature because the issues would be discussed under the CIPFA report item at Cabinet later in the week. The report would then be referred to the Corporate Overview and Scrutiny Panel. The Panel would make recommendations to come back to Cabinet for consideration and implementation. If appropriate, the recommendation could therefore be brought forward to a future full Council meeting. He felt it would be premature to make the change before discussion had taken place on the full implications of the CIPFA report.

Councillor Sharpe commented that he had always said overview and scrutiny was important. The council was going through a process where it was improving; it was on a journey. Membership of the Panel should be based on the best people rather than from being from the opposite party.

Councillor Price commented that if robust scrutiny had been in place and it had been listened to, the council would not be in the financial situation it was in. She supported the motion and felt that it should be in place as soon as possible otherwise another year would be wasted. The council did not have another year given the financial situation.

Councillor Tisi commented that the administration should not fear scrutiny; if all worked together it could make the administration look better and stop errors of a legal or financial nature.

Councillor Hill commented that the borough had ended up in an appalling financial position; all had seen the CIPFA report. One of the key reasons was inadequate scrutiny and governance. He welcomed Councillor Jones' amendment. All should agree to submit to the most severe and intense scrutiny of every decision. In Parliament Opposition members chaired scrutiny panels, but it did not happen at RBWM. It was a key reason that the borough had ended up where it had.

Councillor Carroll commented that in his Lead Member position he was of the view that the role of Overview and Scrutiny was very important. He had often asked officers to proactively bring issues forward to scrutiny.

Councillor C. Da Costa thanked Councillor Carroll for his support of scrutiny. She hoped that all the talk that had been heard would lead to action. For example a Vice Chairman was still to be elected on the Adults, Children and Health Overview and Scrutiny Panel.

Councillor Baldwin commented that the first training course he had attended as a councillor was on the effectiveness of scrutiny. The presenter of 23 years' experience as a councillor emphasised that effective panels actually avoided conflict and call-ins.

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He also stressed the need for them to have councillors with an independent train of thought and who could effectively manage meetings so that the important matters were discussed and were not ignored. The council was in the midst of something of a governance crisis. Increasingly urgent items appeared on agenda at extremely short notice, amendments were presented during council, and cabinet papers were excluded from the Forward Plan. Nobody disputed that the majority party had the legal obligation to have the majority on the Overview and Scrutiny Panels, but being able to influence the agenda and working with officers prior to the meetings as Chairman or Vice Chairman was an enormously important component in holding the Cabinet to account. It had been mentioned that the CIPFA report would be discussed at Cabinet but there was no guarantee non-Cabinet Members would be allowed to speak. This was within the rules but it did not give a good impression to residents when Members were not allowed to speak.

Councillor Jones concluded by commenting that she had made similar proposals a number of times over the years; it was not the first time.

Members then voted on Amendment 3 proposed by Councillor Jones. The amendment was not accepted.

Constitutional Amendments - Cllr Jones amendment #3 (O&S Panel Chairman/Vice Chairman) (Amendment)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	Against
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Gary Muir	Against
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	Against

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Councillor Shamsul Shelim	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	Against
Councillor John Story	Against
Councillor Chris Targowski	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

Members returned to debating the substantive motion.

Councillor Hill brought forward the motion on notice in his name listed in item 14 on the agenda, by proposing an amendment:

‘To reduce the number of signatures required for a petition to be debated at Full Council from 1500 to 1000.’

Councillor Knowles seconded the amendment.

Councillor Johnson stated that he did not accept the amendment, therefore Members debated the proposal.

Councillor del Campo commented that her first foray into local politics was when she had brought a petition to full Council, therefore she knew how important the opportunity was, even if the outcome was not what was hoped for. If the signatory level was too high, the council would only hear about issues that impacted a large number of residents or where campaigners had a particularly good marketing campaign. An issue that only impacted part of a ward or a small school for example would not be heard. The level used to be 1000; she felt that it was a high enough level to screen out frivolous petitions but low enough that people with genuine concerns would be able to get enough signatures.

Councillor Bhangra proposed a closure motion that ‘the question be now put to the vote’.

It was proposed by Councillor Bhangra, seconded by Councillor Bateson and:

RESOLVED: That, as per Part 2C 14.11 ii), the question now be put to the vote.

Constitutional Amendments- Cllr Hill Amendment (petition for debate signature level) - closure motion (Motion)	
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For

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Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Against
Councillor Karen Davies	Against
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	Against
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	Against
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	Against
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

Councillor Hill had left the meeting therefore Councillor Knowles concluded the debate. He commented that it was sad that residents could not hear more debate, such a high threshold denied residents access to be heard.

Members then voted on the amendment proposed by Councillor Hill. The amendment was not accepted.

Constitutional Amendments- Cllr Hill Amendment (petition for debate signature level) (Amendment)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	Against
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against

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Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	Against
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Gary Muir	Against
Councillor Helen Price	For
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	Against
Councillor John Story	Against
Councillor Chris Targowski	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

Members returned to debating the substantive motion.

Councillor Reynolds highlighted the constitutional changes relating to full Council procedures. It was proposed that all public questions be dealt with by way of a written response. He felt that a better option would be to offer a bi-monthly question and answer session which would allow more detail and full debate without taking any time out of the full Council meeting. Each Lead Member could take it in turn to run lead the session. It was also proposed that all Member questions be dealt with in writing. Councillor Reynolds pointed out that if he wanted this he could just send an email to a Lead Member. If he brought a question to full Council it was because it was in a different format in an open forum. To refuse to answer the initial question verbally but then allow a verbal supplementary question seemed disrespectful. A time limit of 30 minutes was proposed for Member motions. After a proposer and seconder had spoken this left very little time for others to speak. Councillor Reynolds felt the proposal was stifling debate. He suggested the whole section should be withdrawn and discussions take place as a group as to how to take things forward.

Councillor Bhangra proposed a closure motion that 'the question be now put to the vote'.

It was proposed by Councillor Bhangra, seconded by Councillor Bateson and:

RESOLVED: That, as per Part 2C 14.11 ii), that the question now be put to the vote.

Constitutional Amendments - closure motion (Motion)	
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	Against
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	Against
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	No vote recorded
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

Councillor Johnson concluded the debate by commenting that the constitution was an ever-evolving document. Some legitimate issues had been raised which would give pause for future reflection. It would not be the last time the constitution would be updated. He highlighted that the administration had proposed restoring political balance to the appointments process for senior officers. He felt this was fair and equitable and it should have happened previously. There had been assertions that the

report was issued late. The constitution had not fundamentally changed for a while; he was sure that all Members had had plenty of opportunity to review it based on some of the concerns raised about scrutiny. The council was operating under extraordinary circumstances; he did not regret bringing forward an urgent report to provide free parking as it was the right thing to do. He assured Members that the administration did value scrutiny and it was only fair that scrutiny had the lion's share of the forensic investigation of the CIPFA report. He would take limited questions at the Cabinet meeting but he saw the Overview and Scrutiny Panel as the prime forum for Members to debate the issue. Any recommendations would come back to Cabinet at the end of July for consideration.

RESOLVED: That full Council notes the report and:

- i) Approves amendments to the constitution detailed in Appendices A-J, subject to an amendment to Part 2 C12 to read:

C12 Motion of No Confidence

Motions of no confidence in the Leader, a Cabinet Member, any Member holding a Special Responsibility, or any Vice Chairman of an Overview and Scrutiny Panel must be signed by ten Members and must be delivered to the Head of Governance no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting). The wording of the Motion shall be "That this Council has no confidence in the *[insert relevant post]*"

No amendments will be allowed to the Motion at the meeting where the matter is discussed.

Motions of no confidence can be accepted at any Council meeting, including Annual and Budget Council meetings.

If following a Motion of no confidence the majority of Members of the Council vote to remove the Leader or any Member with a Special Responsibility (other than a Lead Cabinet Member, as *the power to remove a Lead Member is within the remit of the Leader*), a Motion, under Rule 13(t), to nominate a new Leader or Member with a Special Responsibility may be moved without notice. If a Motion to nominate is not moved then the election of the Leader of Council or re-appointment to the role with the Special Responsibility will take place at the next Council meeting.

If a majority of Members of the Council agree a motion of no confidence in a Chairman or Vice Chairman of an Overview and Scrutiny Panel, the Panel will be required to consider the appointment of a Chairman or Vice Chairman (as appropriate) at the next scheduled meeting of the Panel.

- ii) Delegates authority to the Monitoring Officer to update as appropriate and publish the council constitution.
- iii) Delegates authority to the Head of Governance in consultation with the S151 officer and Lead Member for Finance and Ascot to review

the arrangements for audit oversight and bring proposals to full Council in July 2020.

Constitutional Amendments (Motion)	
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	Against
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	No vote recorded
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	No vote recorded
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

12. CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A C25.1 of the council's constitution, the Chairman called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 9.30pm.

Councillor Johnson, seconded by Councillor Coppinger, proposed items 9-12 be voted on as a block, without debate, but this was not supported unanimously.

RESOLVED UNANIMOUSLY: That:

- i) The meeting continue after 9.30pm to consider items 9-12 on the agenda.**
- ii) Member questions would be dealt with by way of written answers.**
- iii) Remaining Member motions would be deferred to the next meeting on 28 July 2020.**

13. APPOINTMENT OF PANEL CHAIRMAN

Councillor Johnson highlighted that the appointments proposed would help to spread the talent across the panels on the council.

It was proposed by Councillor Johnson, seconded by Councillor Coppinger, and:

RESOLVED: That:

- i) Councillor Cannon be appointed as Vice Chairman of the Royal Borough Development Panel**
- ii) Councillor Bhangra be appointed as the Chairman of the Licensing Panel**
- iii) Councillor Tisi be appointed as Vice Chairman of the Corporate Parenting Forum**
- iv) Councillor Taylor be appointed as Vice Chairman of the Maidenhead Town Forum**

(Councillor Bhangra declared a Disclosable Pecuniary Interest and took no part in the debate or vote on the item)

Appointment of Panel Chairman (Motion)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	Conflict Of Interests
Councillor Simon Bond	For
Councillor John Bowden	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	Abstain
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	No vote recorded
Councillor Neil Knowles	No vote recorded
Councillor Ewan Larcombe	No vote recorded
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For

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Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Abstain
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
Carried	

14. HORTON AND WRAYSBURY NEIGHBOURHOOD PLAN - FORMAL MAKING OF THE PLAN

Members considered making the Horton and Wraysbury Neighbourhood Plan as part of the Development Plan for the Royal Borough of Windsor and Maidenhead and for it to be used in decision making for relevant planning applications in the neighbourhood planning area.

Councillor Coppinger explained that the first neighbourhood plan in the borough had begun nine years before. The Plan for Horton and Wraysbury would be the fifth in the borough. The ability for a community to define what happened in the locality was very important. The steering group had produced the Plan on behalf of the two parish councils. The draft Plan had been submitted to the Inspector, who had recommended a referendum subject to a number of modifications. In October 2019 Cabinet had approved the Plan to go to referendum. The poll took place in January 2020, with 83% of electors casting a vote agreeing that the Plan should be approved. The costs were covered by a government grant.

Councillor Cannon, in seconding the motion, commented on the great deal of work that had been undertaken by the community.

Councillor Bhangra proposed a closure motion that ‘the question be now put to the vote’.

It was proposed by Councillor Bhangra, seconded by Councillor Bateson and:

RESOLVED: That, as per Part 2C 14.11 ii), the question now be put to the vote.

Horton and Wraysbury Neighbourhood Plan - Closure motion (Motion)	
Councillor John Baldwin	Against
Councillor Clive Baskerville	No vote recorded
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For

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Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	For
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	Against
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	No vote recorded
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	Against
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	No vote recorded
Carried	

It was proposed by Councillor Coppinger, seconded by Councillor Cannon and:

RESOLVED: That Council notes the report and:

- i) **Makes the Horton and Wraysbury Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead and,**
- ii) **Delegates authority to the Director of Place in consultation with the Lead Member for Planning and Maidenhead to make minor non-material amendments to the neighbourhood plan as necessary prior to its publication.**

Horton and Wraysbury Neighbourhood Plan (Motion)	
Councillor John Baldwin	Abstain
Councillor Clive Baskerville	Abstain
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Abstain
Councillor John Bowden	For

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Councillor Mandy Brar	Abstain
Councillor Catherine del Campo	Abstain
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	Abstain
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	For
Councillor Neil Knowles	No vote recorded
Councillor Ewan Larcombe	Abstain
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Abstain
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Abstain
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	Abstain
Councillor Leo Walters	For
Councillor Simon Werner	Abstain
Carried	

15. BANK RECONCILIATION REPORT

Members considered actions in relation to unreconciled bank reconciliation entries.

Councillor Hilton explained that this was an historic issue of bank reconciliation which had been described in the last two external audit ISA260 reports as “unadjusted mis-statements.”

The issue was first reported in 2017 and had prompted action. Processes were set up to enable income received by the bank to be identified, allocated and reconciled to the correct service account more easily. This proactive management of income ensured that the amount of unreconciled income would not grow. The 2017/18 bank reconciliation control audit was carried out in March 2018. The audit, which was on the revised reconciliation process, resulted in a final report awarding the second highest of four audit opinions ‘Substantially complete and generally effective’.

COUNCIL - 23.06.20

There were two large unreconciled balances of £1,136,953 relating to bank reconciliation entries and £1,152,758 on the Housing Benefit subsidy account respectively. One a debit and the other a credit.

The Finance team and Internal Audit had undertaken significant work to resolve the differences but given the lack of historical records could not go any further. In conclusion the unreconciled entries and housing benefit credits could not be individually matched off and a technical financial adjustment was required to rectify this in the statement of accounts. If approved, the adjustment would be reflected in the 2020-21 accounts but noted by external audit for the 2019-20 external audit report.

Members would note in table 3 that the impact on the council's accounts was negligible and a positive of £15,800.

Councillor Bond asked whether the Lead Member was confident that the decision was acceptable for audit purposes if one was asked for by the Secretary of State. He asked if any claimants had been left out of pocket. As the report did not detail the root causes, was the council happy that the situation could not happen again.

Councillor W. Da Costa explained that he had spoken to officers and had been told that there were no ongoing unreconciled items. New processes were in place so it should not happen again. This was reassuring. However, he expressed concern that the issue was raised in August 2017 but the credits related to 2017/18 and 2018/19 so whilst it was fortuitous that the amounts were similar, he wondered if the housing benefit subsidy account was about to be raided inappropriately. He asked how Councillor Hilton how he could be assured this was not the case.

Councillor Hilton explained that the work had been ongoing for a long period of time and it was decided it needed to be closed down. The external auditors were involved in that process. He was absolutely comfortable that the reconciliation was appropriate and a small positive balance would be received as a result.

It was proposed by Councillor Hilton, seconded by Councillor Story, and:

RESOLVED: That Council notes the report and:

- i) Approves the write off of £1,136,953 for the unreconciled bank reconciliation entries.**
- ii) Approves use of £1,136,953 of the £1,152,758 credit balance in the Housing Benefit Subsidy Revenue Account to offset these entries.**

Bank Reconciliation Report (Motion)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	For
Councillor John Bowden	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For

COUNCIL - 23.06.20

Councillor Carole Da Costa	Abstain
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	For
Councillor Neil Knowles	No vote recorded
Councillor Ewan Larcombe	No vote recorded
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	No vote recorded
Councillor Simon Werner	For
Carried	

16. URGENT DECISION REPORT

Members considered an urgent decision report for noting only.

Councillor Cannon explained that the report was to bring to the attention of Council the urgent decision made by Cabinet to give 3 hours free car parking to residents with an Advantage Card.

It was proposed by Councillor Cannon, seconded by Councillor Bowden.

RESOLVED: That in line with Part 3B, Paragraph Section 4b of the Constitution (Urgent Decisions Outside the Budget or Policy Framework) Council notes the urgent decision taken by Cabinet on 12th June 2020

Urgent Decision Report (Motion)	
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	For
Councillor John Bowden	For
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	For

COUNCIL - 23.06.20

Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Abstain
Councillor Wisdom Da Costa	Abstain
Councillor Jon Davey	No vote recorded
Councillor Karen Davies	For
Councillor Phil Haseler	For
Councillor Geoffrey Hill	No vote recorded
Councillor David Hilton	For
Councillor Maureen Hunt	No vote recorded
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Abstain
Councillor Neil Knowles	No vote recorded
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	No vote recorded
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
Carried	

17. MEMBERS' QUESTIONS

As agreed earlier in the meeting, all Member questions (including supplementary questions where submitted) were dealt with by way of written answers provided after the meeting:

a) Councillor Davey asked the following question of Councillor Johnson, Leader of the Council:

At Corporate Overview & Scrutiny Panel Councillor Johnson said he was “curious” why the opposition had challenged Cabinet’s decision to give Maidenhead United many acres of Braywick Park for zero consideration. How else would he suggest we challenge Cabinet decisions that do not have the required detail to ensure the decision is in the best interests of council and residents?

Written response: Sadly, you appear to have taken my words out of context, either on a wilfully deliberate or accidental basis, from that meeting of the Corporate Overview & Scrutiny Panel which took place on 15th January 2020.

Whilst I appreciate that the meeting was now some time ago please do let me refresh your memory and clarify the position.

As you will recall, given that you were present at the meeting on 15th January 2020, but sadly not at the meeting of Cabinet on 19th December when the issue was discussed and the report approved, I used the phrase “curious” to reference the fact that neither of the members (apart from Cllr Lynne Jones) who called in the application to that committee had been present at the meeting of Cabinet on 19th December. In fact, Cllr Jones as verified by the minutes asked no questions on the item relating to MUFC, with the only questioner being Cllr Helen Price. Furthermore, despite calling-in the application Cllr Jones gave apologies for the 15th January and was substituted by Cllr Hill, who had failed to show up at the 19th December, despite the agenda relating to a significant matter within his ward.

It was to this that I used the word “curious” to describe the situation. Curious that when the issue was discussed at Cabinet on the 19th December that none of those members who had called-in the decision had attended to ask questions and join the discussion. Had they done so it is likely that many of their questions, and indeed concerns, could have been addressed. Yet they did not and only Cllr Helen Price diligently asked a question on the subject.

Perhaps even more “curious” was the fact that Cllr Jones did not ask any questions on the issue, but then decided to call-in the application and failed to attend to meeting to discuss said call-in. As recorded in the minutes Cllr Hill acted as substitute to ask the questions that he, or a colleague, could readily have asked at Cabinet on 19th December.

As I stated on the evening of 15th January, and as the minutes record, “any initial concerns could have been addressed at Cabinet” on 19th December rather than by a call-in request which appeared to look like an attempt to salvage some of the lost initiative caused by a comprehensive failure to ask questions on the 19th December. Questions I would state for the record I would very happily have answered. One hopes that you don’t find this too much of a curious response.

b) Councillor Hill asked the following question of Councillor Johnson, Leader of the Council:

Why after the COVID-19 Crisis has shown that much office space and some retail space will most likely never be used again and is highly likely to be converted into private dwellings are we as a Borough still proposing to develop Maidenhead Golf Club for housing?

Written response: Maidenhead Golf Club is allocated in the emerging Borough Local Plan for 2000 homes (30 % affordable) with supporting infrastructure including a new school and is key to meeting objectively assessed housing need. There is also no evidence yet, that substantial office and retail will be converted into residential, or that even if it was that it would be in the correct place for residential use. Employment and retail space will also be very important for economic recovery. Housing need and demand in the borough is substantial and new homes are desperately needed to meet that, including affordable housing. The Maidenhead Golf Course site will provide much needed new housing including a significant amount of affordable housing to meet housing need in the Borough in a sustainable location alongside new education and community facilities to support the town.

A supplementary question was not submitted

c) Councillor Larcombe asked the following question of Councillor Cannon, Lead Member for Public Protection and Parking:

What is the current total of the RBWM River Thames Scheme partnership funding contributions required to ensure that Channel 1 through Datchet, Horton and Wraysbury is progressed?

Written response: To progress the Outline Business Case for the River Thames Scheme which includes the channel through the Royal Borough contributions of £53m from RBWM will be required together with a commitment to a risk sharing agreement for any potential changes in costs.

£10m (split over four years commencing in 2020/21) of the Royal Borough's contribution was approved by Council in September 2017 and forms part of the approved budget for 2020/21.

At this stage of the approvals process for the project, the commitment to the financial contributions would require a letter from the Section 151 officer to the Project Sponsoring Board.

Supplementary question: When will the S151 Officer be writing to the Project Sponsoring Board?

Written response: tbc

d) Councillor Brar asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside.

The Tyndall Climate Centre has produced a report for RBWM. It is available online. It shows a target of approximately 5Mtons of CO2 not 10 Mtons as in the Climate Strategy document. Why was this scientific advice declined and not mentioned in the strategy especially when the RBWM targets go against the Paris Climate agreement of 1.5 degrees warming?

Written response: The council is thankful for the research the Tyndall Centre has produced and has not declined the advice. The strategy states we will review their expert guidance and consider it as part of our review of the proposed carbon trajectory.

The RBWM target does not go against the Paris Agreement, according to the Committee on Climate Change (CCC, the UK Government independent advisory body on climate change. The target fully meets the obligations under the Paris Agreement, the historic international 2015 agreement on climate change which committed the world to pursue efforts to limit the temperature increase to 1.5°C.

Supplementary question: The Government funded SCATTER TOOL provides RBWM with the ability, at no cost, to build scenarios for emissions reduction. It is based on setting ambition levels for 32 elements of the RBWM carbon footprint and produce pathways or trajectories to 2050.

The Current RBWM 5 Year pathway presented is close to the lowest level of ambition from all 32 elements. Why is the ambition so low and why has the tool and output not apparently been used or mentioned in the strategy formulation. It has been available for 11 months?.

Written response: We have adopted an initial trajectory in the draft strategy for consultation, which will be subject to consultation and review as a result of those comments. As stated in the strategy, we have committed to review the trajectory over the next six months working with relevant experts. This will utilise the best tools and evidence to support that work, guided by our overall commitment to be net zero by 2050 at the latest. The trajectory is not the only measure of ambition in the strategy and we have set out some ambitious actions and targets over the next five years. This includes setting a new strategy for the natural environment and transport, as well as ambitious targets to increase renewables generation and increase recycling rates.

e) Councillor Baldwin asked the following question of Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor:

Despite concerns voiced by opposition members over many years about the sorry state of corporate governance within RBWM we are still routinely issued with agendas lacking crucial reports. It appears the date of the meeting has become the disclosure deadline, making proper preparation impossible. What assurances can the lead member give us that these long-term deficiencies are being addressed?

Written response: There are some occasions when an urgent report is required, such as the recent Cabinet report to allow free parking for Advantage Card holders. In this case, to have followed the standard timescales would have delayed implementation of the decision, which would have been to the detriment of residents. There are also occasions when the council is reliant on information or data from a third party that can lead to a delay in publication.

However, it is clearly important for both Panel Members and the public that reports are available in good time before a meeting. Meeting work programmes are maintained, which enable Directors and Heads of Service to anticipate future reports and manage officer workloads. This process can most clearly be seen in terms of the Cabinet Forward Plan and the Overview and Scrutiny Panel work programmes. Meeting clerks in Democratic Services liaise with officer colleagues across the council to ensure they are fully aware of agenda publication deadlines and to manage emerging issues such as the requirement for urgent reports.

The number of reports marked as 'to follow' and the reasons given are monitored on a monthly basis, with details being circulated to the Corporate Leadership Team for review. Excluding the past three months where the number of meetings has been significantly lower due to the COVID-19 situation, the average percentage of reports marked as 'to follow' for the preceding 12 months was less than 7%.

A supplementary question was not submitted

f) Councillor Jones asked the following question of Councillor Johnson, Leader of the Council:

The RBWM 2018/19 Audit issued a 'qualified' conclusion with concerns regarding inadequate resourcing of key governance functions: weaknesses in arrangements of financial sustainability and resilience, ultra vires spend, inadequate

reports to council and a culture that discouraged individuals to challenge. Concerns echoed by Cipfa and the Peer Review. What impact have these failures had on the council as an organisation?

Written response: RBWM as an organisation has undergone a significant amount of change over the last year to 18 months, particularly with the change in leadership both at a political and officer level.

External challenge and review through our annual external audit, peer review and the report on financial governance that we commissioned CIPFA to undertake has meant that we can ensure that we have a full understanding of the issues that we need to tackle and address as a whole organisation. External challenge is always healthy for any organisation that wants to continue to positively grow and learn and will be something that we need to continue to be committed to undertaking.

In the meantime, as an organisation we have not sat back and waited for the results of those reviews. It would not be acceptable to know that some things were wrong and not look to fix them.

Underpinning everything we need to do to move RBWM forwards was a need to tackle a culture that discouraged individuals from speaking up. As soon as our new permanent MD started at RBWM he committed to listening to all of our staff, to understand the values and behaviours of the organisation that they want to work in and to then ensure that actions are identified to help demonstrate those values and behaviours on a daily basis.

Members have also been included in that conversation and are encouraged to continue to be part of that journey.

The detailed CIPFA report has been received by RBWM in the last week and has been published, publicly, as soon as possible so that all councillors, staff and residents are able to view their findings. This demonstrates a desire to change the past culture and ensures transparency of the issues that they found. Their interim report in 2019 identified these issues but this provides more evidence and analysis as well as demonstrates how a number of actions have already been put into place to tackle past issues.

The next most important step is the development of an action plan to address any remaining, outstanding items. The corporate overview and scrutiny committee have an important role in scrutinising whether the action plan that officers are developing will address the issues raised by CIPFA before cabinet approve that plan. Scrutiny of the action plan will ensure that the organisation can demonstrate that actions are realistic, deliverable and we can be held to account for delivering on them.

The impact of these reviews therefore ensure that RBWM is able to move forwards as an organisation and we are equipped to tackle the very relevant issues that our local residents and businesses are faced with today and in the future. Having sound governance is integral to delivering for them.

A supplementary question was not submitted

g) Councillor Reynolds asked the following question of Councillor Stimson, Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside:

Currently RBWM only has the capacity to power 1% of our homes via renewable energy. To simply keep pace with other local authorities we need 13X more. How will RBWM do this?

Written response: The strategy demonstrates we have high ambitions for renewable energy generation; we aim to match local authorities performing well in this regard.

The target in the strategy is to increase renewable capacity 10-fold by 2025. This will need to be achieved through a variety of means including incentivisation of renewable energy in new build; retrofit of renewable energy systems in existing buildings and support for community energy schemes such as MaidEnergy.

A supplementary question was not submitted

h) Councillor Del Campo asked the following question of Councillor Coppinger, Lead Member for Planning and Maidenhead:

The inspector's response to the latest version of the Borough Local Plan suggests that even this version is far from "legally compliant and sound". With eleven areas of concern, some fundamental, and hundreds of questions for clarification, and in light of the climate emergency we declared, has the lead member considered starting the process again? If not, why not?

Written response: The Borough Local Plan was submitted for Examination in January 2018, with the Stage 1 Hearing sessions taking place in June 2018. The Inspector subsequently issued her advice, which raised some areas of concern, and asked for further work to be undertaken.

This work was completed by Officers, with support from consultants, and an updated version of the Local Plan (presented as 'Proposed Changes') was agreed by Councillors in October 2019. The further work and proposed revisions to the Plan strengthened the document, with a strong emphasis on place-making.

The Inspector has considered all the further information submitted by the Council and has determined that it is appropriate for her to proceed with Stage 2 of the examination.

As is normal practice, the Inspector has issued her Matters, Issues and Questions to all examination participants, asking for responses to assist in her consideration of the key issues not explored in the Stage 1 hearing sessions.

Officers are working hard to prepare a robust and comprehensive response to the Inspector's Matters, Issues and Questions, with a view to supporting the October 2019 version of the Borough Local Plan. A significant amount of time, effort and money has been spent on getting the Borough Local Plan to this stage, and getting this Local Plan adopted clearly is the right thing to do. This will give us an up to date set of planning policies and proposals, which take account of the Borough's current needs, and set a clear framework for delivering on our environmental and place-making agenda.

To my mind there is nothing in the Inspectors questions which suggests nay thinking that the plan is unsound, the questions are simply a part of the process. To the contrary I do not think the Inspector would waste public resources by continuing if they had such concerns and I see it as really positive that we are moving forward.

A supplementary question was not submitted

18. MOTIONS ON NOTICE

As agreed earlier in the meeting, all remaining motions were deferred to the next scheduled meeting on 28 July 2020.

Motion a) by Councillor Hill had been considered as an amendment to the Constitutional Amendments report earlier on the agenda.

Motions b) and c) would be deferred to the next scheduled meeting.

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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. 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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MAYOR'S COMMUNICATIONS

Unfortunately, due to social distancing measures, the Deputy Mayor and I have been unable to carry out the usual mayoral engagements. Sadly organisers of events have had to cancel many traditional functions. Since the last Council meeting I have attended several virtual charity meetings.

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Report Title:	Adults, Children’s and Health Overview and Scrutiny Panel - Annual Report
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Julian Sharpe, Chairman of the Panel (municipal year 2019/20)
Lead Officers:	Hilary Hall, Director of Adults, Health and Commissioning, and Kevin McDaniel, Director of Children’s Services
Meeting and Date:	Full Council 28 July 2020

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REPORT SUMMARY

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on *‘its workings and make recommendations for future work programmes and amended working methods if appropriate’*.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the annual report of the Adults, Children’s and Health Overview and Scrutiny Panel

2. CHAIRMAN’S INTRODUCTION

- 2.1 The Panel met three times during the 2019/20 municipal year; unfortunately two further meetings had to be cancelled due to the lockdown restrictions caused by the Covid19 pandemic.
- 2.2 The last year has been a steep learning curve, getting to grips with the Panel’s very wide brief. We have had good discussions and have been able to ask questions, and it would be good to think these have caused deeper thinking about some of the issues.
- 2.3 Given the Panel’s wide brief there is a lot more to learn. Regular updates on progress on the budget proposals may be relevant.

3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2019/20

- 3.1 Education Standards Report
- 3.2 Annual Report on Commissioned Services
- 3.3 Adult Social Care Transformation Programme
- 3.4 Complaints and Compliments Report
- 3.5 Performance Management Report

3.6 Ofsted and CQC Inspection Report

3.7 A presentation on the redevelopment of Heatherwood Hospital

4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

4.1 No Call-Ins were received during 2019/20; however in May 2020 a Call-In was received and discussed regarding Family Hubs/Children's Centres. Although the Panel did not disagree with the decision that Cabinet took, it was agreed that an amended version of the report giving a clearer outline of the future consultation should go back to Cabinet. It was felt that a good discussion on the Call-In had taken place.

5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

5.1 Respite Care Provision for Carers – The recommendation, which was accepted by the Panel, was to add this item to the Panel's work programme. The item was included on the agenda for the meeting held on June 11th 2020, which was the first available opportunity for it to be discussed.

6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2019/20

6.1 No Task and Finish Groups were established. A Group looking at streams of funding to support care leavers and children in care has been proposed but has yet to be established.

7. PROPOSALS FOR IMPROVED WORKING METHODS

7.1 More Task and Finish Groups, particularly one looking at the Heatherwood Hospital site. It is felt that more Groups may help the Panel to work together more effectively and generally improve its working methods.

7.2 A better understanding of how the co-opted members can contribute.

8. THANKS

8.1 The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:

Hilary Hall and the Optalis Team, and Kevin McDaniel and the Achieving for Children Team for their expertise at guiding the Panel

9. PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2020/21

9.1 The Panel proposes to consider the following topic areas for scrutiny in the coming municipal year:

Topics already in progress/carried over from 2019/20:

- Refresh of the Joint Health and Wellbeing Strategy
- Children’s Social Care & Education Provision
- Changes to Universal Services

New topics:

- Long term funding of social care
- Impact of school funding changes

10. APPENDICES

10.1 This report is supported by 1 appendix:

- Adults, Children and Health Overview and Scrutiny Work Programme

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? No
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WORK PROGRAMME - ADULTS, CHILDREN & HEALTH OVERVIEW AND SCRUTINY PANEL

DIRECTORS	<ul style="list-style-type: none"> • Duncan Sharkey (Managing Director- RBWM) • Kevin McDaniel (Director of Children's Services -AFC) • Hilary Hall (Director Adults, Health & Commissioning and Director of Adult Social Services) • Lin Ferguson (Director of Children's Social Care- AFC)
LINK OFFICERS AND HEADS OF SERVICES	<ul style="list-style-type: none"> • Lynne Lidster (Head of Commissioning- Adults and Children) • Consultant in Public Health (TBC) • Nikki Craig (Head of HR, IT and Corporate Projects)

MEETING: 30 SEPTEMBER 2020

ITEM	RESPONSIBLE OFFICER
Presentation on Heatherwood Hospital	Panel clerk to liaise with hospitals Trust
Annual Compliments and Complaints Report	Nikki Craig, <i>Head of HR, IT and Corporate Projects</i>
Q1 Performance Report	
Refresh of the Joint Health and Wellbeing Strategy	Hilary Hall, <i>Director of Adults, Health & Commissioning</i>
Children's Social Care & Education Provision	Lin Ferguson, <i>Director of Children's Social Care</i>
Changes to Universal Services	Kevin McDaniel, <i>Director of Children's Services</i>
Work Programme	Panel clerk
TASK AND FINISH	

MEETING: 21 JANUARY 2021

ITEM	RESPONSIBLE OFFICER
Budget Report	Finance
Q2 Performance Report	
Work Programme	Panel clerk
TASK AND FINISH	

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

ITEM	RESPONSIBLE OFFICER
Long term funding of social care	Hilary Hall, <i>Director of Adults, Health & Commissioning</i>
Impact of school funding changes	Hilary Hall, <i>Director of Adults, Health & Commissioning</i>
Update on Lynwood Clinic	
Task and Finish: Streams of funding to support care leavers and children in care	Terms of reference to be drafted by Kevin McDaniel, <i>Director of Children's Services</i>

Future Meeting Dates:

22 April 2021

Report Title:	Communities Overview and Scrutiny Panel - Annual Report
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Christine Bateson, Chairman of the Panel (2019/20 Municipal Year)
Lead Officers:	Russell O'Keefe, Director of Place, David Scott, Head of Communities
Meeting and Date:	Full Council 28 July 2020

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REPORT SUMMARY

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on *'its workings and make recommendations for future work programmes and amended working methods if appropriate'*.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the annual report of the Communities Overview and Scrutiny Panel

2. CHAIRMAN'S INTRODUCTION

2.1 In our first meeting of the municipal year of 19/20, I was very honoured to be voted in as Chairman of Communities Overview Scrutiny Panel along with Cllr John Bowden as the Vice Chairman.

2.2 There were five Council Members on the Panel who were voting members and annually they voted in the Chairman and the Vice Chairman. There were also 2 non-voting representatives from the north and south parishes of the Borough who sat on the Panel but only vote on matters to do with Crime and Disorder.

2.3 The Communities Overview and Scrutiny Panel scrutinised all matters relating to Culture, Environment, Communities, Crime and Disorder and any agenda items in these areas going to Cabinet. The Panel overlooked a wide section of independent organisations as seen below to ensure they are accountable. The Panel was also always open to scrutinise items on request of Panel members which were in the remit of the Panel.

2.4 This year the Panel has had six meetings up to the end of the municipal year 2019/2020.

2.5 The Panel in the last year had considered all matters relating to:

- Culture: Norden Farm, Old Court, Museum Services;
- Environment: Parks and Open Spaces - allotment provision (requested by residents);
- Communities: The new Braywick Leisure centre, Parkwood Leisure, all other leisure centres, community sports centre, the Community Wardens, the

Community Safety Partnership (also within the Crime and Disorder), Sports Able and the Thames Valley Athletic Club.

- Crime and Disorder: Thames Valley Police attend the meeting and provide an update on the borough and Thames Valley. The Chief Constable gives an update of the executive functions of the Community Safety Partnership. Once a year, the Police Commissioner, Chief Constable and LPA Commander Superintendent attend the Communities O & S Panel
- Council Budget: All Borough budgets of the Council which were under the Communities Overview & Scrutiny Panel.

2.6 There are two more functions that the Panel can also perform when they felt necessary:

- Task and Finish Groups: This is a time limited working group that has been set up to look at a specific issue. The Communities O & S Panel did not have a need to have a task and finish group to date.
- Call In: This is when Cabinet decisions that have been made have felt to require a "Call In" with respect to items that is within the remit of the Communities O & S Panel. The Communities O & S Panel did not have any call in's in the municipal year.

2.7 I would like to thank the Panel Members, Officers and speakers from a variety of organisations for all their participation, and for bringing some very good topics to be analysed during the year.

3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2019/20

3.1 Parkwood Leisure Annual Report

3.2 SportsAble Annual Performance

3.3 Thames Valley Police

3.4 Complaints and Compliments Report

3.5 Performance Management Report

3.6 Budget Report

3.7 Thames Valley Athletics Centre Report

3.8 Arthur Jacob Nature Reserve Report

4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

4.1 No call-ins had been received in the municipal year.

5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

5.1 Allotment Provision – Maidenhead – The recommendation, which was accepted by the Panel on 28 January 2020, was to add this item to the Panel's work programme so that it could be discussed again at a future meeting and be considered at a future Climate Change Stakeholder Group. An update on this item was given at the Panel's meeting of 9 June 2020.

5.2 Review of Lighting at Grenfell Park – The recommendation which was accepted by the Panel was for the topic to be amended to look at tree felling and lighting adjacent to and overshadowing public pathways in council run public parks and open spaces. It was recommended that the Grenfell Park User Group should be supplemented and supported by some identified members of the O & S Panel as a first stage, before reporting back to the Communities O & S Panel for further consideration.

6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2019/20

6.1 No Task and Finish Groups had been established in the municipal year.

7. PROPOSALS FOR IMPROVED WORKING METHODS

7.1 The Panel meeting for the Budget report should be dedicated only for the Budget and the Panel can spend more time discussing and scrutinising.

7.2 Have more than four confirmed meetings at the beginning of the municipal year in order to schedule work programme.

7.3 Have more detailed reports which were linked to strategic priorities, with any additional information such as SLA's and ToR, so that the Panel had guidelines that they could scrutinise against. A briefing to also be given to external speakers so their reports were detailed too.

7.4 Circulation of information in a timely manner to Panel and on the website.

7.5 The Panel would like more information on performance indicators.

7.6 Improved scrutiny skills.

8. THANKS

8.1 The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:

- Thames Valley Police
- Parkwood Leisure
- Braywick Leisure Centre Team – Kevin Mist
- SportsAble
- Officers that have attended to present reports

- David Scott, Lead Officer
- Co optees from Parish Councillors
- Members of the Public

9. PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2020/21

9.1 The Panel proposes to consider the following topic areas for scrutiny in the coming municipal year:

Topics already in progress/carried over from 2019/20:

- Performance Management Report
- Braywick Leisure Centre Updates
- Norden Farm Annual Report
- Old Court Annual Report
- Parkwood Leisure Annual Report
- SportsAble Annual Report
- Parks and Open Spaces Report
- Museum Services Report
- Review of lighting at Grenfell Park from Grenfell Park User Group

New topics:

- Alexander Gardens, Windsor (From Cabinet Forward Plan)
- Allotments Provision

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Communities Overview & Scrutiny Work Programme 2020/21

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? No
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WORK PROGRAMME- COMMUNITIES OVERVIEW AND SCRUTINY PANEL

DIRECTORS	Duncan Sharkey(Managing Director) /Russell O’Keefe (Executive Director PLACE)
LINK OFFICERS & HEADS OF SERVICES	David Scott, Ben Smith, Hilary Hall, Louise Freeth

MEETING: 3 SEPTEMBER 2020

ITEM	RESPONSIBLE OFFICER
Annual Presentation By Chief Constable of Thames Valley Police	David Scott, <i>Head of Communities</i>
SportsAble Annual Report – SLA year 3	David Scott, <i>Head of Communities</i>
Braywick Leisure Centre Update	David Scott, <i>Head of Communities</i> Kevin Mist, <i>Community Project Lead</i>
Norden Farm Update	Suzie Parr, <i>Museum and Arts Team Leader</i>
Q1 Performance Report	David Scott, <i>Head of Communities</i>
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

POSSIBLE ADDITIONAL MEETING – 5th November 2020

ITEM	RESPONSIBLE OFFICER
Museum Services Update Report	Suzie Parr, <i>Museum and Arts Team Leader</i>
Braywick Leisure Centre Update	David Scott, <i>Head of Communities</i> Kevin Mist, <i>Community Project Lead</i>
The Old Court Annual Report	Suzie Parr, <i>Museum and Arts Team Leader</i>
Norden Farm Update	Suzie Parr, <i>Museum and Arts Team Leader</i>
Update on Review of lighting at Grenfell Park	Councillor Bhangra on behalf of Grenfell Park User Group
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

MEETING: 18 JANUARY 2021

ITEM	RESPONSIBLE OFFICER
Alexandra Gardens, Windsor (From Cabinet Forward Plan)	Russell O’Keefe, <i>Executive Director</i>
Parks and Open Spaces Update Report (including traveller hardening measures & new initiatives)	David Scott, <i>Head of Communities</i>
Update on Allotments	David Scott, <i>Head of Communities</i>

Progress Report on Future Focus, new CIO.	David Scott, <i>Head of Communities</i>
Q2 Performance Report	David Scott, <i>Head of Communities</i>
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

MEETING: 13 APRIL 2021

ITEM	RESPONSIBLE OFFICER
Q3 Performance Report	David Scott, <i>Head of Communities</i>
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

ITEM	RESPONSIBLE OFFICER

Report Title:	Corporate Overview and Scrutiny Panel - Annual Report
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Chris Targowski, Chairman of the Panel (municipal year 2019/20)
Lead Officers:	Duncan Sharkey, Managing Director
Meeting and Date:	Full Council July 2020

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REPORT SUMMARY

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on *'its workings and make recommendations for future work programmes and amended working methods if appropriate'*.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That:

- i) Full Council notes the annual report of the Corporate Overview and Scrutiny Panel.
- ii) The Panel endorses the decision of the June Council to review the arrangements for audit oversight and bring proposals back to the July Council.

2. CHAIRMAN'S INTRODUCTION

- 2.1 The Corporate Overview and Scrutiny panel met seven times (twice more than originally timetabled) and scrutinised 25 separate reports.
- 2.2 The Chairman would like to thank all members of the panel and Officers of the Council for the time and effort that they have put into the successful running of the panel.
- 2.3 The terms of reference for the Corporate Overview and Scrutiny panel can be found in Part 4 B of the Council Constitution.

3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2019/20

- 3.1 The 25 reports scrutinised included.
 - Annual Governance Statement
 - CIPFA Review
 - GDPR Compliance Progress Report
 - LGA Peer Review
 - Key Risk Report
 - External Audit IAS260
- 3.2 Details of topics scrutinised can be found here <https://rbwm.moderngov.co.uk/ieListMeetings.aspx?Committeeld=594>

4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

- 4.1 Maidenhead United Football Club - Request for Relocation. The panel agreed to take no further action on the call in and requested that the next Cabinet report on Maidenhead United Football Club request for relocation comes to the Corporate Overview and Scrutiny Panel to be scrutinised. Full details of the decision can be found here.
<https://rbwm.moderngov.co.uk/mgAi.aspx?ID=14376>

5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

- 5.1 Resident scrutiny topic on shopping trolleys in car parks around Maidenhead. The Panel decided to refer the topic to Maidenhead Town Forum for consideration at their next meeting.

6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2019/20

- 6.1 Highways contract outsourcing. Scope and membership of group established. Meeting cancelled due to global pandemic. Will be rearranged when suitable to do so.

7. PROPOSALS FOR IMPROVED WORKING METHODS

- 7.1 Being more proactive with Task & Finish. The highway outsourcing was requested at the first meeting of the municipal year, but no meeting arranged until the last 3 months.
- 7.2 Be more proactive in requesting early sight of relevant reports that are on the Cabinet forward plan
- 7.3 Ensure consistent overview of areas of concern to and bring forward reports on those topics.
- 7.4 Ensure that we follow best practice on scrutiny.
- 7.5 Look to set up a separate Audit panel as per the decision of the June Council to review the arrangements for audit oversight

8. THANKS

- 8.1 The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:
1. Mark Beeley, clerk to the Panel
 2. Nabihah Hassan-Farooq, former clerk to the Panel
 3. CIPFA
 4. Maidenhead United Football Club
 5. Maidenhead Athletics Club

9. PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2020/21

9.1 The Panel proposes to consider the following topic areas for scrutiny in the coming municipal year:

- Annual Complaints Report
- Performance Q1/2/3/4 Reports
- Key Risk Report
- Budget Report
- 2020/21 Interim Audit and Investigation Report
- Annual Statement of Accounts

Topics already in progress/carried over from 2019/20:

- Maidenhead United – Request for Relocation
- Annual Governance Statement Progress Reports

10. APPENDICES

10.1 This report is supported by one appendix:

- Corporate Overview and Scrutiny Panel Work Programme 2019/2020

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? No
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WORK PROGRAMME - CORPORATE OVERVIEW AND SCRUTINY PANEL

DIRECTORS	<ul style="list-style-type: none"> • Duncan Sharkey (Managing Director) • Russell O’Keefe (Executive Director) • Adele Taylor (Director of Resources)
LINK OFFICERS & HEADS OF SERVICES	<ul style="list-style-type: none"> • Elaine Browne (Head of Law) • Nikki Craig (Head of HR, Corporate Projects & IT) • Catherine Hickman (Lead Specialist Audit and Investigation) • Barbara Richardson (Managing Director RBWM Property Co) • Ruth Watkins (Chief Accountant and Deputy S151 Officer) • Karen Shepherd (Head of Governance)

POTENTIAL MEETING – TBC AUGUST 2020 IF NEEDED TO CONSIDER REMAINING JULY ITEMS – THESE MAY GO TO A NEW AUDIT COMMITTEE IN SEPTEMBER 2020.

MEETING: 29th SEPTEMBER 2020

ITEM	RESPONSIBLE OFFICER
Annual Complaints Report	Nikki Craig , <i>Head of HR, Corporate Projects & ICT</i>
Q1 Performance Report	Rachel Kinniburgh , <i>Strategy and Performance</i>
Annual Governance Statement; Progress report – Member/Officer Roles and Responsibilities	Duncan Sharkey , <i>Managing Director</i> Mary Severin , <i>Monitoring Officer</i>
Work Programme	Panel clerk
TASK AND FINISH	
Highways contract outsourcing	Hilary Hall and Ben Smith

MEETING: TBC OCTOBER/NOVEMBER 2020

ITEM	RESPONSIBLE OFFICER
Corporate Transformation Paper	
Key Risk Report (Bi-Annual)	Steve Mappley , <i>Insurance and Risk Manager</i>
Work Programme	Panel Clerk

MEETING: 26th JANUARY 2021

ITEM	RESPONSIBLE OFFICER
Budget Report	Lead Officers and Finance
Annual Scrutiny Report (Draft)	Chairman and Lead Officers
2020/21 Interim Audit and Investigation Report	Catherine Hickman , <i>Lead Specialist Audit and Investigation</i>
Q2 Performance Report	Rachel Kinniburgh , <i>Strategy and Performance</i>
Work Programme	Panel clerk

MEETING: 19th APRIL 2021

ITEM	RESPONSIBLE OFFICER
Annual Scrutiny Report (Final version for approval and submission to Full Council)	Chairman and Lead Officers
Key Risk Report (Bi-Annual)	Steve Mappley , <i>Insurance and Risk Manager</i>

Q3 Performance Report	Rachel Kinniburgh , <i>Strategy and Performance</i>
Work Programme	Panel clerk

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

ITEM	RESPONSIBLE OFFICER
Maidenhead United – Request for Relocation	Russell O’Keefe , <i>Executive Director</i>

The Terms of Reference for the Corporate Overview and Scrutiny Panel can be found at the following link:
<https://rbwm.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD558&ID=558&RPID=4678919>

Report Title:	Infrastructure Overview and Scrutiny Panel - Annual Report
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Bhangra, Chairman of the Panel (municipal year 2019/20)
Lead Officers:	Russell O'Keefe - Executive Director Tracy Hendren (Head of Housing and Environmental Health Service) Chris Joyce (Head of Infrastructure, Sustainability & Economic Growth) Ben Smith (Head of Commissioning - Infrastructure) Adrien Waite (Head of Planning)
Meeting and Date:	Full Council 28 July 2020

REPORT SUMMARY

Part 9A B4 of the [council constitution](#) requires an Overview and Scrutiny Panel to report annually to full Council on *'its workings and make recommendations for future work programmes and amended working methods if appropriate'*.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the annual report of the Infrastructure Overview and Scrutiny Panel

2. CHAIRMAN'S INTRODUCTION

- 2.1 During the municipal year 2019/20, the Infrastructure Overview and Scrutiny Panel considered several issues which impact the residents of the Royal Borough of Windsor and Maidenhead.
- 2.2 Executive Members, Officers, Cabinet Lead Members and Councillors were invited to attend meetings of the Scrutiny Panel to provide evidence and answer questions on priorities in relation to infrastructure decisions in the Royal Borough of Windsor and Maidenhead.
- 2.3 The Panel also considered a number of reports, decisions as well as "call ins" relating to Executive Cabinet decisions, listed below:
- ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2018-19
 - MEMBER CALL IN - PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE
 - MANAGEMENT PLAN – 24 HOUR POTHOLE RESPONSE
 - CALL IN - MAIDENHEAD STATION - QUEEN STREET JUNCTION
 - BUDGET 2020/21
 - Q2 PERFORMANCE REPORT

- RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20
- TASK AND FINISH GROUP DURING THE MUNICIPAL YEAR 2019/20
- MEMBER REVIEW - PERTAINING TO THE HATCH LANE/DEDWORTH ROAD, WINDSOR ROUNDABOUT PROPOSAL IMPLEMENTATION
- PROPOSALS FOR IMPROVED WORKING METHODS

- 2.4 One of the primary Infrastructure Overview & Scrutiny Panel meetings was to question the Council Leader, Cabinet Lead Executive Members and officers in relation to the budget and priorities for the year ahead.
- 2.5 The Panel Members collectively made decisions and supported recommendations on items put forward on the agenda. This helped to strengthen the working relationship with the Executive, which is crucial, as a key element of Overview and Scrutiny is the ability to influence decision makers at the Council and other public service organisations.
- 2.6 As we move into the new municipal year, the Infrastructure Overview and Scrutiny Panel will continue to focus on initiatives to strengthen the Overview and Scrutiny process. This will include greater emphasis on pre-decision scrutiny and measures to achieve greater involvement by residents and local community groups to seek their views.
- 2.7 I would like to personally thank scrutiny panel Members, officers, Cabinet lead members, councillors and all who attended and participated in the O&S Panel meetings.

3. TOPICS SCRUTINISED DURING THE MUNICIPAL YEAR 2019/20

3.1 ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2018-19

The Panel noted the report and agreed that the report was published on the Council's website and that the annual report continued to be produced and presented at Overview and Scrutiny Panels.

3.2 MEMBER CALL IN - PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE MANAGEMENT PLAN – 24 HOUR POTHOLE RESPONSE

It was agreed to take no further action on the call in on the provisioned revisions to the Highways Maintenance Management Plan.

3.3 CALL IN - MAIDENHEAD STATION - QUEEN STREET JUNCTION

It was agreed to take no further action on the call in on the Maidenhead Station – Queen Street Junction report, and a review of the Junction improvements at Queen Street be brought to a future Infrastructure Overview & Scrutiny Panel.

3.4 BUDGET 2020/21

The Panel noted the proposed budget report.

3.5 Q2 PERFORMANCE REPORT

It was resolved unanimously that the Infrastructure Overview and Scrutiny Panel notes the report and:

- i) Notes the 2019/20 Q2 Infrastructure Overview and Scrutiny Panel Performance Report.
- ii) Requests relevant Lead Members, Directors and Heads of Service to maintain focus on improving performance

3.6 DEDWORTH ROAD/HATCH LANE ROUNDABOUTS TRIAL

The Panel were informed about the trial. It was agreed to review the safety audit to see if anything can be done regarding the concerns raised, including the loss of parking outside the shops and cyclists being driven away from junctions due to speeding traffic travelling east to west.

4. CALL-INS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

4.1 MEMBER CALL IN - PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE MANAGEMENT PLAN – 24 HOUR POTHOLE RESPONSE

It was agreed to take no further action on the call in on the provisioned revisions to the Highways Maintenance Management Plan.

4.2 CALL IN - MAIDENHEAD STATION - QUEEN STREET JUNCTION

It was agreed to take no further action on the call in on the Maidenhead Station – Queen Street Junction report, and a review of the Junction improvements at Queen Street be brought to a future Infrastructure Overview & Scrutiny Panel.

5. RESIDENT SUGGESTIONS CONSIDERED DURING THE MUNICIPAL YEAR 2019/20

5.1 No resident suggestions were received.

6. TASK AND FINISH GROUPS ESTABLISHED DURING THE MUNICIPAL YEAR 2019/20

6.1 Homelessness task and finish group

The Panel members were due to meet three times over the municipal year, focusing on reducing rough sleeping and exploring other models from elsewhere to adopt as best practice and reduce rough sleeping. No outcomes were brought forward.

The first Task and Finish group took place on 09.10.19, the second on 03.12.19, and the third was cancelled due to Covid-19.

7. PROPOSALS FOR IMPROVED WORKING METHODS

7.1 Clear objectives and a workplan.

- 7.2 Increased officer resource to ensure the Panel has the right level of support.
- 7.3 Additional training for all the Panel Members to help develop their skills and a clear understanding of the scrutiny process.
- 7.4 Improvements on how the Panel plans and organises its work plan items to give Members more time for questions, discussions and debate.
- 7.5 These changes will help put the Panel in a stronger place for the following municipal year.

8. THANKS

- 8.1 The Panel would like to thank the following individuals and organisations for their involvement in the scrutiny process this year:
 - Blue Light Services
 - Courtney Coaches
 - Former Chairman Cllr Ross McWilliams
 - Vice Chairman Cllr Phil Haseler
 - Managing Director Duncan Sharkey
 - All the Officers involved for providing reports
 - Cabinet members
 - All Panel and sub-committee members

9. PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2020/21

- 9.1 The Panel proposes to consider the following topic areas for scrutiny in the coming municipal year:
 - Topics already in progress/carried over from 2019/20:
 - Homelessness Task and Finish Group
 - New topics:
 - N/A

10. APPENDICES

- 10.1 This report is supported by 1 appendix:
 - Infrastructure O&S Panel 2020/21 Forward Work Programme

REPORT HISTORY

Decision type: For information	Urgency item? No	To Follow item? No
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WORK PROGRAMME - INFRASTRUCTURE OVERVIEW AND SCRUTINY PANEL

To include consideration of items scheduled on the [Cabinet Forward Plan](#).

DIRECTORS	<ul style="list-style-type: none"> • Duncan Sharkey (Managing Director) • Russell O’Keefe (Director of Place)
LINK OFFICERS & HEADS OF SERVICES	<ul style="list-style-type: none"> • Tracy Hendren (Head of Housing and Environmental Health Service) • Chris Joyce (Head of Infrastructure, Sustainability & Economic Growth) • Ben Smith (Head of Commissioning - Infrastructure) • Adrien Waite (Head of Planning)

MEETING: 20TH JULY 2020

ITEM	RESPONSIBLE OFFICER
Appointment of co-optees	Chairman and Vice Chairman
Work Programme	Chairman and Vice Chairman
TASK AND FINISH	
TBC	

MEETING: 17TH SEPTEMBER 2020

ITEM	RESPONSIBLE OFFICER
Q1 Performance Report	Rachel Kinniburgh, <i>Strategy and Performance Manager</i>
Annual Complaints Report	Nikki Craig, <i>Head of HR, Corporate Projects and IT</i>
Annual Scrutiny Report - Draft	Chairman & Lead Officers
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

MEETING: 19TH JANUARY 2021

ITEM	RESPONSIBLE OFFICER
Budget 2021/22 Report	Lead Officers & Finance
Q2 Performance Report	Rachel Kinniburgh, <i>Strategy and Performance Manager</i>
Annual Scrutiny Report - Draft	Chairman & Lead Officers
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

MEETING: 6TH APRIL 2021

ITEM	RESPONSIBLE OFFICER
Q3 Performance Update Report	Rachel Kinniburgh, <i>Strategy and Performance Manager</i>
Annual Scrutiny Report (Final version for approval and submission to Full Council)	Chairman & Lead Officers
Work Programme	Panel clerk
TASK AND FINISH	
TBC	

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

ITEM	RESPONSIBLE OFFICER
Volker and Project Centre Annual Review	Hilary Hall, <i>Director of Adults, Health and Commissioning</i>
Highways Investment Report	Ben Smith, <i>Head of Commissioning - Infrastructure</i>
Draft Parking Permit Scheme Policy	At the request of the Chairman
Capital Programme Update	Lead Officers
<i>From Communities O&S Panel – - Singular Use Plastics Update Report</i>	Chris Joyce, <i>Head of Infrastructure, Sustainability & Transport</i>

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Overview and Scrutiny – Analysis of responses to Member Survey (January 2020)

Respondents

The survey was open to Councillors from 18 November 2019 – 9 December 2019. All Members were notified by an initial email and a subsequent reminder, alongside articles in the weekly Members' Update message.

Responses were received from 15 councillors from across the political spectrum, each of whom have attended at least one panel meeting since the start of the 2019-20 municipal year. The majority of respondents have attended between 1-3 panel meetings.

Respondents have attended Panel meetings in the following capacities: Chairman, Vice Chairman, Panel Member, Lead Member, call-in signatory and non-Panel member therefore providing a wide variety of viewpoints.

Member training

The training held in August 2019 was attended by 12 of the respondents.

The training, based on best practice in other councils, was seen as a good introduction, particularly for newly-elected councillors. Key learning points were the importance of cross-party scrutiny and collaborative working, including the option to appoint Opposition Members to Chairman/Vice Chairman positions, and the legal parameters of the Panel's remit.

Respondents made suggestions for additional training throughout the survey; these have been referred to in suggestions for improvement.

Panel meetings

Members identified numerous positives relating to Panel meetings under the new structure, brought in from the start of the 2019/20 municipal year.

The opportunity to present issues of concern and scrutinise evidence in public was greatly valued, along with the opportunity to identify issues and develop solutions, in partnership with Lead Members where appropriate. The ability for the panels to set their own work programme was a key benefit. Meetings were effective when the Chairman had a firm grasp of what they and the panel wanted to achieve.

Meetings, including special meetings, had provided time to enable in-depth scrutiny of specific issues. Reports had been made available in a timely manner with minutes acting as an audit trail. Lead Members had attended when appropriate. Meetings had provided the opportunity to engage with external agencies and partners, to get to know other councillors, to meet more officers, and to learn more about the work of the council.

The ability for panels to call officers to attend meetings was seen as very useful, to ensure Members made informed decisions. Officers were described as 'open', and were complimented on their professionalism and the depth of briefings provided.

Suggested improvements to make Panel meetings more effective

	Suggested improvement	Comments	Responsible party/parties
1.	Additional meetings to allow for more debate Ability of Panels to consider wide remits (particularly Adults, Children and Health)	Panels are able to agree additional meetings when discussing the 'Work Programme' item that is included in every Panel agenda Panels to consider additional meetings to ensure all issues can be addressed	Panel Members Panel Members (Full Council can amend terms of reference if it so wishes)
2.	Detailed information and briefings for Members before meetings Chairman to review the items prior to the meeting and highlight key questions to be asked/ key issues for scrutiny	Covering reports are provided for all items. Members to consider items as soon as the agenda is published and submit requests for further information in a timely manner	Panel Members /Chairman (officers to respond to requests)
3.	Task and Finish Groups to focus on policy creation rather than simply receiving briefings	Training on effective Task and Finish Groups to be arranged	Head of Governance to arrange training / Group Leaders to ensure Member attendance
4.	Create a facility for residents to be able to ask for matters to be scrutinised by the relevant panels	Residents are already able to do this via the website	-
5.	Removal of political balance	Not possible under current legislation	-
6.	Opposition Member to be appointed as Chairman Chairman to be elected based on skill set	Under the O&S Panel terms of reference in the constitution, the Panel is able to select its Chairman and Vice Chairman	Panel Members
7.	Improved Chairing Skills	Training on O&S chairing skills to be arranged	Head of Governance to arrange training / Group Leaders to ensure attendance of Chairman

8.	Increased panel sizes	Panel sizes were agreed following the 2018 constitution review in light of the reduced number of Councillors from May 2019	Full Council can amend panel memberships if it so wishes
9.	Scrutiny handbook for new Members	Best practice examples to be identified	Scrutiny Officer
10.	Training on local government / council finances	Training on local government / council finances to be arranged	Head of Governance to arrange training / Group Leaders to ensure attendance of Chairman
11.	Clarity on the purpose, objectives, responsibilities and function of panels including resources available. Effective scrutiny rather than just information gathering Focus on the purpose of discussions Setting of clearer objectives More challenging questions to be asked Panels to reconsider their terms of reference to identify wider issues for scrutiny	Training on effective scrutiny skills to be arranged All Panel meeting agenda contain a link to the latest Cabinet Forward Plan. Panels to regularly review this and identify issues for consideration well in advance.	Head of Governance to arrange training / Group Leaders to ensure Member attendance Panel Members; Lead Officers
12.	Clerks to be more proactive in advising on procedure and supporting the Chairman	Further training to be provided for all Panel clerks	Scrutiny Officer, Panel clerks

Call-ins

Respondents had attended Panel meetings considering call-ins in the following capacities: Chairman, Vice Chairman, Panel Member, Call-in signatory and non-Panel member.

The opportunity to present issues of concern and scrutinise evidence in public was highlighted again as being good for transparency. Officers could be questioned to enable Panel Members to fully understand the reasoning behind decisions. Call-in debates allowed for a 'deep dive' into a particular policy area that could then draw out other elements, for example relating to financing of projects or the overall strategic approach.

Suggested improvements to make Call-in procedures at Panel meetings more effective

	Suggested improvement	Comments	Responsible party/parties
1.	Removal of the potential for Panel Members to be whipped to enable debates (and votes) not constrained by party politics	Legal advice is awaited on whether this is possible.	Full Council can amend terms of reference if it so wishes
2.	Councillors who have been whipped to ensure this is declared at the start of the meeting.	This is already a requirement under Part 4A 17 of the constitution.	Panel Members
3.	Increase the number of Members required to initiate a call-in	The current requirements are: 3 Members (1 from relevant O&S Panel) OR 5 Members	Full Council can amend the terms of reference if it so wishes
4.	Members to ensure they are fully informed on the topic before the debate including asking questions/seeking information before the meeting. Chairman should be proactive in monitoring this.	Covering reports detailing options available under the call in process are published in the agenda, along with details of the relevant Cabinet decision. Members to consider details as soon as the agenda is published and submit requests for further information in a timely manner	Panel Members /Chairman (officers to respond to requests)
5.	Members submitting call-ins to ensure their requests are supported by clear evidence	Training on effective scrutiny skills to be arranged	Head of Governance to arrange training / Group Leaders to ensure attendance of Member attendance Members in their capacity as signatories to call-ins
6.	Ensure rules relating to Lead Member speaking are adhered to	Detailed in Part 4A 18 of the constitution	Chairman / Panel Clerk

Task and Finish Groups

Respondents have attended Task and Finish Group meetings in the following capacities: Chairman, Lead Member, Task and Finish Group member, and non-Task and Finish Group member.

15 Councillors responded to the question 'Have the O&S Panels been effective in instigating Task and Finish Reviews?': 13.3% answered 'yes' and 33.3% answered 'no'. The remaining 53.3% did not know, reflecting the small number of Task and Finish Groups that have been established so far.

Members identified positive aspects of Task and Finish Group meetings, including when a clear agenda had been set, and the welcome attendance of experts and external partners where appropriate. Allocating time in already busy meeting schedules was identified as a concern.

However, overall responses demonstrated a lack of Member understanding of the role of Task and Finish Groups, in particular that they should be driven by the Chairman and Panel Members themselves. There was also a lack of clarity on the resources available to Panels. This has resulted in wide-ranging Task and Finish Group scopes that are lacking in focus, and a subsequent lack of momentum.

Suggested improvements to make Task and Finish Groups more effective

	Suggested improvement	Comments	Responsible party/parties
1.	Improved understanding of the role of Chairman and Member of a Task and Finish Group Improved O&S Chairing skills	Training on effective task and finish groups to be arranged	Head of Governance to arrange training / Group Leaders to ensure Member attendance
2.	Clear objectives / work plan	Training on effective task and finish groups to be arranged	Head of Governance to arrange training / Group Leaders to ensure Member attendance Chairman/ Panel Members

3.	Ensuring minutes include action points for individual members of the group	TFG notes should capture context of the debate plus action points with identified responsible parties	Panel clerk / Chairman
4.	Make Task and Finish Group findings enforceable	Task and Finish Group reports are submitted to the full Panel for approval, then to Cabinet for consideration	Task and Finish Group and Panel Members / Cabinet for consideration

Report Title:	Constitutional Amendments – Audit and Governance Committee
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Johnson, Leader of the Council
Meeting and Date:	Full Council 28 July 2020
Responsible Officer(s):	Duncan Sharkey, Managing Director / Adele Taylor S151 Officer / Director of Resources / Mary Severin, Monitoring Officer
Wards affected:	All

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REPORT SUMMARY

1. As part of the approval of a constitutional amendments report at the full Council meeting held on 23 June 2020, Members requested that officers review arrangements for audit oversight. This report therefore proposes that the audit oversight functions currently undertaken by the Corporate Overview and Scrutiny Panel be transferred to a separate Audit and Governance Committee.
2. Members are also asked to note the terms of reference of the recently established Cabinet Transformation Sub-Committee

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and:

- i) Approves amendments to the constitution detailed in Appendix A to establish an Audit and Governance Committee.
- ii) Appoints Councillor Bateson as Chairman of the Audit and Governance Committee and Councillor L. Jones as Vice Chairman of the Audit and Governance Committee for the remainder of the municipal year.
- iii) Meeting dates for the remainder of the municipal year be set as:
 - 14 September 2020
 - 9 November 2020
 - 16 February 2021
- iv) Notes the terms of reference of the Cabinet Transformation Sub-Committee detailed in Appendix B.
- v) Delegates authority to the Monitoring Officer to update as appropriate and publish the council constitution.

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

Options

Table 1: Options arising from this report

Option	Comments
Approve the changes detailed in Appendix A. This is the recommended option	The inclusion of the Audit and Governance Committee in the updated constitution will promote best practice and confidence in decision making.
Modify the changes proposed in Appendix A and approve modified changes.	Members may wish to propose and consider amendments to the recommended changes.
Do not approve the changes detailed in Appendix A	The constitution will not promote best practice.
Note the terms of reference in Appendix B This is the recommended option	The Cabinet Sub Committee has been established and the terms of reference will be added to the constitution

Audit and Governance Committee

- 2.1 As part of the full review of the constitution in 2018, the functions of the former Audit and Performance Review Panel were amalgamated into the Corporate Overview and Scrutiny Panel. Over the last year, the Panel has found that undertaking the audit oversight functions alongside the overview and scrutiny role has put significant pressure on the Panel's ability to undertake its full work programme.
- 2.2 The recent Chartered Institute of Public Finance and Accountancy (CIPFA) / Centre for Public Scrutiny (CfPS) publication '[Financial Scrutiny Practice Guide](#)' highlights the need for separation from, but coordination with, scrutiny:

Audit committees provide important assurance to the authority and to external auditors. Their function is to provide an independent and high-level resource to support good governance and strong public financial control Within the wider control environment, the audit committee holds a responsibility to ensure probity, and holds oversight responsibility for the finance system in general, alongside governance and audit arrangements. It is concerned with the robustness of the authority's arrangements to implement its policies and to manage its resources but it has no wider role in engaging with policy. This is where scrutiny comes in. Scrutiny – including financial scrutiny – is about reviewing and investigating the council's finances in light of its stated policy goals.

The roles of audit and scrutiny can overlap. Some duplication is sensible – scrutiny will be looking at the same issue, but with a different perspective, to audit. But coordination is needed to make sure that things are covered adequately.

- 2.3 To ensure both audit and scrutiny functions receive appropriate focus, it is recommended that the audit oversight functions be removed from the Overview and Scrutiny Panel terms of reference and a separate Audit and Governance Committee be established, see details in Appendix A.

- 2.4 The proposal for an independent Audit and Governance Committee is also supported by the recommendations in the recent [final report](#) from CIPFA (Chartered Institute of Public Finance and Accountancy) on the council’s financial governance arrangements.
- 2.5 The audit and governance responsibilities previously included in the Corporate Overview and Scrutiny Panel’s terms of reference have been incorporated into the terms of reference for the new committee, see Appendix A. At the same time the activities have been updated to reflect current best practice. The general remit of the committee includes:
 - Oversight of internal and external audit activity
 - Consideration of the Annual Governance Statement and actions arising
 - Responsibility relating to anti-fraud and corruption policies
 - Oversight of the risk management and corporate governance framework
 - Scrutiny of capital, investment and treasury management activities

Cabinet Transformation Sub-Committee

- 2.6 As per Part 3A2.4 of the constitution, any changes to the scheme of delegation relating to executive functions must be reported to the next meeting of full Council. Members are therefore asked to note the terms of reference for the recently established Cabinet Transformation Sub Committee detailed in Appendix B.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Updated Constitution	Amendments not approved	Amendments approved and updated constitution published	n/a	n/a	4 August 2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no direct financial implications by virtue of the recommendations in the report.
- 4.2 Any proposal for a Special Responsibility Allowance for the Chairman of the Audit and Governance Committee would need to be considered by the Independent Remuneration Panel before full Council could amend the Members’ Allowance Scheme in the constitution.

5. LEGAL IMPLICATIONS

5.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
There is a risk of challenge if the constitution is not updated to reflect legal requirements and promote best practice.	Medium	Constitution is regularly reviewed and updated.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. An EQIA screening has been undertaken; a full EQIA is not considered to be required.
- 7.2 Climate change/sustainability. None identified.
- 7.3 Data Protection/GDPR. None identified.

8. CONSULTATION

8.1 The Corporate Overview and Scrutiny Panel has previously discussed the workload of the Panel and Members have expressed a desire for the audit elements to be dealt with separately to the scrutiny functions of the Panel.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 6.

Table 4: Implementation timetable

Date	Details
28 July 2020	Full Council consider proposed amendments
4 August 2020	Updated constitution published to the council website

10. APPENDICES

10.1 This report is supported by two appendices, all sections of the council constitution:

- Appendix A – Part 4B Overview & Scrutiny, Part 6B – Terms of Reference for all other Committees and Part 8C – Finance Procedure rules - proposed audit oversight arrangements
- Appendix B – Part 3A – The Executive Cabinet - Terms of Reference - Cabinet Transformation Sub-Committee

11. BACKGROUND DOCUMENTS

11.1 This report is supported by three background documents:

- The [current council constitution](#) (v. 20.5)
- CIPFA /CfPS [Financial Scrutiny Practice Guide](#) (June 2020)
- CIPFA review of [RBWM Financial Governance](#)

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Leader of the Council	14/7/20	14/7/20
Cllr Rayner	Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	14/7/20	14/7/20
Cllr Hilton	Lead Member for Finance and Ascot	14/7/20	15/7/20
Cllr Targowski	Chairman of Corporate Overview and Scrutiny Panel	14/7/20	17/7/20
Russell O’Keefe	Director of Place	13/7/20	
Elaine Browne	Head of Law	13/7/20	20/7/20
Kevin McDaniel	Director of Children’s Services	13/7/20	
Hilary Hall	Director Adults, Commissioning and Health	13/7/20	14/7/20
Nikki Craig	Head of HR, IT and Corporate Projects	13/7/20	14/7/20
Catherine Hickman	Lead Specialist, Audit and Investigation	13/7/20	17/7/20
Louisa Dean	Communications	13/7/20	

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Council decision	No	No
Report Authors: Karen Shepherd, Head of Governance, 01628 796529 and Andrew Vallance, Head of Finance		

PART 4 - OVERVIEW AND SCRUTINY

B - Terms of Reference for Overview and Scrutiny

B. Terms of Reference for Overview and Scrutiny Panels

B1 Terms of Reference

The Council will appoint four Overview and Scrutiny Panels will together and singly discharge the functions conferred by Section 21 of the Local Government Act 2000, regulations under Section 32 of the Local Government Act 2000 and subsequent amendments, Section 244 of the NHS Act 2006 the Police and Justices Act 2006, Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009.

Each Panel and any sub-panels shall be politically balanced in accordance with section 15 of the Local Government Act 2000.

B2 General role

The Overview and Scrutiny Panels may:

- i) Review and/or scrutinise decisions to be made by Cabinet and made by it or actions taken in connection with the discharge of any of the Council's functions.
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- iii) Consider any matter affecting the area or its inhabitants that falls within the remit of the council.
- iv) Exercise the right to call-in, for reconsideration, executive decisions made in respect of which no steps have been taken to implement the decision.
- v) Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of the draft plans and policy issues to be submitted to Council.
- vi) Conduct such necessary research and investigation in the analysis of the policy issues and the possible options for the plans to be submitted to Council as above.
- vii) Question relevant Members of Cabinet and the relevant Chief Officers about issues and proposals affecting the area.
- viii) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working.
- ix) Review and scrutinise the decisions to be made by Cabinet and which have been made by the Cabinet and Council officers both in relation to individual decisions and over time.
- x) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- xi) Question Members of the Cabinet and Directors about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- xii) Make recommendations to the Cabinet and/or Council arising from the outcome of the Scrutiny process.

- xiii) Review and scrutinise the performance of the relevant bodies in the area and invite reports from them to address an Overview and Scrutiny Panel and local people about their activities and performance.
- xiv) Question and gather evidence from any person or organisation (with that person/organisation's consent).
- xv) Consider any petitions referred to the Panel in accordance with the Council Petitions Protocol.
- xvi) Work to ensure that communities are engaged in the scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

B3. Finance.

In carrying out its activities, the Overview and Scrutiny Panels will operate within such budget and allocation of officer time as the Council shall provide.

B4. Annual report.

The Overview and Scrutiny Panels will report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

B5 Proceedings of the Panels

The Overview and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4A of this Constitution.

B6. Membership & Roles of Responsibility

The membership of the Panels is as set out in the following table. The Role and Scope of each Overview and Scrutiny Panel is set out in general terms within Article 10 of this Constitution. The specific role of scope for each relevant panel is as follows:

Committee and Membership	Role and Scope
Adults, Children & Health O&S Panel (5 members) Co-Optees - 2 voting church and parent governor representatives	The Adults, Children and Health Overview & Scrutiny Panel shall have powers to deal with routine matters within the functions relating to Adult Social Care, Adult Services general and Public Health Services. The Panel shall have the enhanced review and scrutiny powers in line with provisions in Health and Social Care Act 2012, including power of referral to the Secretary of State for Health. In the event of a proposed referral to the Secretary of State for Health, a report shall be submitted to Council for information, prior to submission.

for education matters only	<p>All matters relating to Children’s Services, Schools and Education generally.</p> <p>In addition to the Panel’s broad terms of reference, the Panel will be responsible for ensuring the local authority fulfils its safeguarding responsibilities, including child sexual exploitation. This needs to include children’s social care and education provision.</p> <p>The Panel will be responsible for the overview and scrutiny of the following within the remit of the Panel:</p> <ol style="list-style-type: none"> 1 To consider the Council Plan and Key Decisions and to monitor performance against these plans 2 To deal with petitions when referred to Overview & Scrutiny in accordance with the Council’s Petition Protocol 3 To consider the Council’s annual budget 4 To assist the Cabinet in the development of the Council’s annual budget and to review and scrutinise budgetary management 5 To prepare the annual report to Council. 6 To issue the invite for scrutiny suggestions to the residents, members and the Cabinet. 7 To determine the Overview and Scrutiny Work Programme 8 The effective reporting and control of Council activities
<p>Communities O&S Panel (5 members)</p> <p>Co-Optees – 2 non voting representatives from the north and south</p>	<p>All matters relating to the culture, environment, communities and crime & disorder within the Borough.</p> <p>In addition, when considering matters of crime and disorder the Panel’s main objective is to ensure that the Community Safety Partnership is held accountable for the discharge of its executive functions, to enable the voice and concerns of the public and its communities to be heard and drive improvement in public services. In addition to the Panel’s broad terms of reference as detailed above, the Panel will responsible for the overview and scrutiny of the following:</p>

<p>parishes for Crime and Disorder matters only</p>	<ul style="list-style-type: none"> • to consider the effectiveness of actions undertaken by the responsible authorities on the Community Safety Partnership ('CSP'); • make reports or recommendations to Cabinet/Council with regard to those policies developed by the CSP and the effectiveness of the functions managed through the CSP. • to consider a number of issues in consultation with the relevant partners on the CSP which reflect local community need and make recommendations to Cabinet <p>The Panel will be responsible for the overview and scrutiny of the following within the remit of the Panel:</p> <ol style="list-style-type: none"> 1 To consider the Council Plan and Key Decisions and to monitor performance against these plans 2 To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol 3 To consider the Council's annual budget 4 To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management 5 To prepare the annual report to Council. 6 To issue the invite for scrutiny suggestions to the residents, members and the Cabinet. 7 To determine the Overview and Scrutiny Work Programme 8 The effective reporting and control of Council activities
<p>Infrastructure O&S Panel (5 members)</p>	<p>All matters relating to the provision of infrastructure, planning, housing, highways and transportation within the Borough.</p> <p>The Panel will be responsible for the overview and scrutiny of the following within the remit of the Panel:</p>

	<ol style="list-style-type: none"> 1 To consider the Council Plan and Key Decisions and to monitor performance against these plans 2 To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol 3 To consider the Council's annual budget 4 To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management 5 To prepare the annual report to Council. 6 To issue the invite for scrutiny suggestions to the residents, members and the Cabinet. 7 To determine the Overview and Scrutiny Work Programme 8 The effective reporting and control of Council activities
<p>Corporate O&S Panel (5 members)</p>	<p><u>Corporate Overview</u></p> <p>The Panel will be responsible for the <u>overall corporate</u> overview and scrutiny of the following:</p> <ol style="list-style-type: none"> 1 To consider the Council Plan and Key Decisions and to monitor performance against these plans 2 To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol 3 To consider the Council's annual budget 4 To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management 5 To prepare the <u>Panel's</u> annual report to Council. 6 To issue the <u>Panel's</u> invite for scrutiny suggestions to the residents, members and the Cabinet.

- | | |
|--|--|
| | <p>7 To determine the <u>Panel's</u> Overview and Scrutiny Work Programme</p> <p>8 The effective reporting and control of Council activities</p> <p>9 Key projects and their planning, implementation and delivery (where such projects do not relate to the remit of another Overview and Scrutiny Panel)</p> |
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Audit & Performance Overview

- ~~(a) To consider and approve the Head of Audit and Investigation's Internal Audit strategy and plan, internal audit annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's Corporate Governance arrangements. To consider and approve the approach for the effectiveness of the Internal Audit system, note the outcome of the review and agree the conclusion.~~
- ~~(b) To receive a quarterly report on the outcome of all audit reviews in line with the annual audit plan.:~~
- ~~(c) To consider the External Auditor's annual letter, relevant reports and reports to those charged with governance including issues arising from the audited accounts.~~
- ~~(d) To consider specific reports as agreed with external audit and to comment on the scope and depth of external audit work and to ensure that it delivers value for money.~~
- ~~(e) To consult on behalf of the Council with the Audit Commission, or any other relevant body, over the appointment of the Council's external auditor.~~
- ~~(f) To commission work for internal and external audit as the Panel considers appropriate.~~
- ~~(g) To receive an annual report and maintain an overview of the Council's Constitution in respect of contract and financial procedure rules~~
- ~~(h) To review any issue referred to the Panel by the Managing Director or a Director or any Council body.~~

	<p>(i) To receive an annual report on and monitor the effective development and operation of, risk management and corporate governance in the Council.</p> <p>(j) To monitor Council policies on “Raising Concerns at Work” and the anti-fraud and corruption strategy and the Council’s complaints process, on at least an annual basis.</p> <p>(k) To oversee the production of the Council’s Annual Governance Statement and to recommend its adoption.</p> <p>(l) To receive an annual report to consider the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.</p> <p>(m) To receive an annual report on and consider the Council’s compliance with, its own and other agreed published standards and controls.</p> <p>(n) To consider improvements to processes, people or systems which are necessary to achieve efficient and effective planning, delivery, control, reporting and governance of the Council’s activities.</p> <p>(o) To review the annual statement of accounts, specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council and to approve the Statement of Accounts for inspection by the External Auditors.</p> <p><u>Performance Overview</u></p> <p><u>(ap)</u> To monitor the performance of the Council as a whole and in respect of particular services as the Panel or Cabinet may from time to time identify for service improvement.</p> <p><u>(bf)</u> To monitor the Council’s performance in respect of</p> <ul style="list-style-type: none"> (i) such national and local performance indicators as the Panel considers appropriate (ii) delivery of outcome improvement plans in respect of reviews undertaken and make
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	<p>recommendations on areas requiring service improvement and on setting targets to deliver such improvements</p> <p>(iii) the effectiveness of performance reporting to enable the Directors and Heads of Service, the Cabinet and the Overview and Scrutiny Panels to perform their management, governance and overview and scrutiny roles respectively</p> <p>and make recommendations on areas requiring service improvement and on setting targets to deliver such improvements.</p> <p>(cs) To consider and make recommendations in respect of external reviews and inspections of Council Services.</p> <p>(dt) To monitor the partnership arrangements in which the Council is involved including but not restricted to:</p> <ul style="list-style-type: none"> - Governance arrangements - any inspections or reviews undertaken in respect of partnership arrangements <p>(eu) To receive and consider reports on the Council's negotiations to agree Local Area Agreements (LAA) and to monitor performance towards achieving the agreed targets.</p>
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B7 Responsibilities of Members in Overview and Scrutiny

B7.1 Chairmen of Relevant Scrutiny Panels

Chairmen of Overview and Scrutiny Panels will:

1. Chair meetings of the relevant Overview and Scrutiny Panel;
2. provide strong, fair leadership and clear guidance to Members and officers in relation to Scrutiny functions;
3. have overall responsibility for the direction of scrutiny in the Council in their area of responsibility, and for ensuring that an appropriate annual scrutiny Work Programme is set;
4. continuously monitor and evaluate the relevance of the annual Scrutiny Work Programme;
5. review, challenge and question the implementation of agreed policy and service delivery, and make recommendations to the Cabinet and Council to improve policy, performance and service delivery;

6. develop a clear understanding of the terms of reference of their Panel, the scope and range of the areas for which it is responsible, and the Council policies in respect of those areas;
7. ensure the work of their panel contributes to the delivery of continuous improvement in services and implementation of best practice;
8. review all agendas for scrutiny panel meetings, to take a lead in developing a forward agenda, and to ensuring it is adhered to;
9. meet on a regular basis and consult with relevant Members to advise them of progress in the work of their Overview and Scrutiny Panel, discuss issues arising from the scrutiny process, and note action being taken by the relevant Cabinet Members to address the concerns of their Overview and Scrutiny Panel;
10. seek to involve all Overview and Scrutiny Panel Members in the work of their Panel;
11. lead on the preparation of the Panel's annual report and present the Panel's final report to full Council, and if required the Cabinet.
12. ensure that Scrutiny fulfils its ~~audit and~~ review function;
13. ensure that Cabinet Members are briefed at the appropriate time on significant issues, that is those that may
 - (a) impact on established policy.
 - (b) have major resource implications
 - (c) be contentious

B7.3 Overview and Scrutiny Panel Members

All Members of the Overview and Scrutiny Panels will:

14. regularly attend meetings of the Overview and Scrutiny Panel or its Sub-Panels as appropriate;
15. play a major role in policy development and review;
16. hold the Cabinet to account as appropriate, to ensure continuous improvement in services by:
 - (i) reviewing and scrutinising the decisions made by and performance of the Cabinet and/or committees and Council Officers;

- (ii) reviewing and scrutinising the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; monitoring performance against strategy;
17. scrutinise the effectiveness and performance of partnerships;
 18. scrutinise the performance as appropriate of the third sector (voluntary and community) as a service provider;
 19. respond to community calls for action where required;
 20. contribute to regional scrutiny arrangements as appropriate, such as NHS, regional agencies;
 21. to evaluate whether the policies, strategies and plans the Council has adopted are, over time, actually delivering the outcomes intended for local people;
 22. to actively engage with the community and local organisations to obtain their views on issues or proposals affecting the area, and if appropriate encourage their attendance at Overview and Scrutiny meetings;
 23. to ensure that the Scrutiny process contributes to the promotion of community well-being and that public services are responsive to the needs of the people;
 24. to review and scrutinise the performance of external agencies, by developing a partnership approach through collaborative scrutiny methods;
 25. to identify areas of policy or under-performance in need of improvement, seek expert support, and provide evidence, advice, recommendations and proposals for consideration by the Council or Cabinet;
 26. any other related duties, as assigned by the Chairman of the Overview and Scrutiny Panel.

PART 6 - TERMS OF REFERENCE OF ALL OTHER COMMITTEES, PANELS AND OTHER BODIES OF THE COUNCIL

TERMS OF REFERENCE FOR FORUMS, PANELS AND COMMITTEES

B) REGULATORY

B1 Royal Borough Development Management Panel

B1.1 Purpose

(I) Within the operating guidelines and budget approved by the Council the Royal Borough Development Management Panel will determine applications relating to the following:

a. New full or outline planning applications, **regardless of recommendation**, falling into the definition of major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or as superseded).

Note: Section 73/73A applications or reserved matters applications are delegated matters unless called in under the call-in provisions in b) below.

Note: Any Crown applications which are covered by the National Security arrangements set out in the National Planning Policy Guidance are exempt from part a) and are delegated to the Head of Planning.

b. Applications where a Borough councillor has requested that an application be called-in to be the subject of a decision by the Development Management Panel (an application is this case being an application for Full, Outline, Hybrid or Householder Planning Permission or an application for Listed Building Consent. No other case types are the subject of the call-in provision.) This is conditional in that the call-in must:

- i) Be in writing using the Councillor call-in pro forma and received before the Neighbour Consultation Expiry Date for that application, and
- ii) Relate to an application in their own ward; and
- iii) provide a planning reason based on a material consideration for the call-in.

c. Where an application is made by a Councillor or a member of their family and there are one or more representations.

d. Where an application is made by an officer employed in a role which is directly involved in the decision making stage of the planning application process and there are one or more representations.

e. Any matter where authority is normally delegated to the Head of Planning, but where the Head of Planning chooses not to exercise their delegated authority and considers the matter should be referred to the Royal Borough Development Management Panel

(II) All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above.

(III) To advise the Council, the Cabinet, the Infrastructure Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

B1.2 Membership of the Royal Borough Development Management Panel

The Panel shall have 9 members. One shall be the Chairman.

Membership shall be in line with political balance.

A Cabinet Member may be a Member of the Development Management Panel but the Lead Member(s) holding the main portfolio for Planning shall not be permitted to be a Member.

B1.3 Quorum

3 Members

B1.4 Frequency

Meetings of the Panel will take place once per calendar month, usually on the 3rd Wednesday of each month

Note: While the dates are ideally fixed they may be subject to change for reasons such as venue availability issues or may be on other days if additional extraordinary meetings of the Panel are required. Extraordinary meetings may be called by agreement of the Head of Planning with the Chairman of the Panel.

B2 Member Standards Panel

B2.1 Purpose

In relation to the Members of the Council:

- (i) To promote and maintain high standards of conduct by Members, co-opted Members, including church and parent governor representatives;
- (ii) To assist Members, co-opted members, including church and parent governor representatives, to observe the Members' Code of Conduct;

- (iii) To recommend to the Council on the adoption or revision of its Members' Code of Conduct;
- (iv) To monitor the operation of the Members' Code of Conduct.(xvii) Advising, training or arranging to train Members, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (vi) To consider an annual report on Member Standards by the Monitoring Officer.

B2.2 Membership

8 Members

B2.3 Quorum

3 Members

B2.4 Frequency

As required

B3 Member Standards Sub Committee

B3.1 Purpose

To determine breaches of the Members' Code of Conduct in accordance with the procedure in Part 7A

B3.2 Membership

2 selected from the existing Members (including substitutes) of the Member Standards Panel (politically balanced wherever possible) and one of the Council's Independent Persons acting as Chairman.

If the complaint relates to a Town or Parish Councillor then a co-opted Town or Parish Councillor may also be an additional member, but will have no voting rights.

B3.3 Quorum

3 Members

B3.4 Frequency

As required

B4 Appointment Committee

B4.1 Purpose

To determine arrangements for the appointment and conditions of service of the Managing Director (who is appointed, on recommendation, by Council) and the Directors in accordance with Part 8B,

B4.2 Membership

5 Members (politically balanced) to include Leader of the Council (Chairman), Deputy Leader of the Council (Vice Chairman) and relevant Lead Member if appropriate.

B4.3 Quorum

3 Members

B4.4 Frequency

As required

B5 Employment Appeals Sub Committee

B5.1 Purpose

To determine officer Disciplinary and Grievance Appeals in accordance with the Council's HR procedures

B5.2 Membership

3 selected from the existing Members (including substitutes) of the Appointment Committee.

B5.3 Quorum

3 Members

B5.4 Frequency

As required

B6 Licensing Panel

B6.1 Purpose

- (i) The Licensing Panel will determine and keep under review:
 - a. the Statement of Licensing Policy
 - b. the Statement of Gambling Policy
 - c. the Hackney Carriage Policy and Conditions
 - d. the Private Hire Driver and Vehicle Policy and Conditions
 - e. the Street Trading Policy
 - f. the Sex Establishments Policy
 - g. the current Street Collections and House to House Collections Policy.

- (ii) The above Policies, as determined by the Licensing Panel, refer to certain delegations of functions to Officers. The Panel will keep these delegations under review and amend as necessary.
- (iii) To consult with members of the Hackney Carriage and Private Hire trade via their representative organisations on at least an annual basis in respect of proposed fee bands, enforcement, provision or ranks and other matters of concern to users and the trade and to make recommendations from time to time to the Council.
- (iv) To decide whether to arrange a survey on demand with regard to Hackney Carriages. (All other functions other than those delegated to the Licensing & PSPO Sub Committee which may be delegated to the Licensing Panel are to be delegated to Officers)

B6.2 Membership

11 Members. N.B: A Cabinet Member may be a Member of the Licensing Panel

B6.3 Quorum

3 Members

B6.4 Frequency

Quarterly

B7 Licensing & Public Space Protection Order Sub Committee

B7.1 Purpose

The Licensing & PSPO Sub Committee will consider all matters relating to the following functions:

- i. Where an objection or representation is made for an application for or a variation to; a personal licence, a premises licence, a club premises certificate or a provisional statement.
- ii. Where a Police objection has been received in relation to an application for or to; vary a designated premises supervisor, a transfer of premises licence or Interim Authorities.
- iii. Where the authority must carry out a review of a premises licence.
- iv. Where an objection or representation is made for an Application for club gaming/club machine permits.
- v. Where there is a decision to be made for the cancellation of a club gaming or club machine permit.
- vi. Where there is a decision to be made to give a counter notice to a temporary use notice
- vii. Where an application for Licensed Premises Gaming Machine Permits involves over 4 machines.
- viii. Where a decision to object involves the local authority as a consultee and not as the relevant authority considering the application.
- ix. Where there is a determination of a Police objection to a temporary event notice.
- x. Where an application is received from a Sexual Entertainment Venue, including applications for existing premises

- xi. To consider the implementation of Public Space Protection Orders (PSPOs) within a single ward with regard to determining whether such an order should be made, extended, varied or discharged under Part 4 Chapter 2 of the Anti-social behaviour, Crime and Policing Act 2014;
- xii. To consider whether to make, extend, vary or discharge PSPOs proposing to restrict public right of access to highways (including alley ways) in accordance with Part 4 Chapter 2 of the Anti-social behaviour, Crime and Policing Act 2014 and under s.118b of the Highway Act 1980 for the stopping up of highways..
- xiii. In accordance with the Council's agreed Cold Calling Control Zone Policy, (as agreed by Cabinet on 27 November 2008), to consider requests to establish Cold Calling Control Zones.

(The above circumstances (i. to ix) in which functions may be delegated to the Licensing & PSPO Sub Committee are set out in the Licensing Act 2003 and drafted in RBWM's Licensing Policy Statement and within Annex A of RBWM's Statement of Principles Gambling Act 2005. (x) is pursuant to the Local Government (Miscellaneous Provisions) Act 1982, as amended).

B7.2 Membership

Any 3 Members of the full Licensing Panel. The Members will be called for a sub-committee meeting on a rota basis from amongst those appointed by the Council, with political balance being maintained wherever possible.

B7.3 Quorum

3 Members

B7.4 Frequency

As required

B8 Rights of Way and Highway Licensing Panel

B8.1 Purpose:

- (a) In accordance with Council polices to exercise the Council's functions relating to the following paragraphs of Section B of Schedule 1 of *The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*:
 - i. 37 (registration of common land or town or village greens)
 - ii. 38 (variations of rights of common)
 - iii. 72 (function relating to registration of common land and town or village greens)
- (b) To consider any public objections to the making of any Statutory Order and determining those Orders in relation to the above functions.
- (c) In accordance with Council polices to exercise the Council's functions relating to the following paragraphs of Part I of Section I of Schedule 1 of *The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*:

- i. 1, 2, 4, 8, 20, 31, 32 (create, divert (permanent or temporary) or stop up a footpath, bridleway or restricted byway)
- ii. 5 (determination of application for public path extinguishment order)
- iii. 6, 10 (power to make rail crossing extinguishment or diversion order)
- iv. 7, 11 (power to make special extinguishment or diversion order)
- v. 9 (power to make a public path diversion order)
- vi. 13 (power to make an SSSI diversion order)
- vii. 23, 30 (power to extinguish certain public rights of way)

All other functions in Part I of Schedule 1 are delegated to the Director or their authorised delegated officer.

- (d) To receive recommendations from the Local Access Forum and to publish the Annual Report under regulation 13 of The Local Access Forums (England) Regulations 2007
- (e) In accordance with Council Policy, the Approved Code of Practice and available budgets to exercise the Council's functions relating to the functions set out in Part 2.
- (f) To consider any public objections to the making of any Statutory Order and determining those Orders in relation to the above functions.

B8.2 Membership

8 Members - N.B: A Cabinet Member may be a Member of the Rights of Way and Highway Licensing Panel

B8.3 Quorum

2 Members

B8.4 Frequency

As required.

B9 Statutory Officer Panel

B9.1 Purpose

This Panel is established in accordance with Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

The Panel shall produce a report to full Council making recommendations on whether dismissal is appropriate disciplinary action for the Council's Head of Paid Service, Chief Finance Officer or Monitoring Officer. Where dismissal is not recommended, the Panel will recommend alternative appropriate sanctions in accordance with Part 8B.

B9.2 Membership

The Panel shall consist of seven members:

- a) 2 Independent Persons (appointed under section 28(7) of the Localism Act 2011)
- b) 5 Members of the Council.

Where the Council's Independent Persons are not available then the Independent Person shall be such a person from another local authority that the Council considers appropriate.

B9.3 Quorum

Not applicable

B9.4 Frequency

As required but at least 20 working days prior to the relevant Council meeting.

B9.5 Type

Advisory committee of full Council.

B10 Constitution Sub Committee

B10.1 Purpose

- a. To make recommendations to Council for changes to the Constitution for purposes of good governance and better performance of statutory duties.
- b. To make amendments to the Constitution necessary to give effect to decision of the Council, the Cabinet or any delegated decision of any subcommittee, panel or forum.
- c. To make changes as necessary or to comply with changes in legislative requirements or to give effect to any decision of the Sub Committee that has been delegated to it in wide or general terms.
- d. To make such changes necessary to reflect any changes in the allocation of functions to officers

except where such power is expressly reserved to full Council or Cabinet in this constitution or in law.

B10.2 Membership

4 Members of the Council.

B10.3 Quorum

2 Members

B10.4 Frequency

As and when required.

B10.5 Type

Committee of Council

B11 Audit and Governance Committee

B11.1 Purpose

- a) To consider and approve the Head of Audit and Investigation's Internal Audit strategy and plan, internal audit annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's Corporate Governance arrangements. To consider and approve the approach for the effectiveness of the Internal Audit system, note the outcome of the review and agree the conclusion.
- b) To receive a quarterly report on the outcome of all audit reviews in line with the annual audit plan.
- c) To consider and approve the council's anti-fraud and corruption policies and review those on an annual basis.
- d) To receive half-yearly reports on anti-fraud and corruption activities.
- e) To consider the External Auditor's annual letter, relevant reports and reports to those charged with governance including issues arising from the audited accounts.
- f) To consider specific reports as agreed with external audit and to comment on the scope and depth of external audit work and to ensure that it delivers value for money.
- g) To approve arrangements for the appointment of the Council's external auditor.
- h) To review any relevant issue referred to the Committee by the Managing Director, a Director or any Overview and Scrutiny Panel.
- i) To receive an annual report on and monitor the effective development and operation of risk management and corporate governance in the Council.
- j) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.
- k) To review and approve the annual statement of accounts, specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- l) To consider on an at least an annual basis, all relevant policies relating to capital, investment and treasury management and to recommend to full Council for approval.

m) To consider on at least a half-yearly basis, a review of performance in relation to treasury management activities.

B11.2 Membership

5 Members of the Council.

No Member of Cabinet can be a Member of the Committee

B11.3 Quorum

2 Members

B11.4 Frequency

4 times per annum

B11.5 Type

Committee of Council

PART 8 – OTHER RULES OF PROCEDURE

C – FINANCE PROCEDURE RULES

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STATUS OF FINANCE RULES

- 1.1 Finance Rules provide the framework for managing the authority's financial affairs. They apply to every Member and officer of the authority and anyone acting on its behalf.
- 1.2 The rules identify the financial responsibilities of the Council, Cabinet and other Members, the Managing Director (as Head of Paid Service), the Monitoring Officer, the Director of Resources (as s151 officer) and the Directors and staff.
- 1.3 Cabinet Members and Directors should maintain a written record where decision making has been delegated to them or for Directors to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, such as school governors, references to the Director in the rules should be read as referring to them.¹
- 1.4 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.5 The Director of Resources is the Council's Statutory S151 officer with responsibility for the proper administration of the Council's financial affairs, under Section 151 of the Local Government Act 1972. The Director of Resources works closely with the Monitoring Officer to enable them to fulfil this role.
- 1.6 The Finance Rules play an important role in assisting the Director of Resources to fulfil these statutory responsibilities. The authority's detailed financial procedures, setting out how the rules will be implemented, are contained in the appendices to the Finance Rules.
- 1.7 The Director of Resources will keep these rules under review and advise the Council on any necessary changes to them.
- 1.8 The Director of Resources is responsible for issuing advice and guidance to underpin the Finance Rules that Members, officers and others acting on behalf of the authority are required to follow.
- 1.9 The Director of Resources is responsible for reporting, where appropriate, any breaches of the Finance rules to the Council or Cabinet.
- 1.10 Directors are responsible for ensuring that all staff in their Directorates are aware of the existence and content of the authority's Finance Rules and other internal regulatory documents and that they comply with them.
- 1.11 Schools have a separate scheme of delegation in respect of financial matters, the Scheme of Financial Management of Schools.

FINANCE RULE A: FINANCIAL MANAGEMENT

RULE IN SUMMARY

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

The Council

- A.2 The Council is responsible for adopting the authority's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its Constitution. The Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.
- A.3 The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated, and decisions taken by the Council and its panels and committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

The Cabinet

- A.4 The Cabinet is responsible for reviewing and proposing the policy framework and budget to the Council, and for discharging Cabinet functions in accordance with the policy framework and budget.
- A.5 Cabinet decisions can be delegated to a committee of the Cabinet, an individual Cabinet Member, an officer or a joint committee.
- A.6 The Cabinet is responsible for establishing protocols to ensure that individual Cabinet Members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Directors

- A.7 Directors are responsible for:
- ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Resources
 - signing contracts on behalf of the authority in accordance with the Contract Procedures Rules 8A 16.1
- A.8 It is the responsibility of Directors to consult with the Director of Resources and seek approval on any matter liable to exceed their delegated authority to vire between

budget heads or in any other way affect the authority's finances materially, before any commitments are incurred.

OTHER FINANCIAL ACCOUNTABILITIES

Virement

A.9 The Council is responsible for agreeing procedures for virement of expenditure between budget headings.

Treatment of year-end balances

A.10 The Cabinet is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

Accounting policies

A.11 The Director of Resources is responsible for setting accounting policies and ensuring that they are applied consistently.

Accounting records and returns

A.12 The Director of Resources is responsible for determining the accounting procedures and records for the authority.

The annual statement of Accounts

A.13 The Director of Resources is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The [Council Audit and Governance Committee](#) is responsible for approving the annual statement of accounts, including the Statement of Internal Control.

APPENDIX A**FINANCIAL MANAGEMENT****DETAILED RULES****FINANCIAL MANAGEMENT STANDARDS****Why is this important?**

F1.01 All staff and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

F1.02 The key controls and control objectives for financial management standards are:
(a) their promotion throughout the authority
(b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Cabinet and Council.

Responsibilities of the Director of Resources

- F1.03 To ensure the proper administration of the financial affairs of the authority.
- F1.04 To set the financial management standards and to monitor compliance with them.
- F1.05 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance, and development of finance staff throughout the authority.
- F1.06 To advise on the key strategic controls necessary to secure sound financial management.
- F1.07 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of Directors

- F1.08 To promote the financial management standards set by the Director of Resources in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Director of Resources.
- F1.09 To promote sound financial practices in relation to the standards, performance and development of staff in their Directorates.

MANAGING EXPENDITURE

Scheme of Virement

Why is this important?

F1.10 The scheme of virement is intended to enable the Cabinet, Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

Key controls

F1.11 Key controls for the scheme of virement are:

- (a) it is administered by the Director of Resources within guidelines set by the Council. Any variation from this scheme requires the approval of the Council
- (b) the overall budget is agreed by the Council. Directors and Heads of Service are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved budget report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.
- (c) virement does not create additional overall budget liability. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should not support recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors must plan to fund such commitments from within their own budgets.

Responsibilities of the Director of Resources

F1.12 To prepare jointly with the relevant Director a report to the Cabinet where virements in excess of £100,000 are proposed up to a limit of £500,000

F1.13 To consult with the Managing Director, where virements in excess of £25,000 are proposed up to a limit of £100,000 as detailed in Part 3A section 5a.

Responsibilities of Directors

F1.14 A Director may exercise virement on budgets under his or her control for amounts up to **£25,000** on any one budget head during the year, following notification to the Director of Resources under arrangements agreed by the Council and subject to the conditions in paragraphs 1.15 to 1.20 below. (This measure includes the transfer of budget from income targets to fund additional expenditure).

- F1.15 Amounts between £25,001 and £100,000 can be vired with the agreement of the Director of Resources and Managing Director, amounts greater than £100,001 up to £500,000, require the approval of the Cabinet, following a joint report by the relevant Director and Director of Resources, in consultation with the Lead Member for the relevant service area and the Lead Member for Finance, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £500,000 will be referred to Council as they are outside the Policy and Budget Framework and the Lead Member will be informed.
- F1.16 The prior approval of the Cabinet is required for any virement over £25,000, where it is proposed to:
- vire between budgets within the remit of different accountable Cabinet Members.
 - vire between budgets managed by different Directors.
- F1.17 Virement that is likely to impact on the level of service activity of another Director should be implemented only after agreement with the relevant Director.
- F1.18 No virement relating to a specific financial year should be made after 31 March in that year.
- F1.19 A school's governing body may transfer budget provision between heads of expenditure within the delegated school budget following notification to the Director of Children's Services.
- F1.20 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- (a) the amount is used in accordance with the purposes for which it has been established
 - (b) the Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet.

Treatment of Year-End Balances

Why is this important?

- F1.21 The authority's scheme of virement sets out the authority's treatment of year-end balances. It is administered by the Director of Resources within guidelines set by the Council. Any variation from the scheme of virement (as set out above) requires the approval of the Council.
- F1.22 The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. For the purposes of this scheme, a budget heading is a line in the budget report.

Key controls

- F1.23 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

Responsibilities of the Director of Resources

- F1.24 To seek the approval of the Cabinet to the proposed carry-forward of resources and addition to or use of reserves at the year end.
- F1.25 To report all overspending and under-spending on service estimates carried forward to the Cabinet.

Responsibilities of Directors

- F1.26 Net under-spending on service estimates under the control of the Director will not usually be able to be carried forward. In exceptional circumstances this may be done, subject to the approval of the Director of Resources and reporting to the Cabinet the source of underspending or additional income and the proposed application of those resources.
- F1.27 All internal unit and service surpluses shall be retained for the benefit of the authority and their application shall require the approval of the Cabinet.
- F1.28 Schools' balances shall be available for carry-forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet member concerned, following evaluation by the Director of Children's Services and the Director of Resources. Schools will normally be expected to agree a plan to recover the deficit within a defined period which must be within any limit defined by statute.
- F1.29 In exceptional circumstances, schools may seek to incur expenditure to be financed by anticipating the following year's budget share. Such arrangements require the prior approval of the Director of Children's Services, in consultation with the Director of Resources. Proposals shall be accompanied by a detailed plan setting out how the arrangement is to be accommodated as the first call on the reduced budget share.

ACCOUNTING POLICIES

Why is this important?

F1.30 The Director of Resources is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC), for each financial year ending 31 March.

Key controls

F1.31 The key controls for accounting policies are:

- 2(a) systems of internal control are in place that ensure that financial transactions are lawful
- (b) suitable accounting policies are selected and applied consistently
- (c) proper accounting records are maintained
- (d) financial statements are prepared which give a "true and fair" view of the financial position and transactions of the local authority.

Responsibilities of the Director of Resources

F1.32 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:

- (a) separate accounts for capital and revenue transactions
- (b) the basis on which debtors and creditors at year end are included in the accounts
- (c) details on substantial provisions and reserves
- (d) fixed assets
- (e) depreciation
- (f) capital charges
- (g) work in progress
- (h) stocks and stores
- (i) deferred charges
- (j) accounting for value added tax
- (k) government grants
- (l) leasing
- (m) pensions.

Responsibilities of Directors

F1.33 To adhere to the accounting policies and guidelines approved by the Director of Resources.

ACCOUNTING RECORDS AND RETURNS

Why is this important?

F1.34 Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency, and effectiveness in the use of the authority's resources. The Council is required to comply with timetables set out by the Ministry for Housing, Communities and Local Government that are required to meet the "whole of Government Accounts" regime.

Key controls

F1.35 The key controls for accounting records and returns are:

- (a) all Cabinet Members, finance staff and budget managers operate within the required accounting standards and timetables
- (b) all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
- (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure
- (d) reconciliation procedures are carried out to ensure transactions are correctly recorded
- (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Director of Resources

F1.36 To determine the accounting procedures and records for the authority. Where these are maintained outside the Directorate within which the finance team reside, the Director of Resources should consult the Director concerned.

F1.37 To arrange for the compilation of all accounts and accounting records under his or her direction.

F1.38 To comply with the following principles when allocating accounting duties:

- (a) separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
- (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

F1.39 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2015.

F1.40 To ensure that all claims for funds including grants are made by the due date.

- F1.41 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the [Council Audit and Governance Committee](#) to approve the statement of accounts within that timetable before they are submitted for audit.
- F1.42 To administer the authority's arrangements for under- and overspendings to be carried forward to the following financial year.
- F1.43 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.
- F1.44 To access, as necessary, financial information held by and in respect of schools and to make any returns required to government agencies. Headteachers will ensure that the Director of Resources is given access as required.

Responsibilities of Directors

- F1.45 To consult and obtain the approval of the Director of Resources before making any changes to accounting records and procedures.
- F1.46 To comply with the principles outlined in paragraph 1.38 when allocating accounting duties.
- F1.47 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- F1.48 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Director of Resources.

THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

- F1.49 The authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The [Corporate Overview and Scrutiny Panel](#) [Audit and Governance Committee](#) is responsible for approving the statutory annual statement of accounts.

Key controls

- F1.50 The key controls for the annual statement of accounts are:
- the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the Director of Resources
 - the authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*: (the COPLAA) (CIPFA/LASAAC).

- the authority is required to prepare an Annual Governance Statement to accompany the annual statement of accounts as set out in the Accounts and Audit Regulations 2015.

Responsibilities of the Director of Resources

- F1.51 To select suitable accounting policies and to apply them consistently.
- F1.52 To make judgements and estimates that are reasonable and prudent.
- F1.53 To comply with the COPLAA.
- F1.54 To sign and date the statement of accounts, stating that it presents fairly the financial position of the authority at the accounting date and its income and expenditure for each year ended 31 March.
- F1.55 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.
- F1.56 To contribute to the production of the Annual Governance Statement and to implement any relevant actions.

Responsibilities of Directors

- F1.57 To comply with accounting guidance provided by the Director of Resources and to supply the Director of Resources with information when required.

Responsibilities of the Monitoring Officer

- F1.58 To prepare an Annual Governance Statement in consultation with the Managing Director and Director of Resources and keep under review the actions agreed within the statement to achieve a system of sound corporate governance.

Responsibilities of the Leader and Managing Director

- F1.59 To review and approve an Annual Governance Statement, which will accompany the annual statement of accounts in accordance with the Accounts and Audit Regulations 2015.

Responsibilities of the Chairman of the Corporate Overview and Scrutiny Panel Audit and Governance Committee

- F1.60 To sign the Annual Statement of Accounts, in accordance with the Accounts and Audit Regulations 2015

Responsibilities of the Corporate Overview and Scrutiny Panel Audit and Governance Committee

- F1.61 To review and authorise the Chairman to sign the Annual Statement of Accounts, in accordance with the Accounts and Audit Regulations 2015

- F1.62 To review and recommend the Annual Governance Statement prior to agreement and final sign-off by the Leader and Managing Director.
- F1.63 To receive the report of the External Auditor under ISA260 to fulfil their responsibility for oversight of the financial reporting process and governance requirements

FINANCE RULE B: FINANCIAL PLANNING

RULE IN SUMMARY

INTRODUCTION

- B.1** The Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:
- the revenue budget, incorporating the elements referred in Article 4.01 b) and associated medium term financial strategy
 - the capital programme and associated capital strategy
 - the prudential indicators and associated Treasury Management Strategy

Policy Framework

- B.2** The Council is responsible for approving the policy framework and budget. The policy framework comprises the plans and strategies set out in Part 3B of the Constitution and the Budget.
- Corporate Plan
 - Medium Term Financial Strategy (incorporating the Medium-Term Financial Plan)
 - Reserves Strategy
 - Capital Strategy
 - Treasury Management Strategy
 - Asset Management Plan
- B.3** The provisions of section 25, Local Government Act 2003 require that, when the Council is making the calculation of its budget requirement, it must have regard to the report of the Chief Finance (section 151) Officer as to the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves.
- B.4** The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the Council by the Monitoring Officer
- B.5** The Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities to deliver the budget policy framework within the financial limits set by the Council.

BUDGETING

Budget format

- B.6** The general format of the budget will be approved by the Cabinet on the advice of the Director of Resources. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

- B.7** The Director of Resources is responsible for ensuring that a revenue budget is prepared on an annual basis together with an updated financial strategy incorporating a medium term financial plan, which projects council spending for 5 years for consideration by the Cabinet, before submission to the Council. The Council may amend the budget or ask the Cabinet to reconsider it before approving it.
- B.8** The Cabinet is responsible for developing the Policy framework and associated budget plans prior to consideration by the Council.
- B.9** It is the responsibility of Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet and Director of Resources.

Budget monitoring and control

- B.10** The Director of Resources is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position at least quarterly.
- B.11** It is the responsibility of Directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Resources. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Resources to any problems immediately they become known.

Resource allocation

- B.12** The Director of Resources is responsible for developing and maintaining a resource allocation process that produces budget targets that supports the implementation of the Council's policy framework.

Budget Guidelines

B.13 Guidelines on budget preparation are issued to Members and Directors by the Cabinet following agreement with the Director of Resources. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- available resources
- spending pressures
- best value and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).
- results of consultations carried out
- results of exercises to prioritise budget proposals

MAINTENANCE OF RESERVES

B.14 The Director of Resources is responsible for advising the Council on the adequacy of Council Reserves. This is a statutory responsibility under section 25 of the Local Government Act 2003. The Council must pay due regard to this report when they set the annual revenue budget.

B.15 The Director of Resources is required to issue a S114 report under Local Government Finance Act 1988, where they consider that the Council does not have sufficient resources, including financial reserves to set a balanced budget for the following year.

CAPITAL PROGRAMME

Preparation and revision of the capital programme

B.16 The Cabinet is responsible for developing the Capital Strategy and considering and prioritising business cases for capital schemes as it develops the Capital Programme prior to consideration by the Council.

B.17 The Director of Resources is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to the Council.

B.18 It is the responsibility of Directors to ensure that business cases for Capital Schemes are submitted to the Cabinet in line with guidance issued by the Cabinet and Director of Resources.

Capital Programme Gateway Process

B.19 The development, approval and implementation of capital projects is subject to a Gateway Process. This is a key control for Capital Projects and includes.

- (a) **A Project Mandate** to provide a brief preliminary description of the project and is designed to introduce the basic project concept and identify key issues at the earliest stages of project development.
- (b) **An outline business case** will be prepared at the project initiation stage prior to submission as part of the annual capital programme development process. This will set out the projected costs, risks and benefits associated with the project in a form prescribed by the Director of Resources. Funding decisions will be based on the information contained within this process.
- (c) **A full business case** will then be prepared once a project has been approved and prior to the commitment of significant project (contract) resources. This will provide a clearer estimate more detailed estimate of project costs and benefits together with a more up to date assessment of project risks. The final approval to proceed with the project will be based on this business case.

TREASURY MANAGEMENT

- B.20** The authority has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- B.21** The Council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in Local Authorities*. The policy statement is proposed to the Council by the Cabinet. The Director of Resources has delegated responsibility for implementing and monitoring the statement.
- B.22** All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Director of Resources.
- B.23** The Director of Resources is responsible for reporting to the Council ~~Cabinet~~ a proposed treasury management strategy for the coming financial year as part of the annual budget setting process. ~~at or before the start of each financial year.~~
- B.24** All Cabinet decisions on borrowing, investment or financing shall be delegated to the Director of Resources, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- B.25** The Director of Resources shall advise the Council on any long-term borrowing requirements necessary to finance the Capital Programme. The Director of Resources can only make these decisions within the parameters set out within the Treasury Management Strategy.
- B.26** The Director of Resources is responsible for reporting to the Audit and Governance Committee and Cabinet in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers on at least a half yearly basis.

FINANCIAL PLANNING**APPENDIX B****DETAILED RULES****PERFORMANCE PLANS****Why is this important?**

F2.01 Each local authority has a statutory responsibility to publish various performance plans. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement.

Key controls

F2.02 The key controls for performance plans are:

- (a) to ensure that all relevant plans are produced and that they are consistent with the Authority's overall policy framework
- (b) to produce plans in accordance with statutory requirements
- (c) to meet the timetables set
- (d) to ensure that all performance information is accurate, complete and up to date
- (e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Director of Resources

F2.03 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

F2.04 To contribute to the development of corporate and service targets and objectives and performance information in accordance with the priorities of the Authority.

F2.05 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

F2.06 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of Directors

F2.07 To contribute to the development of performance plans in line with statutory requirements.

F2.08 To contribute to the development of corporate and service targets and objectives and performance information.

BUDGETING

Format of the budget

Why is this important?

F2.09 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

F2.10 The key controls for the budget format are:

- (a) the format complies with all legal requirements
- (b) the format complies with CIPFA's Service Reporting Code of Practice for Local Authorities (**SeRCOP**)
- (c) the format reflects the accountabilities of service delivery.

Responsibilities of the Director of Resources

F2.11 To advise the Cabinet on the format of the budget that is approved by the Council.

Responsibilities of Directors

F2.12 To comply with accounting guidance provided by the Director of Resources.

Revenue Budget Preparation, Monitoring and Control

Why is this important?

F2.13 Budget management ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

F2.14 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

F2.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required.

Key controls

- F2.16 The key controls for managing and controlling the revenue budget are that:
- (a) service heads should be responsible only for income and expenditure that they can influence
 - (b) there is a nominated unit/service manager for each cost centre heading
 - (c) service heads accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
 - (d) service heads follow an approved certification process for all expenditure
 - (e) income and expenditure are properly recorded and accounted for
 - (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.
 - (g) financial awareness of budget holders is promoted by training and support from the finance department.

Responsibilities of the Director of Resources

- F2.17 To establish an appropriate framework of budgetary management and control that ensures that:
- (a) budget management is exercised within annual cash limits unless the Council agrees otherwise
 - (b) each Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
 - (c) expenditure is committed only against an approved budget head
 - (d) all officers responsible for committing expenditure comply with relevant guidance, and the Finance Rules
 - (e) each cost centre has a single named manager, determined by the relevant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
 - (f) significant variances from approved budgets are investigated and reported by budget managers monthly in accordance with agreed timetable
 - (g) each capital project has a designated Project Manager responsible for the delivery of that project to time and within budget.
 - (h) budget holders have adequate support and training so that they understand their responsibilities in managing the budgets allocated to them.
- F2.18 To administer the authority's scheme of virement.
- F2.19 To submit reports to the Cabinet and to the Council, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under his or her control.
- F2.20 To prepare and submit reports to Cabinet on the authority's projected income and expenditure compared with the budget on at least a quarterly basis.

Responsibilities of Directors

- F2.21 To maintain budgetary control within their Directorates, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- F2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- F2.23 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- F2.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- F2.25 To prepare and submit to the Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Director of Resources and setting out what actions the Director proposes to take to remedy any overspendings that may have occurred.
- F2.26 To ensure prior approval by the Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
- (a) create financial commitments in future years
 - (b) change existing policies, initiate new policies, or cease existing policies
 - (c) materially extend or reduce the authority's services
 - (d) a report on new proposals should explain the full financial implications, following consultation with the Director of Resources. Unless the Council or Cabinet has agreed otherwise, Directors must plan to contain the financial implications of such proposals within their cash limit
- F2.27 To ensure compliance with the scheme of virement.
- F2.28 To agree with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Director's level of service activity.

Budgets and Medium-Term Planning

Why is this important?

- F2.29 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.

- F2.30 The revenue budget must be constructed to ensure that resource allocation reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor, and control the way money is allocated and spent. It is illegal for an authority to set a budget that it cannot fully finance from its annual income and reserves.
- F2.31 Medium-term planning (or a three- to five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance. The Authority has a five-year medium-term financial plan setting out its estimates of revenue expenditure over that time span.

Key controls

- F2.32 The key controls for budgets and medium-term planning are:
- (a) specific budget approval for all expenditure
 - (b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered
 - (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Director of Resources

- F2.33 To prepare and keep under review the Authority's medium-term financial strategy and medium-term financial plan
- F2.34 To prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports should set out the impact on medium term financial projections.
- F2.35 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and after consultation with the Cabinet and Directors.
- F2.36 To prepare and submit reports to the Cabinet on the aggregate spending plans of Directorates and on the resources available to fund them, identifying, where appropriate, the implications for the level of Reserves and the Council tax to be levied.
- F2.37 To advise on the medium-term implications of spending decisions.
- F2.38 To encourage the best use of resources and value for money by working with Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

F2.39 To advise the Council on Cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of Directors

- F2.40 To prepare estimates of income and expenditure, in consultation with the Director of Resources, to be submitted to the Cabinet.
- F2.41 To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Director of Resources in accordance with the Authority's general directions.
- F2.42 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- F2.43 In consultation with the Director of Resources and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by Cabinet.
- F2.44 When drawing up draft budget requirements, to have regard to:
- (a) spending patterns and pressures revealed through the budget monitoring process
 - (b) legal requirements (including health and safety)
 - (c) policy requirements and priorities as defined by the Council in the approved policy framework
 - (d) initiatives already under way.

Resource Allocation

Why is this important?

F2.45 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key controls

- F2.46 The key controls for resource allocation are:
- (a) resources are acquired in accordance with the law and using an approved authorisation process
 - (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
 - (c) resources are securely held for use when required
 - (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Director of Resources

- F2.47 To advise the Authority on any options that may exist to increase resources available to it.
- F2.48 To advise the Authority on the totality of resources available to it.
- F2.49 To assist in the allocation of resources to unit/service managers.

Responsibilities of Directors

- F2.50 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective, and economic way.
- F2.51 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

MAINTENANCE OF RESERVES

Why is this important?

- F2.52 Reserves play an important role in managing the Authority's finances. Councils hold reserves for the following reasons:
- a) **Covering unforeseen spending pressures** – for example a major flood or other incident could have a big, uninsurable, impact on council services. This would place undue pressure on the current year's budget.
 - b) **Manage general risk and uncertainty** – councils operate in very uncertain times, where there can be significant changes to in year funding. This means that Council's need to hold reserves to protect themselves against big funding shifts and buy them time to bring their budget into balance.
 - c) **Meeting known risks and future commitments** – often these are known as earmarked reserves. These are reserves held for a specific purpose, for example an insurance reserve.
 - d) **Holding monies on behalf of other bodies** – the schools revenue balances are an example of this.

Key Controls

- F2.53 To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom*: (the COPLAA) (CIPFA/LASAAC) and agreed accounting policies.
- F.2.54 To prepare and keep under review a reserves strategy including an annual risk-based assessment of the potential financial consequences of risks facing the Council.
- F2.55 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

- F2.56 Authorisation and expenditure from reserves by the appropriate Director in consultation with the Director of Resources.

Responsibilities of the Council

- F.2.57 To approve the annual reserves strategy
- F.2.58 To ensure that the Authority maintains a minimum level of reserves that provide adequate protection for the potential financial and business risks that it faces as advised by the Director of Resources.
- F.2.59 To approve the creation of new Council reserves as part of the budget process

Responsibilities of the Cabinet

- F.2.60 To agree the end of year allocation of resources to and from reserves as part of the closure of the Council Accounts.
- F.2.61 To monitor the level of reserves during the financial year

Responsibilities of the Director of Resources

- F.2.62 To advise the Council on the adequacy of Council Reserves. This is a statutory responsibility under section 25 of the Local Government Act 2003. The Council must pay due regard to this report when they set the annual revenue budget.
- F.2.63 To prepare a Reserves Strategy
- F.2.64 To approve the creation of new reserves where money is held on behalf of other bodies.
- F.2.65 To issue a S114 report under Local Government Finance Act 1988, where they consider that the Council does not have sufficient resources, including financial reserves to set a balanced budget for the following year.
- F.2.66 To provide a monitoring statement at least quarterly to the Cabinet on the current and projected level of reserves
- F.2.67 To seek the approval of Cabinet for the use of reserves if this is not in line with their stated purpose

Responsibilities of Directors

- F.2.68 To seek the approval of the Director of Resources to hold money on behalf of other bodies
- F.2.69 To seek the approval of the Director of Resources to use Council reserves
- F.2.70 To ensure that resources held within reserves are used only for the purposes for which they were intended

CAPITAL PROGRAMME

Why is this important?

- F2.71 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of intangible assets, plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- F2.72 The “Prudential Code for Capital Finance in Local Authorities” places a duty on the Authority to ensure that its proposals to finance its capital programme are affordable, both in the short and long term. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

- F2.73 The key controls for capital programmes are:
- (a) specific approval by the Council of the Capital Strategy and programme of capital expenditure.
 - (b) approval to enter a commitment on capital schemes is subject to a gateway process and the approvals detailed in Part 8A section 14.1.
 - (c) scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project.
 - (d) the scheme has been assessed under the Council’s Prioritisation Scheme and been approved for implementation by the Cabinet.
 - (e) approval by the Cabinet where capital schemes are to be financed from the revenue budget, **up to £500,000**, and subject to the approval of the Council, where the expenditure exceeds this amount
 - (f) proposals for improvements and alterations to buildings must be approved by **the relevant Director**.
 - (g) schedules for individual schemes within the overall budget approved by the Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Council
 - (h) the development and implementation of asset management plans
 - (i) the development and implementation of a Capital Strategy
 - (j) accountability for each proposal is accepted by a named manager
 - (k) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Council

- F.2.74 To consider and approve the Capital Strategy for the Council
- F.2.75 To agree the Capital Programme and indicative five-year capital programme
- F.2.76 To agree the funding arrangements that support the Capital Programme subject to the provisions of C15

- F.2.77 To agree substantial changes to the capital programme that involve additional spending in excess of £500,000.
- F.2.78 To receive a half yearly report on the delivery of the Capital Programme and in year financial monitoring of Capital Spending.

Responsibilities of the Cabinet

- F.2.79 To review and keep under review the Capital Strategy
- F.2.80 To oversee the development of proposals for the Capital Programme and indicative five-year capital programme prior to consideration and approval by the Council.
- F.2.81 To consider and prioritise all capital bids prior for inclusion within the Capital Programme.
- F.2.82 To consider options for the funding of the Capital Programme before submitting proposals for approval by Council
- F.2.83 To agree in-year changes to the Capital Programme that can be accommodated within the in-year Capital Programme resources, subject to the advice of the Director of Resources
- F.2.84 To agree in-year changes to the Capital Programme up to the value of £500,000 in total, subject to no single scheme exceeding £250,000
- F.2.85 To consider detailed monitoring reports on Capital Spend across all Capital Projects, as submitted by the Director of Resources at least on a quarterly basis.
- F.2.86 To agree all new business plans for capital projects based on a format approved by the Director of Resources
- F.2.87 To approve the carry-forward of unspent capital programme resources, after considering proposals within an out-turn report from the Director of Resources setting out the end of year Capital Programme position.

Responsibilities of the Director of Resources

- F.2.88 To prepare and keep under review the Capital Strategy in Consultation with the Managing Director and Directors
- F.2.89 To advise the Capital Programme Board on any changes to the Gateway Process
- F.2.90 To co-ordinate the production of the Capital Programme and five-year capital programme.
- F.2.91 To ensure that all new Capital Projects are supported by a business case prior to inclusion within the Capital Programme based on a format prescribed by the Director of Resources

- F.2.92 To establish a business case format that will include a financial assessment of the costs, benefits, and associated risks for each project.
- F.2.93 To advise the Cabinet and Council on options for funding the Capital Programme and their impact on Medium-Term Financial Plans
- F.2.94 To submit standalone detailed quarterly monitoring reports, covering all capital schemes to the Cabinet, including details of all proposed virements between schemes.
- F.2.95 To identify and recover by way of a virement out of the capital project in question, any underspending compared to budget that is identified before the start of or during the implementation of the project.
- F.2.96 To submit half-yearly monitoring reports to the Council, including details of all proposed virements or additional spending over £500,000.
- F.2.97 To define “capital” with regard to government legislation and accounting requirements.
- F.2.98 To set a de-minimis level to ensure that the capital programme is not used to finance small schemes that should be funded from the revenue budget – the de-minimis level is currently £20,000,

Responsibilities of Directors

- F.2.99 To comply with guidance concerning capital schemes and controls issued by the Director of Resources.
- F.2.100 To develop business cases for new capital schemes in a format prescribed by the Director of Resources
- F.2.101 To consult the Director of Resources on the financial implications of Capital Projects
- F.2.102 To comply with the Gateway Process for the development and management of capital projects
- F.2.103 To ensure that an appropriate risk assessment is carried out for each capital projects
- F.2.104 To ensure that adequate records are maintained for all capital contracts
- F.2.105 To proceed with projects only when there is adequate provision in the capital programme and with approvals, where required as detailed in Part 8A section 14.1.
- F.2.106 To allocate a lead officer in their department for each capital scheme with a sufficient level of seniority appropriate to the project

- F.2.107 To put in place appropriate project or programme management arrangements to ensure the effective delivery of the project.
- F.2.108 To engage with the monthly capital monitoring process including highlighting any new or emerging financial considerations or risks associated with the project.
- F.2.109 To prepare and submit reports, jointly with the Director of Resources, to the Cabinet, of any variation in contract costs greater than the approved limits. The Cabinet may meet cost increases of up to 5% by virement from savings elsewhere within their capital programme.
- F.2.110 To prepare and submit reports, jointly with the Director of Resources, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than 5% or £10,000 whichever is the higher amount.
- F.2.111 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Director of Resources and, if applicable, approval of the scheme through the capital programme.
- F.2.112 To consult with the Director of Resources and to seek Cabinet approval where the Director proposes to bid for supplementary credit approvals to be issued by government departments to support expenditure that has not been included in the current year's capital programme.
- F.2.113 To notify the Director of Resources of any underspending compared to budget that occur before the start of or during implementation of the project.

Responsibilities of the Capital Programme Board

- F.2.114 Developing and overseeing the gateway process for new and approved capital projects as set out below, based on the advice of the Director of Resources
- F.2.115 Reviewing progress on all Capital Projects in detail on at least a quarterly basis
- F.2.116 Identify dependencies and risks between individual schemes within the capital programme and ensure action is taken to address these.
- F.2.117 Where resources have been allocated for a programme of works individual approval will not be required for each project within the programme but will be based on the submission of the whole programme.

TREASURY MANAGEMENT

Why is this important?

- F2.118 Many millions of pounds pass through the authority's books each year. This led to the establishment of codes of practice. These aim to provide assurances that the authority's money is properly managed in a way that balances risk with return, but

with the overriding consideration being given to the security of the authority's investments.

Key controls

F2.119 That the authority's borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management* and with the authority's treasury policy statement.

Responsibilities of Director of Resources – treasury management and banking

F2.120 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management* and the authority's treasury management policy statement and strategy.

F2.121 To report at least twice per year on treasury management activities to the [Audit and Governance Committee and](#) Cabinet.

F2.123 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Director of Resources.

Responsibilities of Directors – treasury management and banking

F2.124 To follow the instructions on banking issued by the Director of Resources.

FINANCE RULE C: RISK MANAGEMENT AND CONTROL OF RESOURCES

RULES IN SUMMARY

Introduction

- C.1** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

- C.2** No organisation can eliminate risk completely. Organisations must understand the risks that they face and take steps to manage risks effectively. At the same time, they also need to make sure that they have appropriate reserves and insurance in place to protect them from the financial consequences of these risks.
- C.3** The Cabinet manages this process based on advice provided by the Director of Resources. Effective risk management requires the co-operation and involvement of all Directors and the staff that they manage.

INTERNAL CONTROL

- C.4** Internal control refers to the systems of control devised by management to help ensure public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.5** The Director of Resources is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.
- C.6** It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising, and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

- C.7** The Accounts and Audit Regulations 2015 requires every local authority to maintain an adequate and effective internal audit.
- C.8** Internal Audit plays an essential role in enabling the Director of Resources to fulfil their responsibility for ensuring the proper administration of the Council's financial affairs under S151 of the Local Government Finance Act 1972.
- C.9** The Council is responsible for making arrangements to appoint external auditors under the Local Audit and Accountability Act 2014.

- C.10** The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

- C.11** The Director of Resources is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- C.12** The Director of Resources is responsible for the development and maintenance of a whistle blowing policy.

ASSETS

- C.13** Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

LOAN AND INVESTMENTS STAFFING

- C.15** The Council is ultimately responsible for determining how officer support for executive and non-executive roles within the authority will be organised.
- C.16** The Managing Director is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- C.17** The Director of Resources is responsible for ensuring that staffing budgets are affordable and that any decision to vary the establishment is affordable in both the short and medium term.
- C.18** Directors are responsible for controlling total staff numbers by:
- advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
 - adjusting the staffing to a level that can be funded within approved budget provision or varying the provision as necessary within that constraint in order to meet changing operational needs subject to consultation with the Director of Resources to ensure that this is affordable.
 - the proper use of appointment procedures.

APPENDIX C**RISK MANAGEMENT AND CONTROL OF RESOURCES****DETAILED RULES****RISK MANAGEMENT****Why is this important?**

F3.01 All organisations, whether private or public sector, face risks to people, property and continued operations.

Risk is the chance or possibility of loss, damage, injury, or failure to achieve objectives caused by an unwanted or uncertain action or event.

Risk management is the planned and systematic approach to the identification, evaluation, and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation.

It is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

F3.02 It is the overall responsibility of the Cabinet, advised by the Director of Resources to approve the authority's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

Key controls

F3.03 The key controls for risk management are:

- (a) a risk management strategy setting out the council's approach to managing risks.
- (b) procedures are in place to identify, assess, prevent, or contain material known risks, and these procedures are operating effectively throughout the authority
- (c) a monitoring process is in place to regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
- (d) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
- (e) acceptable levels of risk are determined and insured against where appropriate
- (f) provision is made for losses that might result from the risks that remain
- (g) procedures are in place to investigate claims within required timescales
- (h) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the Cabinet.

- F.3.04 To approve the authority's risk management policy statement and strategy
- F.3.05 To agree insurance arrangements for the Council based on the advice of the Director of Resources.

Responsibility of the ~~Corporate Overview and Scrutiny Panel~~Audit and Governance Committee

- F3.06 To oversee the effectiveness of the risk management process based on a report submitted by the Director of Resources
- F3.07 To advise the Cabinet on the effectiveness of the process as appropriate.

Responsibilities of the Director of Resources

- F3.08 To prepare and promote the authority's risk management strategy.
- F3.09 To prepare a report to the ~~Corporate Overview and Scrutiny Panel~~Audit and Governance Committee on the effectiveness of the risk management strategy and updated corporate risk register on at least a half yearly basis.
- F3.10 To maintain the Corporate Risk register and ensure that it is updated on at least a quarterly basis.
- F3.11 To develop risk management controls in conjunction with other Directors.
- F3.12 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- F3.13 To propose arrangements for corporate insurance cover to the Cabinet in line with the risk management strategy
- F.3.14 To keep under review at least annually corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.
- F3.15 To offer insurance cover to schools in accordance with Fair Funding arrangements.

Responsibilities of Directors

- F3.16 To notify the Director of Resources immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Director of Resources or the authority's insurers.
- F3.17 To take responsibility for risk management, having regard to advice from the Director of Resources and other specialist officers (e.g. crime prevention, fire prevention, health and safety).

- F3.18 To ensure that there are regular reviews of risk within their Directorates and to take all necessary and agreed action to mitigate risk, where possible.
- F3.19 To notify the Director of Resources promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- F3.20 To consult the Director of Resources and the Monitoring Officer on the terms of any indemnity that the authority is requested to give.
- F3.21 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability, or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

INTERNAL CONTROLS

Why is this important?

- F3.22 The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- F3.23 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- F3.24 The authority faces a wide range of financial, administrative, and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- F3.25 The system of internal controls is established to provide measurable achievement of:
- (a) efficient and effective operations
 - (b) reliable financial information and reporting
 - (c) compliance with laws and regulations
 - (d) risk management.

Key controls

- F3.26 The key controls and control objectives for internal control systems are:
- (a) Appropriate for and aligned to the corporate risk management strategy
 - (b) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
 - (c) managerial control systems, which include ~~including~~ defining policies, setting objectives and plans, monitoring financial and other performance, and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities

- (d) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems
- (e) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in Public Sector Internal Audit Standards (Updated March 2017) and with any other statutory obligations and regulations.

Responsibilities of the Director of Resources

F3.27 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Directors

F3.28 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

F3.29 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the Director of Resources. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

F3.30 To ensure staff have a clear understanding of the consequences of lack of control.

AUDIT REQUIREMENTS

Internal audit

Why is this important?

F3.31 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”.

F3.32 Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates, and reports on the adequacy of internal control as a contribution to the proper, economic, efficient, and effective use of resources.

Key controls

F3.33 The key controls for internal audit are:
(a) that it is independent in its planning and operation.

- (b) [Chief Audit Executive \(Head of Internal Audit\)](#)~~Head of Audit and Investigation~~ - has direct access to the Director of Resources, Monitoring Officer and Managing Director, all levels of management and directly to elected members.
- (c) the internal auditors comply with the Public Sector Internal Audit Standards 2017, which requires that the Internal Audit Section has sufficient resources with an appropriate range of skills to deliver the Audit Plan.

Responsibilities of the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#).

- F3.34 To approve the internal audit charter and internal audit protocol
- F3.35 To approve the annual audit plan prepared by the [Chief Audit Executive \(Head of Internal Audit\)](#)~~Head of Audit and Investigation~~, following consultation with the Director of Resources, Monitoring Officer and Managing Director.
- F3.36 To receive a quarterly report on the outcome of all audit reviews in line with the annual audit plan.
- F3.37 To receive an annual report on the delivery of internal audit in line with the internal audit strategy and the implementation of audit recommendations.
- F3.38 To receive an annual report on the effectiveness of the system of internal audit, in accordance with the Local Audit and Accountability Act 2014 and the Accounts & Audit Regulations 2015.
- F3.39 To prepare on an annual basis, a report to Cabinet on the effectiveness of internal audit and any other matters that the Panel wishes to bring to the attention of the Cabinet.

Responsibilities of the Cabinet

- F3.40 To receive on an annual basis a report from the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#) on the effectiveness of internal audit and any other matters that the Panel wishes to bring to the attention of the Cabinet.

Responsibilities of the Director of Resources

- F3.41 To ensure that internal auditors have the authority to:
 - (a) access authority premises at reasonable times
 - (b) access all assets, records, documents, correspondence, and control systems
 - (c) receive any information and explanation considered necessary concerning any matter under consideration
 - (d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control
 - (e) access records belonging to third parties, such as contractors, when required
 - (f) directly access the Director of Resources, Monitoring Officer, Managing Director, the Cabinet and Chairman of the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#).

- F3.42 To approve for submission to the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#) and Cabinet the annual audit plan prepared by the ~~Chief Audit Executive (Head of Internal Audit)~~[Head of Audit and Investigation](#) – which take account of the characteristics and relative risks of the activities involved.
- F3.43 To receive the Authority's Audit Charter prepared by the ~~Chief Audit Executive (Head of Internal Audit)~~[Head of Audit and Investigation](#), setting out the Terms of Reference for the provision of internal audit services within the Authority, submitting the Charter to the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#) for approval and revision on an annual basis.
- F3.44 To receive the Authority's Internal Audit Protocol, prepared by the ~~Chief Audit Executive (Head of Internal Audit)~~[Head of Audit and Investigation](#) setting out the process adopted by the Audit and Investigation Unit in conducting audits and requirements that it imposes on the Authority's staff undertaking work subject to internal audit. The Protocol, and any amendments to it, will be submitted the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#) for approval.
- F3.45 To ensure that there is an annual review of the effectiveness of the system of internal audit, in accordance with the Local Audit and Accountability Act 2014 and the Accounts & Audit Regulations 2015.
- F3.46 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of Directors

- F3.47 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents, and assets that the auditors consider necessary for the purposes of their work.
- F3.48 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- F3.49 To consider and respond promptly to recommendations in audit reports.
- F3.50 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- F3.51 To notify the Director of Resources and the ~~Chief Audit Executive (Head of Internal Audit)~~[Head of Audit and Investigation](#) immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources or any Council owned or occupied property is broken into. Pending investigation and reporting, the Director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- F3.52 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the [Chief Audit](#)

[Executive \(Head of Internal Audit\) Head of Audit and Investigation](#) - prior to implementation.

External Audit

Why is this important?

- F3.53 The Local Audit and Accountability Act 2014 requires the Council to appoint an external auditor. The external auditor has rights of access to all documents and information necessary for audit purposes.
- F3.54 The basic duties of the external auditor are defined in the Local Audit and Accountability Act 2014. This requires the audit to be undertaken in accordance with any code of audit practice. The code of audit practice Public Sector Internal Audit Standards 2017 sets out the auditor's objectives to review and report upon:
- (a) the financial aspects of the audited body's corporate governance arrangements
 - (b) the audited body's financial statements
 - (c) aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the Accounts, Narrative Statement and Annual Governance Statement.
- F3.55 The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

Key controls

- F3.56 External auditors are appointed by the Council. The National Audit Office prepares a code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Director of Resources

- F3.57 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents, and assets that the external auditors consider necessary for the purposes of their work.
- F3.58 To ensure there is effective liaison between external and internal audit.
- F3.59 To work with the external auditor and advise the Council, Cabinet and Directors on their responsibilities in relation to external audit.

Responsibilities of Directors

F3.60 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents, and assets which the external auditors consider necessary for the purposes of their work.

F3.61 To ensure that all records and systems are up to date and available for inspection.

PREVENTING FRAUD AND CORRUPTION

Why is this important?

F3.62 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.

F3.63 The authority's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, and practices.

F3.64 The authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

Key controls

F3.65 The key controls regarding the prevention of financial irregularities are that:

- (a) the authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption
- (b) whistle blowing procedures are in place and operate effectively
- (c) all Members and staff act with integrity and lead by example
- (d) all staff are required to act promptly on any suspicions of fraud or corruption to ensure that these are addressed and investigated promptly.
- (e) effective disciplinary arrangements to manage allegations of fraud or corruption.
- (d) high standards of conduct are promoted amongst Members including an effective protocol for managing Member and officer relationships
- (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
- (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of Council

F3.66 To approve and keep under review the Anti-fraud and corruption framework including

- (a) Anti-fraud and corruption policy and associated whistle blowing procedures
- (b) Member and Officer Protocol

Responsibilities of the Monitoring Officer

F3.67 To maintain and keep up to date a register of Members' interests

- F3.68 To prepare and keep under review a protocol for managing Member and officer relationships.
- F3.69 To set out guidance for Directors for the preparation of directorate registers of interests.

Responsibilities of the Director of Resources

- F3.70 To develop and maintain an anti-fraud and anti-corruption policy.
- F3.71 To maintain adequate and effective internal control arrangements.
- F3.72 To ensure that all suspected irregularities are reported to the [Chief Audit Executive \(Head of Internal Audit\)](#)~~Head of Audit and Investigation~~, the Monitoring Officer, Managing Director and the Cabinet.
- F3.73 To develop and maintain a whistle blowing policy.
- F3.74 To investigate and, if necessary, instigate prosecutions, for fraudulent activity in compliance with the Council's Anti-Fraud and Anti-Corruption Strategy.
- F3.75 To authorise the necessary investigations to take place and in particular to ensure that all necessary authorities for surveillance to be undertaken under the Regulation of Investigatory Powers Act 2000 are obtained from an Authorised Officer and to maintain the Corporate [Central](#) Register of Authorisations

Responsibilities of Directors

- F3.76 To ensure that all suspected irregularities are reported to the [Chief Audit Executive \(Head of Internal Audit\)](#)~~Head of Audit and Investigation~~.
- F3.77 To comply with ~~instigate~~ the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour by a member of staff.
- F3.78 To ensure that where financial impropriety is suspected, the Director of Resources is informed. Where sufficient evidence exists to believe that a criminal offence may have been committed, the Director, in consultation with the Director of Resources, will ensure that the Police are called in to investigate the allegation and determine with the Crown Prosecution Service whether any prosecution will take place.
- F3.79 To maintain a directorate register of interests, in accordance with guidance set by the Monitoring Officer.

ASSETS

Security

Why is this important?

F3.80 The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently to deliver services, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

F3.81 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software, and information are:

- (a) resources are used only for the purposes of the authority and are properly accounted for
- (b) resources are available for use when required
- (c) resources no longer required are disposed of in accordance with the law and the regulations of the authority to maximise benefits
- (d) an asset register is maintained for the authority; assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset
- (e) all staff are aware of their responsibilities regarding safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
- (f) all staff are aware of their responsibilities regarding safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

Responsibilities of the Director of Resources

F3.82 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with an individual value in excess of £1,000. The function of the asset register is to provide the authority with information about fixed assets so that they are:

- safeguarded
- used efficiently and effectively
- adequately maintained.

F3.83 To receive the information required for accounting, costing, and financial records from each Director.

F3.84 To ensure that assets are valued in accordance with the current *Code of Practice on Local Authority Accounting in the United Kingdom: (CIPFA/LASAAC)*.

Responsibilities of Directors

F3.85 The appropriate Director shall maintain a property database in a form approved by the Director of Resources for all properties, plant and machinery and moveable assets currently owned or used by the authority. Any use of property by a

department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities, and duration of use.

- F3.86 To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Director in consultation with the Monitoring Officer, has been established as appropriate.
- F3.87 To ensure the proper security of all buildings and other assets under their control.
- F3.88 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Director and the Director of Resources and the Monitoring Officer
- F3.89 To pass title deeds to the Monitoring Officer who is responsible for custody of all title deeds.
- F3.90 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- F3.91 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- F3.92 To ensure that the Directors maintain a register of moveable assets in accordance with arrangements defined by the Director of Resources.
- F3.93 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- F3.94 To consult the Director of Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- F3.95 To ensure cash holdings on premises are kept to the minimum necessary for operational requirements and are within levels covered by the Council's insurance arrangements.
- F3.96 To ensure that keys to safes and similar receptacles are always carried on the person of those responsible; loss of any such keys must be reported to the Director of Resources immediately.
- F3.97 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Director of Resources, the Cabinet agrees otherwise.
- F3.98 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Director of Resources.
- F3.99 To ensure that all employees are aware that they have a personal responsibility regarding the protection and confidentiality of information, whether held in manual

or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.

F3.100 To notify the [Chief Audit Executive \(Head of Internal Audit\)](#) ~~Head of Audit and Review~~ and the Council's Insurance and Risk Officer in the event of any premises occupied by the Council suffering theft, burglary or destruction of Council assets.

Inventories

F3.101 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above £1,000 in value.

F3.102 To carry out an annual check (25%) of items on a rolling basis on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.

F3.103 To make sure that property is only used in the course of the authority's business, unless the Director concerned has given permission otherwise.

Stocks and stores

F3.104 To make arrangements for the care and custody of stocks and stores in the department.

F3.105 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

F3.106 To investigate and remove from the authority's records (i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of a predetermined limit.

F3.107 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Director of Resources, the Cabinet decides otherwise in a particular case.

F3.108 To seek Cabinet approval to the write-off of redundant stocks and equipment in excess of £20,000.

Intellectual property

Why is this important?

F3.109 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general

rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

F3.110 Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key controls

F3.111 In the event that the authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the authority's approved intellectual property procedures, if any.

Responsibilities of the Director of Resources

F3.112 To develop and disseminate good practice through the authority's intellectual property procedures.

Responsibilities of Directors

F3.113 To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

Asset Disposal

Why is this important?

F3.114 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the authority.

Key controls

F3.115 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

F3.116 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Director of Resources

F3.117 To issue guidelines representing best practice for disposal of assets.

F3.118 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of Directors

F3.119 To comply with advice issued by the Director of Resources and to seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.

F3.120 To ensure that income received for the disposal of an asset is properly banked and coded.

LOANS & INVESTMENTS**Why is this Important**

F3.121 The authority holds considerable investments and borrows substantial sums to support its Capital Programme. It is important that the Council ensures that its loans and investments are secure and that it maintains an appropriate title to all loans and investments.

Key Controls

F.3.122 The key controls for the security of loans and investments.

- (a) loans and investments are used only for the purposes of the authority and are properly accounted for
- (b) investments are held within the name of the Authority
- (d) register is maintained for the authority of all loans, investment and borrowing.
- (e) formal approval is sought for third party loans.
- (e) to comply with all relevant legislation for running trust funds
- (f) all staff are aware of their responsibilities regarding safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
- (g) to maintain accounting records for imprest accounts.

Responsibilities of Director of Resources – investments and borrowing

F3.123 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Council.

F3.124 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the Monitoring Officer.

F3.125 To effect all borrowings in the name of the authority.

F3.126 To act as the authority's registrar of stocks, bonds, and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of Directors – investments and borrowing

F3.127 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet or Council, as appropriate, following the advice of the Director of Resources.

Responsibilities of Directors – trust funds and funds held for third parties

F3.128 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Director of Resources, unless the deed otherwise provides.

F3.129 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Resources, and to maintain written records of all transactions.

F3.130 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Responsibilities of the Director of Resources – imprest accounts

F3.131 To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed **£50**.

F3.132 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

F3.133 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of Directors – imprest accounts

F3.134 To ensure that employees operating an imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
- (b) make adequate arrangements for the safe custody of the account
- (c) produce upon demand by the Director of Resources and their nominees (e.g. internal auditors) cash and all vouchers to the total value of the imprest amount
- (d) record transactions promptly
- (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
- (f) provide the Director of Resources with a certificate of the value of the account held at 31 March each year
- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made

- (h) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Director of Resources for the amount advanced to him or her.

STAFFING

Why is this important?

F3.135 In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key controls

F3.136 The key controls for staffing are:

- (a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
- (b) procedures are in place for forecasting staffing requirements and cost
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the Director of Resources

F3.137 To ensure that budget provision exists for all existing and new employees.

F3.138 To advise Directors on the financial implications of varying their establishment prior to any decision to vary the establishment.

F3.139 To act as an advisor to Directors on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of Directors

F3.140 To produce an annual staffing budget.

F3.141 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

F3.142 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

F3.143 To consult the Director of Resources to ensure that the financial implication of any variation to their staffing establishment is understood and affordable.

F3.144 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

F3.145 To ensure that the Director of Resources is immediately informed if the staffing budget is likely to be materially over or underspent.

FINANCE RULE D: SYSTEMS AND PROCEDURES

RULE IN SUMMARY

Introduction

- D.1** Sound systems and procedures are essential for an effective framework of accountability and control.

GENERAL

- D.2** The Director of Resources is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems or the establishment of new systems must be approved by the Director of Resources. However, Directors are responsible for the proper operation of financial processes in their own Directorates.
- D.3** Any changes to agreed procedures by Directors to meet their own specific service needs should be agreed with the Director of Resources.
- D.4** Directors should ensure that their staff receive relevant financial training that has been approved by the Director of Resources.
- D.5** Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation, and the Human Rights Act.

INCOME AND EXPENDITURE

- D.6** It is the responsibility of Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Director's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

PAYMENTS TO EMPLOYEES AND MEMBERS

- D.7** The Head of Human Resources is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

PAYMENT TO CONTRACTORS AND CONSULTANTS

- D.8** The Director of Resources is responsible for all payments to contractor and consultants and ensuring that these comply with appropriate legislation.

TAXATION

- D.9** The Director of Resources is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- D.10** The Director of Resources is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

TRADING ACCOUNTS/BUSINESS UNITS

- D.11** It is the responsibility of the Director of Resources to approve ~~advise on~~ the establishment and operation of trading accounts and business units.

APPENDIX D**FINANCIAL SYSTEMS AND PROCEDURES****DETAILED RULES****GENERAL****Why is this important?**

- F4.01 Directorates have many systems and procedures relating to the control of the authority's assets, including purchasing, costing, and management systems. Directorates are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are processed properly, and errors detected promptly.
- F4.02 The Director of Resources has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key controls

The key controls for systems and procedures are:

- (a) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis
- (c) early warning is provided of deviations from target, plans and budgets that require management attention
- (d) operating systems and procedures are secure.
- (e) there is an audit trail or log of system changes.

Responsibilities of the Director of Resources

- F4.03 To make arrangements for the proper administration of the authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the authority's behalf
 - (b) determine the accounting systems, form of accounts and supporting financial records
 - (c) establish arrangements for audit of the authority's financial affairs
 - (d) approve any new financial systems to be introduced
 - (e) approve any changes to be made to existing financial systems.

Responsibilities of Directors

- F4.04 To ensure that accounting records are properly maintained and held securely.

- F4.05 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Director of Resources.
- F4.06 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- F4.07 To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed
 - (b) all processing is carried out in an accurate, complete, and timely manner
 - (c) output from the system is complete, accurate and timely.
- F4.08 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- F4.09 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- F4.10 To ensure that systems are documented, and staff properly trained in operating these systems.
- F4.11 To seek the approval of the Director of Resources before changing any existing system or introducing new systems that are financial in nature or that impact upon the financial systems of the Council.
- F4.12 To establish a scheme of delegation identifying officers authorised to act upon the Director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- F4.13 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Director of Resources, together with any subsequent variations.
- F4.14 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- F4.15 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

Responsibilities of the Head of Information Technology

- F4.16 To issue standards and guidelines for computer systems and take the necessary steps to ensure these are observed.
- F4.17 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, virus attack, etc.
- F4.18 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) only software legally acquired and installed by the authority is used on its computers
 - (b) staff are aware of legislative provisions
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.

INCOME AND EXPENDITURE

Income

Why is this important?

- F4.19 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted, and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cashflow and avoids the time and cost of administering debt recovery procedures.

Key controls

- F4.20 The key controls for income are:
- (a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
 - (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery
 - (c) all money received by an employee on behalf of the authority is paid without delay, and without deduction, to the Director of Resources or, as he or she directs, to the authority's bank, and properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due
 - for reconciling the amount due to the amount received
 - (d) effective action is taken to pursue non-payment within defined timescales
 - (e) formal approval for debt write-off is obtained
 - (f) appropriate write-off action is taken within defined timescales
 - (g) appropriate accounting adjustments are made following write-off action
 - (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
 - (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Director of Resources

- F4.21 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems, and documentation for its collection.
- F4.22 To order and supply to departments all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- F4.23 To agree the write-off of bad debts within those functions that fall within the responsibilities of the Director up to £50,000 in each case and to refer larger sums to the Cabinet.
- F4.24 To approve all debts to be written off in consultation with the relevant Director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2015-.
- F4.25 To obtain the approval of the Cabinet in consultation with the relevant Director for writing off debts in excess of the approved limit.
- F4.26 To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of Directors

- F4.27 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- F4.28 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- F4.29 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- F4.30 To issue official receipts or to maintain other documentation for income collection.
- F4.31 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- F4.32 To hold securely receipts, tickets and other records of income for the appropriate period.
- F4.33 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- F4.34 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.

- F4.35 To ensure income is not used to cash personal cheques or other payments.
- F4.36 To supply the Director of Resources with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Director of Resources to record correctly the sums due to the authority and to ensure accounts are sent out promptly. To do this, Directors should use established performance management systems to monitor recovery of income and flag up areas of concern to the Director of Resources.
- 4.3.37 To assist the Director of Resources in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf.
- F4.38 To ensure that levels of cash held on the premises must not exceed the levels approved by the Council's insurers unless specific authority has been sought from the Director of Resources for those levels to be exceeded for short-term periods of operational necessity only.
- F4.39 To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- F4.40 To recommend to the Director of Resources all debts to be written off in a timely manner and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- F4.41 To obtain the approval of the Director of Resources when writing off debts in excess of £5000, and the approval of the Cabinet where debts exceed £50,000.
- F4.42 To notify the Director of Resources of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Director of Resources and not later than 30 April.

Ordering and Paying for Work, Goods and Services

Why is this important?

- F4.43 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the authority's Contract Rules.

General

- F4.44 Every officer and Member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of

the authority, in accordance with appropriate codes of conduct and the Contract and Tendering Procedure Rule 8A Section 3.

- F4.45 Official orders must be in a form approved by the Director of Resources and Monitoring Officer. Official purchase orders and Agresso must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Director of Resources.
- F4.46 Each order must conform to contract rules and any guidelines approved by the Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Monitoring Officer.
- F4.47 Apart from petty cash, schools' own bank accounts and other payments from advance accounts, the normal method of payment from the authority shall be by bank transfer or other instrument or approved method, drawn on the authority's bank account or National Giro account by the Director of Resources. The use of direct debit shall require the prior agreement of the Director of Resources.
- F4.48 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Key controls

- F4.49 The key controls for ordering and paying for work, goods and services are:
- (a) all goods and services are ordered only by appropriate persons using the purchase order system on Agresso in accordance with F4.43 above and are correctly recorded unless the Director of Resources has given authority, in writing, for an exemption to this requirement.
 - (b) all goods and services shall be ordered in accordance with the authority's contract rules unless they are purchased from sources within the authority and, where necessary, comply with European legislation
 - (c) goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order
 - (d) payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards
 - (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
 - (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
 - (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
 - (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Director of Resources

- F4.50 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- F4.51 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- F4.52 To approve the form of official orders and associated terms and conditions.
- F4.53 To make payments from the authority's funds on the Director's authorisation that the expenditure has been duly incurred in accordance with Finance Rules.
- F4.54 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- F4.55 To make payments to contractors on the certificate of the appropriate Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- F4.56 To provide advice and encouragement on making payments by the most economical means.
- F4.57 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- F4.58 To make payments to suppliers within appropriate timescales.

Responsibilities of Directors

- F4.59 To ensure that unique numbered official orders are used for all goods and services, other than the exceptions specified in 4.43.
- F4.60 To ensure that orders are only used for goods and services provided to the department Directorate. Individuals must not use official orders to obtain goods or services for their private use.
- F4.61 To ensure that only those staff authorised by him or her sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained in accordance with contract rules. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.
- F4.62 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a

different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.

- F4.63 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- (a) receipt of goods or services
 - (b) that the invoice has not previously been paid
 - (c) that expenditure has been properly incurred and is within budget provision
 - (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
 - (e) correct accounting treatment of tax
 - (f) that the invoice is correctly coded
 - (g) that discounts have been taken where available
 - (h) that appropriate entries will be made in accounting records.
- F4.64 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
- F4.65 To ensure that the Directors maintain and review periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Director of Resources.
- F4.66 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice and other e payment methods. Any instances of these being rendered should be reported to the [Chief Audit Executive \(Head of Internal Audit\)](#)~~Head of Audit and Review~~.
- F4.67 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the Director of Resources.
- F4.68 To ensure that the Directorate obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Director of Resources, which are in line with best value principles and contained in the authority's code of practice for tenders and contracts.
- F4.69 To utilise any central purchasing procedures which may involve the Council in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the Contract Rules and will cover:
- (a) authorised officers and the extent of their authority
 - (b) advertisement for tenders
 - (c) procedure for creating, maintaining and revising a standard list of contractors
 - (d) selection of tenderers
 - (e) compliance with UK and EC legislation and regulations
 - (f) procedures for the submission, receipt, opening and recording of tenders
 - (g) the circumstances where financial or technical evaluation is necessary

- (h) procedures for negotiation
- (i) acceptance of tenders
- (j) the form of contract documentation
- (k) cancellation clauses in the event of corruption or bribery
- (l) contract records.

- F4.70 To ensure that employees are aware of the code of conduct for employees contained in Part 7C of the Constitution
- F4.71 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Director of Resources. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- F4.72 To notify the Director of Resources of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Director of Resources and, in any case, not later than 30 April.
- F4.73 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Director of Resources the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- F4.74 To notify the Director of Resources immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- F4.75 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

PAYMENTS TO EMPLOYEES AND MEMBERS

Why is this important?

- F4.76 Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council.

Key controls

- F4.77 The key controls for payments to employees and Members are:
- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - starters
 - leavers

- variations
 - enhancements
- and that payments are made on the basis of timesheets or claims
- (b) frequent reconciliation of payroll expenditure against approved budget and bank account
 - (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
 - (d) that Inland Revenue regulations are complied with.

Responsibilities of the Head of Human Resources

- F4.78 To arrange and control secure and reliable payment of salaries, wages, compensation, or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- F4.79 To record and make arrangements for the accurate and timely payment of tax, superannuation, and other deductions.
- F4.80 To make arrangements for payment of all travel attendance and subsistence claims or financial loss allowance.
- F4.81 To make arrangements for paying Members' Basic and any Special Responsibility Allowances, as contained in the approved Members' Allowances Scheme, and to pay travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- F4.82 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- F4.83 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of Directors

- F4.84 To ensure appointments are made in accordance with the policies and procedures rules of the authority and approved establishments, grades, and scale of pay and that adequate budget provision is available.
- F4.85 To notify the Head of Human Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Director of Resources.
- F4.86 To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees
 - payments are only made where there is a valid entitlement
 - conditions and contracts of employment are correctly applied
 - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

- F4.87 To send an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.
- F4.88 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Director of Resources.
- F4.89 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised, and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Director of Resources is informed where appropriate. The arrangements will provide that such claims may only be certified by a more senior officer to the officer making the claim. This will usually be the officer's Line Manager. For Directors, certification shall be another Director, the Director of Resources or the Monitoring Officer.
- F4.90 To ensure that the Head of Human Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- F4.91 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of Members

- F4.92 To submit claims for Members' travel and other allowances in accordance with the Members' Allowances Scheme (Part 9A) on a monthly basis and, in any event, within one month of the year end.

PAYMENTS TO CONSULTANTS AND SUB-CONTRACTORS

Why is this important?

- F4.93 The Inland Revenue has introduced new arrangements to ensure that workers, who would have been an employee if they were providing their services directly to the client, pay broadly the same tax and National Insurance contributions as employees. These rules are sometimes known as 'IR35'

Key Controls

- F4.94 The key controls are as follows:
- (a) Ensuring that Directors are aware of the tax implications associated with the employment of consultants and sub-contractors.

- (b) Running checks on a regular basis to assess the extent of the above arrangements

Responsibilities of the Director of Resources

- F4.95 To issue guidance to Directors on the application of employment taxation rules in line with Inland Revenue Requirement.
- F4.96 To advise and assist Directors to establish the employment status of individual employed on a self-employed consultant or sub-contract basis.
- F4.97 To review, on a regular basis, payments to self-employed consultants and sub-contractors and investigate any discrepancy with the relevant Director.

Responsibilities of Directors

- F4.98 To consider the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Director of Resources.
- F4.99 To obtain further information and undertake an assessment for IR35 purposes.
- F4.100 To keep a record of their decision regarding the employment status of self-employed consultants and sub-contractors

TAXATION

Why is this important?

- F4.101 Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often complex and the penalties for incorrectly accounting for tax are severe. It is therefore important for all officers to be aware of their role.

Key controls

- F4.102 The key controls for taxation are:
- (a) budget managers are provided with relevant information and kept up to date on tax issues
 - (b) budget managers are instructed on required record keeping
 - (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
 - (d) records are maintained in accordance with instructions
 - (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Director of Resources

- F4.103 To complete all Inland Revenue returns regarding PAYE.
- F4.104 To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.

- F4.105 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- F4.106 To maintain up-to-date guidance for authority employees on taxation issues that may affect their work for the Council or themselves as employees of the Council.

Responsibilities of Directors

- F4.107 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.
- F4.108 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- F4.109 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- F4.110 To follow the guidance on taxation issued by the Director of Resources in the authority's accounting manual and VAT manual.

TRADING ACCOUNTS AND BUSINESS UNITS

Why is this important?

- F4.111 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations.

Responsibilities of the Director of Resources

- F4.112 To advise on the establishment and operation of trading accounts and business units.

Responsibilities of Directors

- F4.113 To consult with the Director of Resources and the Monitoring Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- F4.114 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

- F4.115 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- F4.116 To ensure that each business unit prepares an annual business plan, as necessary.

FINANCE RULE E: EXTERNAL ARRANGEMENTS

RULE IN SUMMARY

INTRODUCTION

- E.1** The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

PARTNERSHIPS

- E.2** The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3** The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's Constitution. Where functions are delegated, the Cabinet remains accountable for them to the Council.
- E.4** The Managing Director or his representative represents the Authority on partnership and external bodies, in accordance with the scheme of delegation.
- E.5** The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.
- E.6** The Director of Resources must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.7** Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

EXTERNAL FUNDING

- E.8** The Director of Resources is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

Work for Third Parties

- E.9** The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

APPENDIX E**EXTERNAL ARRANGEMENTS****DETAILED RULE****PARTNERSHIPS****Why is this important?**

- F5.01 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- F5.02 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

- F5.03 The main reasons for entering into a partnership are:
- (a) the desire to find new ways to share risk
 - (b) the ability to access new resources
 - (c) to provide new and better ways of delivering services
 - (d) to forge new relationships.
- F5.04 A partner is defined as either:
- (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project
- or
- (b) a body whose nature or status give it a right or obligation to support the project.
- F5.05 Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in concert with others
 - (b) acting as a project funder or part funder
 - (c) being the beneficiary group of the activity undertaken in a project.
- F5.06 Partners have common responsibilities:
- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
 - (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives
 - (c) be open about any conflict of interests that might arise
 - (d) to encourage joint working and promote the sharing of information, resources, and skills between public, private and community sectors
 - (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature

- (f) to act wherever possible as ambassadors for the project.

Key controls

- F5.07 The key controls for authority partners are:
- (a) the business case submitted to the Cabinet
 - (b) Partnership Agreement
 - (c) if appropriate, to be aware of their responsibilities under the authority's Finance Rules and the Contract Rules
 - (d) to ensure that risk management processes are in place to identify and assess all known risks
 - (e) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
 - (f) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
 - (g) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution
 - (h) to ensure, where necessary, that the appropriate checks on staff (e.g. DBS) are undertaken prior to their employment in confidential or sensitive duties.
 - (i) to ensure that the authority has full and open access to partnership records
 - (j) to ensure that partnerships provide regular financial and performance information on at least a quarterly basis on the conduct of their affairs

Responsibilities of the Cabinet

- F5.08 To consider and approve the business case for the establishment of a partnership
- F5.09 To consider and approve the final arrangements for establishing the partnership as set out in a partnership agreement
- F5.10 To appoint a lead member to oversee the operation of the partnership
- F5.11 To receive an annual report on the operation of major Council Partnerships.

Responsibilities of the Director of Resources

- F5.12 To be consulted on all financial aspects relating to the business case used to establish the partnership and the associated partnership agreement.
- F5.13 To advise on effective controls that will ensure that resources are not wasted, including all financial aspects of the partnership agreement.
- F5.14 To advise on the key elements of funding a project. They include:
- (a) a scheme appraisal for financial viability in both the current and future years
 - (b) risk appraisal and management
 - (c) resourcing, including taxation issues
 - (d) audit, security, and control requirements
 - (e) carry-forward arrangements.
- F5.15 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Directors

- F5.16 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Director of Resources.
- F5.17 To ensure that there is a business case for the establishment of a partnership
- F5.18 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Director of Resources.
- F5.19 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.
- F5.20 To ensure that all agreements and arrangements are properly documented.
- F5.21 To provide appropriate information to the Director of Resources to enable a note to be entered into the authority's statement of accounts concerning material items.

EXTERNAL FUNDING

Why is this important?

- F5.22 External funding is potentially an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the single regeneration budget provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

Key controls

- F5.23 The key controls for external funding are:
- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
 - (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council
 - (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Director of Resources

- F5.24 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.

- F5.25 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- F5.26 To ensure that audit requirements are met.

Responsibilities of Directors

- F5.27 To ensure that all claims for funds are made by the due date.
- F5.28 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

WORK FOR THIRD PARTIES

Why is this important?

- F5.29 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit or service to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

- F5.30 The key controls for working with third parties are:
- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Director of Resources.
 - (b) to ensure that contracts are drawn up using guidance provided by the Director of Resources and Monitoring Officer and that the formal approvals process is adhered to.
 - (c) to issue guidance regarding the financial aspects of third-party contracts and the maintenance of the contract register.

Responsibilities of the Cabinet

- F5.31 To approve any arrangements for the provision of services to third parties.

Responsibilities of Director of Resources

- F5.32 To issue guidance with regard to the financial aspects of third-party contracts and the maintenance of the contract register.

Responsibilities of Directors

- F5.33 To consult with the Director of Resources and the Monitoring Officer on any proposals to provide services to third parties, prior to seeking Cabinet approval.
- F5.34 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.
- F5.35 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Director of Resources.

- F5.36 To ensure that appropriate insurance arrangements are made.
- F5.37 To ensure that the authority is not put at risk of assuming the responsibility for any bad debts that may occur if the third-party organisation is wound up.
- F5.38 To ensure that no contract is subsidised by the authority.
- F5.39 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- F5.40 To ensure that the department/unit has the appropriate expertise to undertake the contract.
- F5.41 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- F5.42 To ensure that all contracts are properly documented.
- F5.43 To provide appropriate information to the Director of Resources to enable a note to be entered into the statement of accounts.

Royal Borough of Windsor & Maidenhead

INTERNAL AUDIT CHARTER

The Terms of Reference for the provision of the Internal Audit Service within the Shared Audit and Investigation Service for RBWM

Approved by Corporate Overview and Scrutiny Panel 4 February 2020

INTERNAL AUDIT CHARTER

Introduction

1. The purpose of this Internal Audit Charter is to set out the Terms of Reference for the provision of the Internal Audit Service within Royal Borough of Windsor and Maidenhead. The Charter is reviewed on an annual basis to ensure that current needs are met. The Charter demonstrates how the Internal Audit Service complies with the Public Sector Internal Audit Standards (PSIAS), [updated March 2017](#)~~April 2016~~.

Authority

2. The Local Government Accounts and Audit Regulations 2015 require every local authority to undertake effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.
3. Under S151 of the Local Government Finance Act 1972, the S151 Officer is responsible for ensuring that proper arrangements exist for the management of the Council's financial affairs. Reliance upon Internal Audit is fundamental to the fulfilment of that responsibility.

Definition of Internal Auditing

4. In accordance with the PSIAS, Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Role, Purpose and Function

5. The Internal Audit Service is delivered by the Shared Audit and Investigation Service (SAIS), a Shared Service between Wokingham Borough Council (WBC) and the Royal Borough of Windsor and Maidenhead (RBWM), hosted by WBC. The role of the Chief Audit Executive (CAE) is performed by the Assistant Director, Governance, WBC.
6. The Internal Audit Service provides:-
 - Senior Management and the Board (the ~~Corporate Overview and Scrutiny Panel~~[Audit and Governance Committee](#)) with assurances on the adequacy of control within the Council's systems and activities.
 - the S151 Officer with the assurances required to discharge their statutory responsibilities.
 - a service to monitor the efficient and effective delivery of the Council's objectives.

- evidence regarding compliance with the Council's Constitution, Corporate procedures and the Council's policies and objectives.
7. The existence of Internal Audit does not diminish the responsibility of management to establish systems of internal control to ensure that activities are conducted in a secure, efficient and well-ordered manner.
 8. For the purposes of clarification, Senior Management is defined as those posts that are within the organisation at Head of Service level and above.
 9. The Board is the highest level of governing body charged with the responsibility to direct and/or oversee the activities and management of the organisation.

Independence

10. The main determinant of the effectiveness of Internal Audit is that it is seen to be independent. To ensure this, Internal Audit operates within a framework that allows:-
 - unrestricted access to the Head of Paid Service and Senior Management.
 - unrestricted access to the Chair of the [Audit and Governance Committee Corporate Overview and Scrutiny Panel](#) and other Council Members.
 - segregation from operations.
11. Every effort is made to preserve objectivity by ensuring that all audit members of staff are free from any conflicts of interest with regard to both audit and non-audit activities.

Objectives of Internal Audit

12. As an independent appraisal function within the Council, the primary objective of Internal Audit is to review, appraise and report upon the adequacy of internal controls as a contribution to the proper, economic, efficient and effective use of resources. In addition, the other objectives of the function are to:
 - Ensure compliance with the Accounts and Audit Regulations 2015.
 - Deliver an annual internal audit opinion on the strength of the Council's governance arrangements and control environment to support the Council's review of the effectiveness of internal control and the production of the Annual Governance Statement (AGS).
 - Support managers with the management of risk including: -
 - In the delivery of services
 - Protection of assets from loss
 - Maintaining the reputation of the Council
 - Protecting the organisation from litigation
 - Meeting statutory obligations
 - Meeting corporate objectives

- Being aware of environmental implications
 - Being alert to the risk of fraud or irregularity
 - Contingency planning
 - Provide managers with support and advice to encourage consultation and the adoption of best practice.
- Perform testing of key systems to inform the work of the External Auditors.
 - Undertake projects to meet the current concerns of the [Audit and Governance Committee](#)~~Corporate Overview and Scrutiny Panel~~, Head of Paid Service, Executive Directors, Heads of Service, the Section 151 Officer and Monitoring Officer.
 - Undertake an annual review of the effectiveness of the Council's system of internal audit, required under the PSIAS. The Assistant Director, Governance, Wokingham Borough Council arranges this work and the outcomes are presented to the [Audit and Governance Committee](#)~~Corporate Overview and Scrutiny Panel~~.
 - Assist management with the provision of consultancy work where appropriate, e.g. in the preparation for inspections, to implement best practice.
13. The assurance set out above is provided for the internal use of the Royal Borough of Windsor and Maidenhead. Where the Audit Sponsor (Managing Director/Executive Director) decides it is prudent and increases efficiency these assurances can be used by 3rd parties. Examples include, but are not limited to, other local authorities, local authority trading companies, grant awarding bodies, regulatory and inspection bodies. Where this assurance is provided to external bodies these are limited to the primary purpose of providing reasonable assurance to the Royal Borough of Windsor and Maidenhead, except where this is agreed within the scope of the applicable Internal Audit Terms of Reference.

Scope of Internal Audit

14. The scope of Internal Audit allows for unrestricted coverage of the Council's activities and unrestricted access to all records (both electronic or otherwise), assets, personnel and premises and for obtaining such information and explanations it considers necessary to fulfil its responsibilities. These rights of access also apply to the Council's partner organisations and contractors. This unrestricted access also extends to any person carrying out an investigation on behalf of the CAE.
15. In addition, Internal Audit, has unrestricted access to Members, the Head of Paid Service, Executive Directors, Heads of Service, all other council employees, External Audit, suppliers and contractors.
16. Internal Audit work covers all systems and activities in all directorates and locations throughout the Council.

Professional Standards and Ethics

17. The Assistant Director, Governance, Wokingham Borough Council has adopted the mandatory PSIAS which applies the IIA International Standards to the UK Public Sector. The objectives of these Standards are to;
 - Define the nature of internal auditing within the UK public sector.
 - Set basic principles for carrying out internal audit in the UK public sector.
 - Establish a framework for providing internal audit services, which add value to the organisation, leading to improved organisational processes and operations, and
 - Establish the basis for the evaluation of internal audit performance and to drive improvement planning.
18. All Internal Auditors will endeavour to conform with the IIA's Code of Ethics and rules of conduct and the requirements of any other professional bodies for which they are a member. Internal Auditors also have regard to the Standards of Public Life's *Seven Principles of Public Life* ("Nolan Principles").
19. Instances of non-conformance to the PSIAS will be reported to the Board ([Audit and Governance Committee](#)~~Corporate Overview and Scrutiny Panel~~). More significant deviations will be considered for inclusion in the AGS.
20. Any offers of gifts or hospitality will be reported to the Assistant Director, Governance, Wokingham Borough Council and an appropriate record made in accordance with the Council's gift and hospitality policy. Auditors must avoid the perception of any impairment to their objectivity and independence.

Responsibility

21. Internal Audit has no executive responsibility for the Council's systems of internal control other than an appraisal of their effectiveness with regard to Council objectives.
22. Internal Audit is not an extension of, or a substitute for, the functions of management. Responsibility for internal control rests fully with managers, who should ensure that arrangements are appropriate and adequate. It is for management to address Internal Audit concerns or to accept the risk resulting from not taking action. However, it is the SAIS's responsibility to consider taking matters to higher levels of management or to Council Members if it is felt that the risk should not (or need not) be borne.
23. The internal auditor should have regard to the possibility of such malpractice and should seek to identify serious defects in internal control, which might permit the occurrence of such an event.
24. An internal auditor who discovers evidence of, or suspects, malpractice should report, through the Assistant Director, Governance, Wokingham Borough Council, firm

evidence, or reasonable suspicions, to the appropriate level of management. It is a management responsibility to determine what further action to take.

25. The Assistant Director, Governance, Wokingham Borough Council will use information from fraud activities to inform the annual audit opinion and the risk-based plan.
26. The Assistant Director, Governance, Wokingham Borough Council will manage any conflict of interest from non-audit activities and details of these will be provided to the [Audit and Governance Committee](#)~~Corporate Overview and Scrutiny Panel~~. This includes any advisory and non-audit services that the SAIS provides to management.

Audit Style and Content

27. The primary task of Internal Audit is to review the systems of internal control operating throughout the Council and in doing this will adopt a predominantly risk-based approach to audit, aligned to the RBWM Corporate Risk Register. Internal Audit will also provide advice and consultancy services to management on any issues related to governance, risk management and internal control matters where this does not negatively impact on their primary responsibility. This advice and consultancy work can be used to contribute to the annual internal audit opinion.
28. The Assistant Director, Governance, Wokingham Borough Council will be required to manage the provision of a complete Internal Audit Service to the Council which will include risk based compliance, computer and contract audit and in discharging this duty, the Assistant Director, Governance, Wokingham Borough Council will:
 - prepare an annual risk-based audit plan in consultation with the Head of Paid Service, Section 151 Officer, Executive Directors, Heads of Service, client managers and External Audit for formal endorsement by the [Audit and Governance Committee](#)~~Corporate Overview and Scrutiny Panel~~. This Plan will be regarded as flexible rather than as an immutable expression of audit policy.
 - ensure that current entries in the RBWM Corporate Risk Register are reflected and included in the Audit Plan on a rolling basis and any significant changes to the Audit Plan to be brought to the attention of the Board.
 - ensure a system of close supervision of audit work, and maintain a review of audit files through the supervisory structure and a standardisation of documentation, as there may occasionally be a requirement to provide working papers, where requested.

Audit Resources and Training

29. Internal Audit resource will be determined by the [Audit and Governance Committee](#)~~Corporate Overview and Scrutiny Panel~~ in consultation with the S151 Officer in order to enable him to discharge his statutory duties and will reflect the corporate needs of the Council. Resources will also reflect requirements needed to

allow the S151 Officer to discharge his obligations. The Assistant Director, Governance, Wokingham Borough Council must ensure that the internal audit function has appropriate resources in order to meet its objectives and to comply with the PSIAS.

30. The staffing structure of the Service will comprise of suitably qualified posts with a mix of professional specialisms and skills to reflect the varied functions of the Service and the need to evaluate the efficiency and effectiveness of the complex range of processes undertaken by RBWM. The Assistant Director, Governance, Wokingham Borough Council will arrange, as and when necessary and/or if such specialisms cannot be provided in-house, for such expertise to be provided by external providers.
31. The Assistant Director, Governance, Wokingham Borough Council will carry out a continuous review of the development and training needs of all audit personnel and will arrange appropriate in-service training. Internal Auditors have a personal responsibility to undertake a programme of continuing professional development (CPD) to maintain and develop their competence.
32. All Internal Audit staff will receive an annual appraisal.

Audit Reporting

33. The Assistant Director, Governance, Wokingham Borough Council reports operationally to the Director of Resources who is a member of the Council's Corporate Leadership Team (CLT). The Head of Paid Service reviews the performance appraisal of the Assistant Director, Governance, Wokingham Borough Council. Feedback is sought from the Chair of the [Audit and Governance Committee Corporate Overview and Scrutiny Panel](#) on the performance of the Assistant Director, Governance, Wokingham Borough Council.
34. Timely reporting is a key part of Internal Audit and reporting takes place: -
 - a. To the responsible Executive Director, Head of Service and Service Manager/Head Teacher at the conclusion of each audit review setting out an overall opinion and the main concerns.
 - b. To the Managing Director and External Audit at the conclusion of each audit review (School's audits are issued to the Chair of Governors).
 - c. To the [Audit and Governance Committee Corporate Overview and Scrutiny Panel](#) on a six monthly and annual basis, reporting progress against the Audit Plan, summarising the outcome of audit reviews, highlighting where management have not responded to audit concerns, identify the progress made by management in implementing the treatment of concerns and to emphasise any other key issues.
 - d. The annual report to the [Audit and Governance Committee Corporate Overview and Scrutiny Panel](#) will also include an overall opinion on the strength of the governance arrangements and control environment (which will also contribute

towards the production of the AGS) and an assessment of the system of internal control, as required by the Accounts and Audit Regulations 2015.

A2.15 Cabinet Transformation Sub-Committee

Purpose

Cabinet has delegated to the Sub-Committee the following functions:-

- To approve the Transformation Strategy and any subsequent amendments
- To approve any projects within the Strategy that would require Cabinet approval.
- To monitor progress on the delivery of the Transformation Strategy
- From time to time to report progress to Cabinet

Membership

The Sub Committee comprises the Leader of the Council and the Lead Members for: Adult Social Care, Children's Services, Health & Mental Health, Transport & Infrastructure, Finance & Ascot, Housing, Communications & Youth Engagement, Environmental Services, Climate Change, Sustainability, Parks & Countryside

The Sub Committee will be chaired by the Lead Member for Adult Social Care, Children's Services, Health and Mental Health

Quorum

The quorum for the Sub-Committee shall be 2. Any Cabinet Member may act as substitute for the substantive Cabinet members identified above.

Frequency

Quarterly, with additional meetings as required

Type

Committee of Cabinet

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Report Title:	Community Governance Review – Windsor Town Council
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor.
Meeting and Date:	Full Council – 28 July 2020
Responsible Officer(s):	Duncan Sharkey, Managing Director / Karen Shepherd, Head of Governance
Wards affected:	Clewer & Dedworth East, Clewer East, Eton & Castle, Old Windsor.

www.rbwm.gov.uk



REPORT SUMMARY

Residents in Windsor have expressed their wish for the Council to create a new town council for Windsor. In order to examine this issue, the Council would need to undertake a Community Governance Review, which is a clearly defined process. To commence the review Council must adopt a Terms of Reference for the review. Publication of the Terms of Reference marks the beginning of the review.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and:

- i) Approves the Terms of Reference document set out as Appendix A which will formally commence the community governance review process considering the formation of a new town council for Windsor.

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

Options

Table 1: Options arising from this report

Option	Comments
Approve the Terms of Reference for the Windsor town council review This is the recommended option	The Terms of Reference set out how the review will be conducted, its scope and the timeline for completion and will focus solely on the issue of whether a new town council for Windsor should be created.
Modify the Terms of Reference to allow additional areas of parish governance to be examined under	A community governance review can cover multiple areas if it was deemed necessary to review the creation, expansion or abolition of parish governance arrangements for

Option	Comments
<p>the scope of community governance.</p> <p>Not recommended.</p>	<p>other areas in RBWM's administrative area.</p>
<p>Do not approve the Terms of Reference and do not undertake a community governance review.</p> <p>Not recommended.</p>	<p>This option would only be appropriate if the Council does not wish to undertake a review of any parish governance arrangements as it deems the existing structure as adequate.</p>

- 2.1 It is recommended that a community governance review be undertaken as there has been significant interest expressed by residents in Windsor in relation to the creation of a new town council. An [e-petition](#) by Windsor residents was opened to collect signatures in September 2019. A petition achieving 7.5% of the electorate's support for the proposal would require the Council to undertake a review.
- 2.2 The e-petition closed to new signatories in February 2020 but has yet to be formally submitted to the council. The e-petition collected 36% of the required number of signatures to reach the 7.5% threshold. Whilst far from the threshold to require the Council to undertake a review, the number of electors signing the petition demonstrates an appetite for a review to take place. It is also anticipated that when the petition is formally submitted to the council, the e-petition will be supported by a number of hard copy signatures.
- 2.3 The Council can undertake a review of the parish governance arrangements in its local area at any time and has a duty to ensure effective and convenient governance arrangements are in place. The last community governance review took place in 2015 and related to the expansion of Bray Parish Council. The Council should be carrying out periodic reviews. Central government advice is that full-scale community governance reviews should be carried out at least once every fifteen years.
- 2.4 Responsibility for composing the Draft Recommendations and Final Recommendations will be delegated to a cross-party, member-led Community Governance Review Working Group (CGRWG). The Group will comprise 5 elected members (3 Conservative, 1 Liberal Democrat and 1 Local Independent) and will meet periodically as required to consider the representations received at the end of each stage of consultation. The Working Group will decide upon the content of the Draft and Final Recommendations put forward to Full Council in July 2021 for consideration. The Working Group will be supported by officers from across the organisation

3. KEY IMPLICATIONS

- 3.1 Adoption of the Terms of Reference will ensure that the Council can proceed with undertaking the community governance review for Windsor. The Terms of Reference outline how the review will be conducted and what is covered in the scope of the review, calling for the views of the public about the proposals which

will feed into the Council’s decision-making process. The Council cannot ascertain the level of support for the formation of a new council or investigate the possible options without engagement from the electorate and gathering their views on how a new level of governance for Windsor could take shape. Publication of the Terms of Reference is a mandatory part of a community governance review.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of Terms of Reference in July 2020	CGR cannot proceed	CGR proceeds and concludes in July 2021	N/A	N/A	28 July 2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no direct financial consequences arising from the decision to carry out a community governance review. There may be modest expenses incurred in running the review in respect of carrying out a public engagement strategy to raise awareness and to encourage local engagement, but these would be contained within existing budgets. The scale of the consultation and approach to be adopted will be determined by the Community Governance Review Working Group (CGRWG) during the summer of 2020.
- 4.2 It should be noted that if the outcome of the review is in favour of creating a new town council for Windsor, there will be financial implications arising from this decision which will concern the setting of a parish precept for the new council as well as impacts on the special expenses precept for currently non-parished areas within RBWM. These details will be set out in the Draft and Final Recommendation reports for the community governance review, if applicable, which will be published during the later stages of the review.

5. LEGAL IMPLICATIONS

- 5.1 To facilitate the process to review and amend existing community governance arrangements in accordance with the Council’s powers under the Local Government and Public Involvement in Health Act 2007.

6. RISK MANAGEMENT

- 6.1 The potential risks are set out as below:

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
A community governance review is not	Medium	The Terms of Reference document setting out the scope of the review is	Low

Risks	Uncontrolled risk	Controls	Controlled risk
conducted in accordance with the statutory framework		published in accordance with legal requirements.	

7. POTENTIAL IMPACTS

- 7.1 Equalities. An EQIA screening has been undertaken; a full EQIA is not considered to be required.
- 7.2 Climate change/sustainability. None identified.
- 7.3 Data Protection/GDPR. None identified.

8. CONSULTATION

- 8.1 The Community Governance Review Working Group will be involved in all stages of the review. The Terms of Reference set out the proposals for public consultation.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The implementation stages are set out in table 4. (A full timetable for the review is set out in Section 4 of the Terms of Reference.)

Table 4: Implementation timetable

Date	Details
28 July 2020	Full Council considers the Terms of Reference, and if approved, the review commences on this date.
28 July 2020 – 28 October 2020	Public consultation on the Terms of Reference.
July 2020 – October 2020	Meetings of the Community Governance Review Working Group (CGRWG)
26 January 2021	Publication of the Draft Recommendations
26 January 2021 – 27 April 2021	Public consultation on the Draft Recommendations
January 2021 – April 2021	Meetings of the Community Governance Review Working Group (CGRWG)
July 2021 (full Council date tbc)	Publication of the Final Recommendations following approval by full Council

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A - Community Governance Review – Windsor Town Council – Terms of Reference

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- [Guidance on community governance reviews](#), published by the Local Government Boundary Commission for England and the Department for Communities and Local Government

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Rayner	Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	14/7/20	14/7/20
Cllr Johnson	Leader of the Council	14/7/20	14/7/20
Russell O’Keefe	Director of Place	14/7/20	
Adele Taylor	Director of Resources/S151 Officer	6/7/20	13/7/20
Kevin McDaniel	Director of Children’s Services	14/7/20	
Hilary Hall	Director Adults, Commissioning and Health	14/7/20	15/7/20
Andrew Vallance	Head of Finance	6/7/20	15/7/20
Elaine Browne	Head of Law	14/7/20	15/7/20
Nikki Craig	Head of HR, Corporate Projects and IT	14/7/20	16/7/20
Louisa Dean	Communications	14/7/20	
David Scott	Returning Officer/Electoral Registration Officer	1/7/20	1/7/20

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Council decision	No	No
Report Author: Suzanne Martin, Electoral & Information Governance Services Manager, 01628 682935.		

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

COMMUNITY GOVERNANCE REVIEW WINDSOR TOWN COUNCIL

TERMS OF REFERENCE

THESE TERMS OF REFERENCE HAVE BEEN PUBLISHED BY THE ROYAL BOROUGH ON:

28 July 2020

REPRESENTATIONS AND COMMENTS ON THESE TERMS OF REFERENCE SHOULD BE MADE BY:

28 October 2020

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DRAFT

1. Introduction

- 1.1 The Royal Borough of Windsor and Maidenhead is carrying out a community governance review pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007.
- 1.2 The Royal Borough is required to have regard to the "[Guidance on Community Governance Reviews](#)" issued by the Secretary of State for Communities and Local Government published in 2008. In addition to this guidance, the Royal Borough will be mindful of the provisions set out in the Local Government Act 1972, the Local Government (Parishes and Parish Councils)(England) Regulations 2008 and the Local Government Finance (New Parishes) Regulations 2008 which regulate consequential matters arising from the review.
- 1.3 The Local Government and Public Involvement in Health Act 2007 transferred the powers for conducting community governance reviews to principal councils, which had previously been shared with the Electoral Commission's Boundary Committee for England under the Local Government Act 1997. The Royal Borough of Windsor and Maidenhead is statutorily responsible for carrying out the review.
- 1.4 A community governance review is the process used to consider whether existing parish arrangements under the jurisdiction of the local authority should be changed in any way. Community governance reviews can address the following:
 - Altering the boundaries of existing boundaries
 - Changing the names of existing parishes
 - Creating or abolishing parish councils
 - The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
 - The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)
 - The "style" of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish).

2. Background

- 2.1 At a meeting of Full Council on 28 July 2020, the Council approved these Terms of Reference. The review area will be limited to the currently unparished parts of Windsor located in and around the town centre and this specified area will form the scope of the review. The unparished parts of Windsor comprise twelve polling districts spanning the wards of Clewer & Dedworth East, Clewer & Dedworth West, Clewer East, Eton & Castle and

Old Windsor. A map outlining the review area is supplied in Appendix 1, marking the polling districts across the five affected wards in Windsor.

- 2.2 The intention to consider the formation of a new town council for Windsor has arisen from interest raised by members of the local community. An [e-petition](#) calling for the local authority to undertake a community governance review was started in September 2019, led by a group of local residents. In order for the petition to be successful, 7.5% of the local government electorate for the review area (the unparished parts of Windsor) needed to support the proposal, which equalled 1,661 electors. As at February 2020, when the e-petition closed, the number of valid signatories on the open petition was 606 (36% of the required amount). To date, the e-petition has not been formally submitted to the council. However, it is anticipated that when the petition is formally submitted to the council, the e-petition will be supported by a number of hard copy signatures.
- 2.3 However, having approved these terms of reference at its meeting on 28 July 2020, the council has taken the view to commence a community governance review of its own accord removing the requirement to do so had a valid petition been received. The council has committed to undertake the review as it recognises that the possible formation of a new town council is a relevant and topical subject amongst the local community.

3. Existing Parish Governance Arrangements

- 3.1 The Royal Borough believes that parish councils play an important role in terms of community empowerment at a local level. Parish governance should continue to be robust and representative to meet the challenges that lie before it.
- 3.2 There are fifteen parishes (fourteen parish councils and one parish meeting) that operate within the Royal Borough's administrative area. Seven parishes are warded. Elections to the parish councils take place once every four years at the same time as elections to the principal council. The most recent changes to parish governance took effect in May 2019 where minor, consequential changes were made to the parishes of Bray and Sunninghill and Ascot by the Local Government Boundary Commission for England as a result of the borough-wide electoral review which took place in 2018/2019. The electoral boundaries for the internal wards of these two parishes were adjusted and the number of seats to each ward redistributed across each parish. Details of the current governance arrangements for each parish can be viewed in Appendix 2.
- 3.3 Unlike an electoral review which examines the electoral arrangements for a principal council, there is no provision in legislation that stipulates that each parish councillor should represent, as far as possible, the same number of

electors. That said, the Royal Borough is committed to ensuring equitability amongst the parishes and its internal wards as far as possible, to ensure effective and convenient local government and that electors across the parished areas are treated fairly. Any recommendations made by the review which results in the formation of a new town council for Windsor must adhere to the legal minimum number of parish councillors for any parish council, which is five. There is no legal maximum number of parish councillors.

- 3.4 Parish councils set their own precept on an annual basis and therefore have the power to spend a significant amount of council tax-payer money. A breakdown of the precepts for each parish for 2019/2020 and 2020/2021 is shown in Appendix 3. A new town council would be able to set its own precept and allocate this funding to projects within its defined area.

4. Windsor Town Council Options

- 4.1 The outcome of the review may find that the preferred option would be to bring about no change to the existing parish governance arrangements and that no new parish council should be formed. However, if it is deemed preferable to create a new parish council, this may comprise all or only part of the review area identified in Appendix 1.
- 4.2 If it were seen as desirable to create a new parish council covering all or part of the original area outlined in Appendix 1, there are further, numerous options for how its composition could take shape. One option would be to create a new, unwarded parish council covering the area identified as forming a new parish. Option 1 in the table below illustrates this option and is based on the assumption that the parish area will comprise all of the twelve polling districts across the proposed review area in Appendix 1.
- 4.3 An alternative option would be to divide the new parish council area into wards in a similar way in which the seven, currently warded, parishes in the borough are structured. Each ward of the parish would then elect councillors to represent each respective part. There are numerous options for the creation of internal parish wards which could be drawn to reflect local community ties. As the twelve polling districts in the review area span five of the Borough's wards, an option could be to create a parish ward for each respective Borough ward. This suggestion is illustrated as option two in the table below and is based on the assumption that the whole of the current review area forms a new parish council.

Table 1: Two potential Windsor town council options

Option 1 – Unwarded town council		Option 2 – Warded town council		
Polling districts	Electorate (June 2020)	Polling districts	Electorate (June 2020)	Ward
WCDE1	2217	WCDE1	5449	

WCDE2	2307	WCDE2		Ward 1 – Clewer & Dedworth East
WCDE3	925	WCDE3		
WCDW1	2396	WCDW1	4580	Ward 2 – Clewer & Dedworth West
WCDW3	2184	WCDW3		
WCE1	1960	WCE1	5159	Ward 3 – Clewer East
WCE2	2240	WCE2		
WCE3	959	WCE3		
WEC1	3319	WEC1	5591	Ward 4 – Eton & Castle
WEC2	2272	WEC2		
WOW3	89	WOW3	1714	Ward 5 – Old Windsor
WOW4	1625	WOW4		

- 4.4 Views on all options as to how the new town council could be formed as part of the first stage of consultation are welcomed. Contact details for all submissions are shown in Table 3 below.

5 Review Process

- 5.1 The review will be conducted in a number of stages and will conclude within twelve months of publication of the Terms of Reference (i.e. by 27 July 2021). Two phases of public consultation will be undertaken to gather public opinion on the proposals which will inform the council's decision-making process.
- 5.2 The first consultation will run for three-months (from August-October 2020) and will ask for proposals and comments on the formation of a new town council for Windsor as outlined in the Terms of Reference. The comments received during the consultation will help to help formulate the Draft Recommendations. The Draft Recommendations will be the subject of a second, three-month public consultation (from January-April 2021), and representations received during this period will be considered to inform the Final Recommendations.
- 5.3 Responsibility for composing the Draft Recommendations and Final Recommendations will be delegated to a cross-party, member-led Community Governance Review Working Group (CGRWG). The Group will comprise 5 elected members (3 Conservative, 1 Liberal Democrat and 1 Local Independent) and will meet periodically as required to consider the

representations received at the end of each stage of consultation. The Working Group will decide upon the content of the Draft and Final Recommendations put forward to Full Council in July 2021 for consideration. The Working Group will be supported by officers from across the organisation.

5.4 Should the outcome of the review be to support the creation of a new Windsor town council as outlined in the Final Recommendations, a Community Reorganisation Order will be made. The new town council will come into force in May 2023 when the next scheduled parish elections are due to take place.

5.5 The timetable for the review is outlined in Table 2 below:

Table 2 – Timetable for the review

Stage	Activity	Date	Duration
Stage 1	Publication of the Terms of Reference	28 July 2020	-
	Consultation 1 on Terms of Reference	28 July 2020 – 28 October 2020	3 months
	Initial meeting(s) of the CGRWG	July/August 2020	As required
	CGRWG consideration of representations received	28 October 2020 – 26 January 2021	3 months
Stage 2	Publication of the Draft Recommendations	26 January 2021	-
	Consultation 2 on Draft Recommendation	26 January 2021 – 27 April 2021	3 months
	CGRWG consideration of representations received	27 April 2021 – 27 June 2021	3 months
Conclusion	Publication of the Final Recommendations	July 2021	-
	Reorganisation Order made (<i>if applicable</i>)	By December 2021	-
	Elections to Windsor Town Council (<i>if applicable</i>)	4 May 2023	-

6 Consultation

6.4 The Royal Borough is required to consult with local government electors living in the review area as well as any other individuals and organisations (including existing parish councils) who appear to have an interest in the review.

6.5 All representations received during each phase of consultation will be published on the Community Governance Review pages of the council

website, as well as the minutes of the meetings of the CGRWG. Community governance reviews should be conducted transparently so that the local people and other local stakeholders who may have expressed an interest are made aware of the outcome of the decisions and the reasons behind these decisions.

- 6.6 In order to raise awareness about the review and to maximise public engagement, the review will be publicised on the RBWM website and social media platforms. The CGRWG will devise a public engagement strategy and identify stakeholders and community groups who operate within the review area so that the council can consult with these organisations directly. Elected members serving in the wards which fall under the review area will be expected to support the review by engaging with residents directly and raising awareness of the proposals as they develop.
- 6.7 Representations made during each stage of consultation should be submitted to Electoral Services by letter or email. Contact details are shown in Table 3 below.

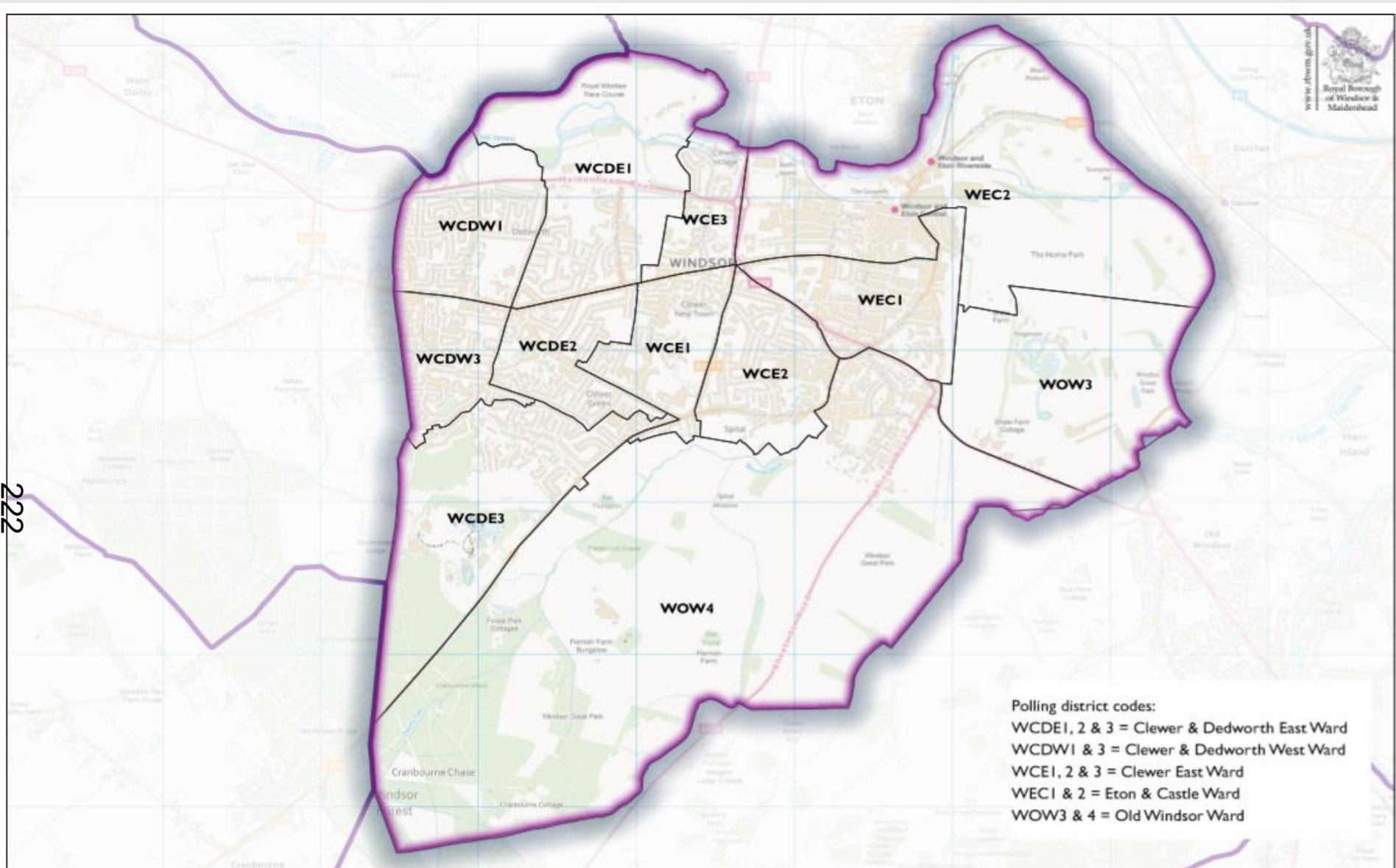
Table 3: Submission of consultation comments

Postal address	Electoral Services Royal Borough of Windsor and Maidenhead Town Hall St Ives Road Maidenhead SL6 1RF
Email address	Electoral.Registration@rbwm.gov.uk

- 6.8 Details of officer contacts involved in the management of the review are shown in Table 4 below.

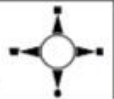
Table 4: Officer contact details

Name	Contact details
Suzanne Martin Electoral & Information Governance Services Manager	Suzanne.Martin@rbwm.gov.uk 01628 682935
Karen Shepherd Head of Governance	Karen.Shepherd@rbwm.gov.uk 01628 796529



Appendix 1 - Review Area

Date: 2020-07-06T13:02:13.926
 Scale of A4: 1:30000
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Appendix 2 – Parish Governance Arrangements as at June 2020

Parish	Ward	Seats	Candidates at 2019 elections	Unfilled vacancies
Bisham		6	5	0
		6	5	
Bray	Bray	5	5	1
	Dedworth	2	2	
	Fisheries	1	1	
	Holyport	6	3	
	Oakley Green & Fifield	1	2	
		15	13	
Cookham	Cookham	2	2	0
	Cookham Rise	9	14	
	Cookham West	4	6	
		15	22	
Cox Green	Cox Green East	6	3	5
	Cox Green North	5	1	
	Cox Green South	4	3	
		15	7	
Datchet		15	8	0
Eton	Eton	7	9	0
	Eton Wick	7	6	
		14	15	
Horton		9	6	2
Hurley	Hurley North	4	3	0
	Hurley South	6	5	
		10	8	
Old Windsor		13	10	1
Shottesbrooke	N/A	N/A	N/A	N/A
Sunningdale		10	8	1
Sunninghill & Ascot	Ascot	6	6	1
	Cheapside	1	2	
	Sunninghill & South Ascot	9	10	
		16	18	
Waltham St Lawrence		7	7	0
White Waltham	Littlewick Green	2	1	0
	White Waltham & Paley Street	3	3	
	Woodlands Park	3	3	
		8	7	
Wraysbury		11	10	0

Appendix 3 – Parish Council Precepts

Parish	2019/20	2020/21	2020/21 Band D
	Precept (£)	Precept (£)	Charge (£)
Shottesbrooke	Nil	Nil	Nil
Sunninghill & Ascot	171,507	201,690	31.00
Waltham St Lawrence	24,500	24,500	36.07
Hurley	35,124	38,351	38.11
Bray	156,796	171,460	38.97
Wraysbury	81,700	84,800	39.65
Cookham	91,975	123,973	41.86
Bisham	25,702	31,139	42.07
Cox Green	146,909	150,341	49.33
Eton	78,168	94,647	52.02
Sunningdale	184,214	192,379	55.51
Datchet	142,818	142,818	63.70
Old Windsor	153,500	160,500	66.78
Horton	25,430	33,556	72.67
White Waltham	128,605	126,687	99.74

Report Title:	Joint Central and Eastern Berkshire Minerals & Waste Plan – Proposed Submission
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Coppinger, Lead Member for Planning and Maidenhead
Meeting and Date:	Full Council – 28 July 2020
Responsible Officer(s):	Russell O’Keefe, Executive Director & Adrien Waite, Head of Planning
Wards affected:	All

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REPORT SUMMARY

1. The Council is working with Bracknell Forest, Reading and Wokingham Borough councils to produce a Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan. It will provide an up to date planning framework for minerals and waste development in Central and Eastern Berkshire to 2036 and will replace the existing Minerals and Waste Local Plans for Berkshire.
2. The plan has already been through several stages of consultation, starting with an Issues and Options consultation in 2017. Three further ‘Regulation 18’ consultations have been carried out between 2018 to 2020.
3. The plan contains policies that will be used when assessing planning applications for minerals and waste developments and allocates sites for minerals and waste development, all of which are in the Royal Borough. It is proposed to consult on the Proposed Submission version for six weeks from 3 September to 15 October 2020. The plan will then be submitted to the Secretary of State for examination together with a range of supporting documents.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Approves the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan at Appendix A (along with the supporting documents and revisions to the Policies Map) for publication for a statutory six-week representations period to commence on 3 September and close on 15 October 2020;**
- ii) Approves the formal submission of the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan and all supporting documents to the Secretary of State for independent examination; and**
- iii) Delegates authority to the Head of Planning, in consultation with the Lead Member for Planning and Maidenhead, to make any minor amendments necessary to the Proposed Submission Central and Eastern Berkshire Joint Minerals and Waste Plan and supporting documents prior to the commencement of the representations period.**

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

Background

- 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 working with Bracknell Forest, Reading and Wokingham Borough councils to produce a Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan ('Joint Plan') which will guide minerals and waste decision-making in the Plan area for the period up to 2036. The councils have commissioned Hampshire Services to provide technical support and draft the plan and supporting documents.
- 2.3 The Joint Plan will replace the current minerals and waste planning policies contained in the 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 although the 'saved' policies are still used, they are out of date and their effectiveness is now limited.
- 2.4 The Joint Plan will need to be consistent with national planning policy, which is the National Planning Policy Framework (NPPF) (2019) and the accompanying Planning Practice Guidance (PPG), along with the Waste Management Plan for England (2013), and the National Planning Policy for Waste (2014). Once adopted, the Joint Plan will have development plan status and sit alongside the authorities' own local plans, which in the case of the Royal Borough is currently the 1999 Local Plan, the Maidenhead Town Centre Area Action Plan (MTCAAP, 2011) and several Neighbourhood Plans. It is expected that the 1999 Local Plan and MTCAAP will soon be replaced by the new Borough Local Plan.

Project progress

- 2.5 The Joint Plan is now at an advanced stage, various consultations and 'calls for sites' having already been undertaken. These are summarised below:
 - 'Issues and Options' consultation was undertaken to gather technical information and confirm the evidence base (Summer 2017);
 - Draft Plan consultation setting out the proposed approach for the Joint Minerals and Waste Plan (Summer/Autumn 2018);
 - Bray Quarry extension consultation (Summer 2019);
 - Focussed consultation on criteria for defining an 'Area of Search' for sand and gravel provision, two new sites for sand and gravel (one of which is land between Horton Brook and Poyle Quarry in the Royal Borough), and a possible policy on past performance of minerals and waste operators (Spring of 2020).
 - Various 'calls for sites' for minerals and waste uses due to the limited number of site options (Spring 2017, Autumn 2017, Winter 2018/19 and Autumn 2019).

2.6 Further details on these consultations and the representations made to them are available on the [Joint Minerals & Waste Plan](#) consultation website.¹

2.7 Discussions have been held with a range of planning authorities beyond the plan area and other organisations that may be affected by the strategy and policies in the Joint Plan under the requirements for Duty to Cooperate.

Current stage

2.8 The Proposed Submission version of the Joint Plan is included as Appendix A. It sets out the proposed planning framework for minerals and waste development in the plan area for the period up to 2036. It includes:

- A long-term Spatial Vision and Strategic Objectives.
- Delivery strategies for minerals and waste management.
- Development Management policies that will be used when assessing planning applications for minerals and waste developments. For example, protection of habitats and species, conserving the historic environment and flood risk. A policy is also included that seeks to ensure that past performance of minerals and waste operators forms part of the material considerations taken into account in decision-making.
- Details of how each policy will be implemented and monitored to ensure their effectiveness.

2.9 A Policies Map has also been compiled which shows allocations and specific policy designations on a geographical basis. This is included as Appendix B.

Minerals strategy

2.10 The Joint Plan seeks to provide and/or facilitate the sustainable extraction of minerals, in accordance with national planning policy. Over the plan period there is a total requirement for 5.447 million tonnes (Mt) of sharp sand and gravel across the plan area. The only minerals of more than local significance in the plan area are sand and gravel which is comprised of sharp sand and gravel and soft sand (which is rarer in the plan area). These minerals are used by the construction industry and are therefore important to the health of the economy.

2.11 Due to the limited number of site options, the ability of the plan to provide such a steady and adequate supply of sand and gravel is challenging. Several sites were promoted within the Royal Borough, and two have been assessed as being suitable for allocation: Horton Brook and Poyle Quarry Extension (150,000 tonnes) (MA1) and Poyle Quarry Extensions (250,000 tonnes) (MA2). The Poyle Quarry allocation MA2 comprises two separate areas of land of 4 hectares in size (to the east of the existing quarry) and 2 hectares in size (to the south of the existing quarry). Several others were rejected, either because they were unsuitable or because planning permission was granted. These include Ham Island, Bray Quarry Extension and Water Oakley.

¹ www.hants.gov.uk/berksconsult

- 2.12 The most recent consultation held in February and March this year included the proposed Horton Brook and Poyle Quarry Extension site. Of the 702 responses made to this document, only 46 related to this site. Although the majority of responses did not support its allocation, it is considered that the concerns raised can be mitigated at the planning application stage and so this site has been included in the Joint Plan. However, the yield from the site has been reduced from 250,000 tonnes to 150,000 tonnes in order to retain a belt of trees close to the site.
- 2.13 It should be noted that the capacity of the proposed site allocations, along with existing permissions, are insufficient to meet the requirement of 5.447Mt, and there is anticipated to be a shortfall of 3.1Mt sharp sand and gravel over the plan period. This shortfall is anticipated from 2023 onwards.
- 2.14 To support further minerals supply, the Joint Plan includes an 'Area of Search' approach which identifies the location of sand and gravel resources. The extraction of minerals is supported in principle in the 'area of search', The 'areas of search', which extend across the plan area, do not include areas where national planning policy advises development should be avoided, such as Special Protection Areas (SPA) and ancient woodland. In addition, areas with potential minerals resource have been excluded where they are under 3ha on non-viability grounds. Built up areas are also excluded. However, the acceptability of any proposal would be subject to consideration of impacts through the planning application process.
- 2.15 A lack of provision may result in demand for sand and gravel having to be met from elsewhere, such as neighbouring mineral planning areas which have such resources. 'Duty to Cooperate' discussions have taken place and Statements of Common Ground are being finalised with neighbouring authorities with suitable resources to demonstrate that the burden of supply is not being placed on any single neighbouring mineral planning area.
- 2.16 In view of the above, it is also important to safeguard viable or potentially viable mineral deposits from sterilisation by surface development such as housing. Safeguarding will be achieved by encouraging extraction of the underlying minerals prior to development proceeding, where practicable. Policy M2 deals with safeguarding sand and gravel resources.
- 2.17 Some types of minerals are not present or are not present in sufficient quantity to be viably extracted. There are no viable sources of crushed rock and soft sand across central and eastern Berkshire. The area is therefore reliant on supplies from other parts of the country, as set out in the Minerals Background Study.

Waste strategy

- 2.18 The Joint Plan seeks to provide and/or facilitate sustainable management of waste for the plan area. Waste can be managed in different ways, but the waste (management) hierarchy sets out the order in which options for waste 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 places at the right times.

2.19 Calculations anticipate the following additional waste capacity is required over the plan period:

- 300,000 tonnes per annum (tpa) non hazardous recycling capacity;
 - 245,000 tpa non hazardous recovery capacity;
 - 575,000 tpa inert recycling or recovery capacity.

2.20 Policy W4 (Locations and site for waste management) proposes to allocate three sites in the Royal Borough for waste management use:

- Berkyn Manor (Recovery) (WA1)
- Horton Brook Quarry (Aggregate Recycling) (WA2)
- Stubbings Compound (Green Waste Transfer) (WA3)

2.21 However, these sites are not sufficient to meet the future waste requirements of Central and Eastern Berkshire up to the end of the plan period, and it is therefore expected that further new sites will come forward through market led delivery. One option is to location new waste facilities on industrial estates. A number of industrial estates in Reading, Bracknell Forest and Wokingham boroughs have been identified that would be potentially suitable for waste uses. However, no suitable industrial estates have been identified in the Royal Borough for waste uses.

2.22 As waste treatment capacity within the plan area is less than the waste arisings generate, all waste management capacity facilities will be safeguarded from loss to other forms of development. Policy W2 (Safeguarding of waste management facilities) deals with this matter.

2.23 The Star Works site at Knowl Hill, within Wokingham Borough but close to the boundary with the Royal Borough, was proposed as a waste management allocation in the draft version of the plan. This site contains a clinical waste treatment operation. This site is not proposed for allocation in the Joint Plan, but there is no known reason why the site cannot continue to receive waste for treatment. Any proposals to change the use of the site will require separate planning permission.

Development Management Policies

2.24 The Joint Plan includes development management policies that form a robust framework for the determination of minerals and waste applications. This includes policies relating to sustainable development, climate change, sustainable transport movements, and flood risk, amongst many others.

2.25 In 2019, the Planning Practice Guidance was amended to state that the planning history of a site may be a relevant consideration in the determination of an application. As a result, a policy approach relating to Operator Past Performance was included in the focused public consultation in spring 2020 and has been included in the Joint Plan as Policy DM15. The policy sets out how an operator's record of running established minerals or waste sites can provide information on how appropriately the impacts of development have been managed. In some circumstances this can be a useful indicator of how proposed sites may be managed by the operator.

2.26 The policy therefore seeks to protect communities near minerals and waste development from any significant effects. A similar policy approach forms part of the Hampshire Minerals and Waste Plan and is currently in operation.

Supporting work

2.27 The Joint Plan is supported by a number of supporting documents, including: Sustainability Appraisal (including Strategic Environmental Assessment), Habitats Regulations Assessment (Appropriate Assessment), Minerals Background Study, Waste Background Study and Strategic Flood Risk Assessment. The Sustainability Appraisal Non-Technical Summary is appended to the report, along with the Policies Map. Other documents can be made available to Councillors on request.

Next stages

2.28 As the plan is being prepared by four authorities, each of the authorities will need to agree to the consultation and submission of the plan. Approval for the Joint Plan, and for other documents that will inform the Joint Plan, is sought from Council. Delegated authority is sought for the final versions to be agreed by the Director of Place in consultation with the Lead Member for Planning and Maidenhead.

2.29 There will be a six-week period for representations to be submitted on the Proposed Submission version of the plan. See Section 8 below for more details of the consultation.

2.30 This report also seeks approval to submit the Joint Plan, representations made, the Sustainability Appraisal and other relevant documentation to the Secretary of State for independent examination. This is expected to take place in winter 2020, followed by examination in public by a Planning Inspector in spring 2020. The future adoption of the Plan will provide a strong planning policy basis from which to determine planning decisions on minerals and waste development.

Options

Table 1: Options arising from this report

Option	Comments
<p>Publish the Proposed Submission Central and Eastern Berkshire Minerals & Waste Plan for a six-week representations period, starting 3 September 2020, followed by submission of the plan and supporting documents to the Secretary of State for Independent Examination.</p> <p>This is the recommended option</p>	<p>The current Minerals and Waste Plans for Berkshire were designed to guide development until 2006 and their effectiveness is limited. It is considered that the Joint Plan is now ready to be published and then submitted for examination. Adopting the plan in a timely manner will provide a strong planning policy basis from which to determine planning decisions on minerals and waste development.</p>
<p>Delay publication of the Proposed Submission Central and Eastern</p>	<p>Officers do not consider this would be the right approach as this is likely</p>

Option	Comments
Berkshire Minerals & Waste Plan until later in 2020 or in early 2021. This is not the recommended option.	to delay the adoption of the Minerals & Waste Plan. This would leave the councils with no control over where sites come forward for a longer period of time. The councils would be vulnerable to sites being imposed through the planning appeal process.
Not publish the Proposed Submission Central and Eastern Berkshire Minerals & Waste Plan. This is not the recommended option.	Officers do not consider this would be the right approach as this would leave the councils with no control over where sites come forward. The costs incurred to date on preparing the Joint Plan would be lost.

3. KEY IMPLICATIONS

- 3.1 The aim is to publish the Proposed Submission version of the Joint Central and Eastern Berkshire Minerals & Waste Plan Minerals & Waste Plan for Plan for a six-week representations period, starting 3 September 2020, followed by submission of the plan and supporting documents to the Secretary of State for Independent Examination.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of the Joint Minerals & Waste Plan on 3 September 2020 for consultation	Consultation commences after 3 September 2020	Consultation commences on 3 September 2020	Consultation commences before 3 September 2020.	N/A	September to October 2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The cost of preparing the Central and Eastern Berkshire Joint Minerals and Waste Plan is being shared equally amongst the four commissioning authorities. The Regulation 19 consultation will give rise to costs in the form of printing and advertisements. The examination process will also give rise to costs, including to appoint an Inspector and programme officer. However, these costs are already accounted for in the Minerals and Waste budget and as such there are no financial implications arising from this report. If the consultation and submission of the Joint Plan is not approved, then there is increased risk of the preparation of the Joint Plan being extended beyond its current programme. This will result in increased financial pressures across the four councils.

5. LEGAL IMPLICATIONS

- 5.1 In producing the Joint Plan, each local authority and Hampshire Services has to assess whether the document was compatible with the legal requirements associated with plans of the authority. This included the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended); the Environmental Assessment of Plans and Programmes Regulations 2004; the Conservation of Habitats and Species Regulations 2010 and 2017; the Human Rights Act; compliance with Directives of the European Commission and subsequent UK Regulations and ensuring that no segment of the Borough’s community was likely to be unfairly penalised.
- 5.2 Publication and submission of a local plan are dealt with under Regulations 19 and 22. Regulation 35(1a) refers to the need to make documents available for inspection at a LPA’s principal office and at such other places within its area as the LPA considers appropriate, during normal office hours. The current public health guidelines on social distancing make it difficult to fully comply with the legislation due to the need for the physical deposit of the relevant documents. It is hoped that by delaying the start of the consultation until 3rd September 2020 this issue can be resolved. In a written ministerial statement on 25 June 2020, the Government announced that it intends to bring forward secondary legislation to remove temporarily the requirement for local planning authorities to make documents available for inspection at their offices and other places.
- 5.3 The Council has already indicated its intention to prepare a Joint Minerals & Waste Local Plan as set out in the previously published Local Development Scheme (LDS). The LDS will be updated under delegated authority as necessary.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
The Council decides not to agree to the publication and submission and cannot proceed to examination and adoption.	HIGH	Publish consultation document and invite representations on it from residents and other stakeholders.	LOW
That the Council delays the consultation, resulting in the LDS being out of date.	MEDIUM	Proceed with publication and submission of the ‘JCEB Minerals & Waste Plan’ document for Reg. 19 consultation as soon as practicable.	LOW

7. POTENTIAL IMPACTS

- 7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, including those within the workforce and customer/public groups, have been considered. An Equalities Impact Assessment (EqIA) has been produced for the Minerals and Waste Plan by Hampshire Services. This concluded that the Joint Minerals and Waste Plan will not contribute to inequality. This EqIA can be made available on request as a background paper.
- 7.2 Climate change/sustainability. The Joint Minerals and Waste Plan has been subject to Sustainability Appraisal and Habitats Regulation Assessment throughout its preparation. Policy DM2 specifically supports climate change mitigation and adaption, through appropriate restoration of sites, diverting biodegradable waste from landfill, and other measures.
- 7.3 Data Protection/GDPR. Any personal data received by the Council and their consultants Hampshire Services in the course of people making representations will be processed in accordance with the requirements of the Data Protection Act 2018.

8. CONSULTATION

- 8.1 Consulting on the Proposed Submission version of the JMWLP is a requirement under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and allows members of the public, landowners, developers and minerals and waste operators the opportunity to comment on the proposed plan (Regulation 20) before it is submitted for independent examination (Regulation 22). At this stage, to be effective, any objections must be based on legal compliance (whether the correct procedures have been followed during the preparation of the plan) and the 'tests of soundness' as set out in legislation and national policy. Objectors must state why the plan is 'unsound' and what needs to be done to address the matter
- 8.2 Subject to approval by all 4 councils, consultation is planned for 6 weeks from Thursday 3rd September 2020 and is open to everybody (including those who have not made representations to date). The consultation will meet the arrangements set out in the Statement of Community Involvement. The SCI has recently been subject to a temporary update to take into account the latest government advice regarding Covid-19. All relevant information will be available on the website, and email notifications will be sent to all those on the existing consultation database.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1. The full implementation stages are set out in Table 4.

Table 4: Implementation timetable

Date	Details
3 September 2020	Publication of the 'JCEB Minerals & Waste Plan' document and associated evidence base documents for 6 weeks' public consultation.
Winter 2020	Submission of JCEB Minerals & Waste Plan' document to the Secretary of State for Independent Examination
Spring 2021	Examination by Planning Inspectorate
Winter 2021	Adoption (subject to outcome of Examination)

10. APPENDICES

10.1 This report is supported by 3 appendices:

- Appendix 1: Central and Eastern Berkshire Joint Minerals and Waste Plan: Submission Version
- Appendix 2: Policies Map
- Appendix 3: Sustainability Appraisal Non-Technical Summary

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 17 background documents, which are available on request:

- Sustainability Appraisal (full version)
- Habitat Regulations Assessment
- Focussed Regulation 18 Consultation: Summary Report
- Minerals Background Study
- Minerals Proposals Study
- Waste Background Study
- Waste Proposals Study
- Safeguarding Study
- Restoration Study
- Strategic Landscape Assessment
- Strategic Transport Assessment
- Strategic Flood Risk Assessment
- Heritage Statement
- Duty to Cooperate Statement
- Equalities Impact Assessment
- Climate Change Topic Paper
- Consultation Statement

11.2 The LDS is on the Council website: <http://consult.rbwm.gov.uk/file/4979935>.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning and Maidenhead	16/7/20	17/7/20

Name of consultee	Post held	Date sent	Date returned
Duncan Sharkey	Managing Director	10/07/20	10/07/20
Russell O'Keefe	Executive Director of Place	14/07/20	14/07/20
Adele Taylor	Director of Resources/S151 Officer	09/07/20	09/07/20
Kevin McDaniel	Director of Children's Services		
Hilary Hall	Director Adults, Commissioning and Health	10/07/20	10/07/20
Elaine Browne	Head of Law	15/07/20	15/07/20
Mary Severin	Monitoring Officer		
Nikki Craig	Head of HR, Corporate Projects and IT	15/07/20	15/07/20
Louisa Dean	Communications		
Karen Shepherd	Head of Governance	10/07/20	10/07/20
Adrien Waite	Head of Planning	10/07/20	10/07/20

REPORT HISTORY

Decision type: Council decision	Urgency item? No	To Follow item? No
Report Author: Ian Motuel, Principal Policy Planner, 01628 796429		

Central and Eastern Berkshire

Joint Minerals & Waste Plan

Proposed Submission Plan

July 2020



www.rbwm.gov.uk



Prepared by Hampshire Services
Hampshire County Council
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About the Proposed Submission Plan

Central and Eastern Berkshire – Joint Minerals & Waste Plan

Local Planning Authorities have a statutory responsibility to prepare and maintain an up-to-date local plan. Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (collectively referred to as the '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.

The Joint Minerals & Waste Plan will build upon the currently 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.

The currently adopted minerals and waste plans for the Berkshire area are the Replacement Minerals Local Plan for Berkshire, adopted in 1995 with subsequently adopted alterations in 1997 and 2001¹ and the Waste Local Plan for Berkshire adopted in 1998². The Minerals Local Plan and Waste Local Plan cover the administrative areas of the Central & Eastern Berkshire Authorities, as well as Slough Borough Council and West Berkshire Council. While these plans covered the period until 2006, the Secretary of State directed that a number of policies in them should be saved indefinitely until replaced by national, regional or local minerals and waste policies. For the Central & Eastern Berkshire Authorities, these saved policies will be replaced by the Joint Minerals & Waste Plan, when it is adopted.

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. During the Examination of the Core Strategy concerns were raised and the Secretary of State subsequently formally requested the withdrawal of the Core Strategy in January 2010.

Following 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 Council³ or West Berkshire Council⁴, close coordination of the work between the Berkshire authorities will

¹ Replacement Minerals Local Plan for Berkshire 2001 - <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/development-plan/minerals-and-waste>

² Waste Local Plan for Berkshire (1998) - <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/development-plan/minerals-and-waste>

³ Slough Borough Council minerals and waste policy - <http://www.slough.gov.uk/council/strategies-plans-and-policies/minerals-and-waste.aspx>

⁴ Emerging West Berkshire Minerals and Waste Local Plan - <http://info.westberks.gov.uk/index.aspx?articleid=29081>

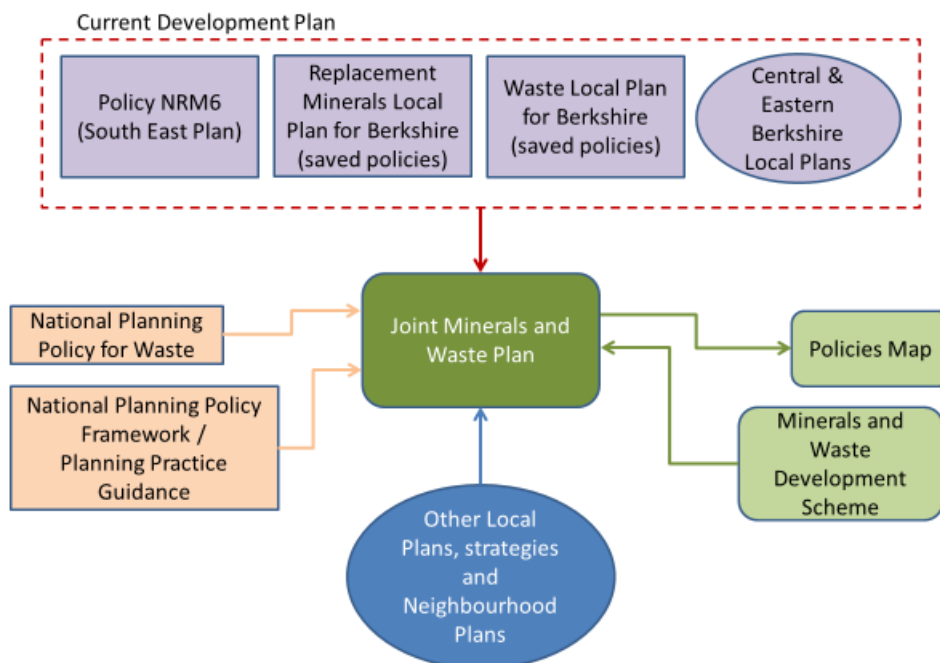
continue in order to plan for minerals and waste strategically and address any cross-border issues that may arise.

Preparing the Plan has involved engagement and collaboration with communities, local organisations, and businesses. Public consultation has been held for each stage of the plan-making process. This Proposed Submission consultation document follows a ‘Draft Plan’ consultation carried out in the summer / autumn of 2018 and two focused consultations held in 2019 and 2020. The feedback and responses from these consultations have informed the direction of the Proposed Submission Plan and accompanying Policies Map.

The Plan has also been prepared in cooperation with neighbouring authorities and other minerals and waste planning authorities that may be affected by the strategies and policies in the Plan. This has ensured that effective cooperation has been undertaken where there are cross-boundary impacts.

The Central & Eastern Berkshire – Joint Minerals & Waste Plan (JMWP) covers the period to 2036. This aligns the Plan with other Local Plans being developed by the authorities and meets the National Planning Policy Framework requirements (see Figure 1). The JMWP sets out the overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management of all waste streams that are generated or managed in Central and Eastern Berkshire.

Figure 1: Joint Mineral & Waste Plan related planning documents



The Proposed Submission stage

This stage includes the preparation of the Proposed Submission Plan and outlines the version that is intended to be submitted to the Secretary of State for independent examination. The Proposed Submission Plan 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 policies for minerals (M) and waste (W) 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.

The 'Draft Plan' Consultation in Summer 2018 was the initial version which set out the proposed approach. As a result of the responses received and consideration of local circumstances, the draft policies and proposed allocations were reviewed and amended. A summary report of the representations made at the Draft Plan stage is available on the Joint Minerals & Waste Plan consultation website:

www.hants.gov.uk/berksconsult.

Two further Regulation 18 consultations were carried out following the Draft Plan on specific issues. The first was a site-specific consultation in June 2019 on the Bray Quarry Extension site in the Royal Borough of Windsor & Maidenhead which was nominated in response to a further call for sites. In early 2020, a further consultation was carried out which included two nominated sites: one in Wokingham (Land west of Basingstoke Road) and one in the Royal Borough of Windsor and Maidenhead (Area between Horton Brook and Poyle Quarry), an Area of Search approach to sharp sand and gravel provision and Policy DM15 (Past Operator Performance). The summary reports of the representations made to both these consultations are available on the Joint Minerals & Waste Plan consultation website:

www.hants.gov.uk/berksconsult.

Making representations on this Proposed Submission Plan

We would like to hear from you in respect of your views on the 'soundness' (see below) and legal compliance of this Proposed Submission document and its accompanying material (Appendix C lists the accompanying material). Representations made on this Plan must refer to the tests of 'soundness' or they may not be considered by the Secretary of State.

Representations can be made on this Proposed Submission Plan from 3 September 2020 for a period of six weeks until 15 October 2020.

This document, the Sustainability Appraisal (incorporating Strategic Environmental Assessment) (SA/SEA) Environmental Report, Habitats Regulation Appropriate Assessment, Strategic Flood Risk Assessment and other supporting documentation, along with a Representations Form and a survey questionnaire, are all available to view and download from the Joint Minerals & Waste Plan consultation website: www.hants.gov.uk/berksconsult.

Soundness

The National Planning Policy Framework (NPPF) contains a series of tests which local plans are examined against to assess whether the plan has been produced in the right way and provides an effective planning framework for the area it covers. These ‘tests of soundness’ are set out as follows in the NPPF⁵:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

The Plan will be examined against these tests of soundness (and legal compliance) and stakeholders are now asked to comment on whether the plan meets the tests or needs to be changed in some way to meet them.

The stages to come

Representations made on this Proposed Submission Plan, SA/SEA report and other relevant documentation will be compiled and submitted to the Secretary of State for independent examination.

⁵ National Planning Policy Framework (Para. 35) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

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1. Introduction

Status of the Plan

- 1.1 The Central and Eastern Berkshire - Joint Minerals & Waste Plan (JMWP) forms the land use planning strategy for minerals and waste development within the administrative area covered by the Central & Eastern Berkshire Authorities which are:
 - Bracknell Forest Council;
 - Reading Borough Council;
 - The Royal Borough of Windsor and Maidenhead; and
 - Wokingham Borough Council.
- 1.2 Together with the individually adopted Local Plans for each Authority and any other adopted or made Plans, the JMWP will form the development plan for the area. The Plan guides the level of minerals and waste development needed within Central and Eastern Berkshire and identifies where development should go. Proposals for minerals and waste developments will be considered against the policies contained in the Plan. The determination of non-minerals and waste applications by those Authorities (in terms of other matters such as housing) will also need to take the JMWP into consideration.
- 1.3 The detailed timescale for preparation of the Plan is set out in the Local Development Scheme (which is the formal programme for the plan preparation process) for each of the Authorities⁶. The JMWP is a Local Plan, supported by other development documents, such as the Statement of Community Involvement, for each Authority. The policies in this Plan will replace all previous Minerals and Waste Plan policies. The Plan period for the JMWP is up to 31 December 2036.
- 1.4 The Plan is being prepared in accordance with national legislation. It has also been prepared to be in general conformity with the National Planning Policy Framework (NPPF), National Planning Policy for Waste (NPPW) and the Waste Management Plan for England.

⁶ Bracknell Forest LDS - <http://democratic.bracknell-forest.gov.uk/documents/s130421/Revised%20Local%20Development%20Scheme%202019-2022%20Appendix%20A%2021012019%20Environment%20Portfolio%20Review%20Group.pdf>

Reading LDS - http://www.reading.gov.uk/media/1053/Local-Development-Scheme/pdf/Local_Development_Scheme_November_2016.pdf

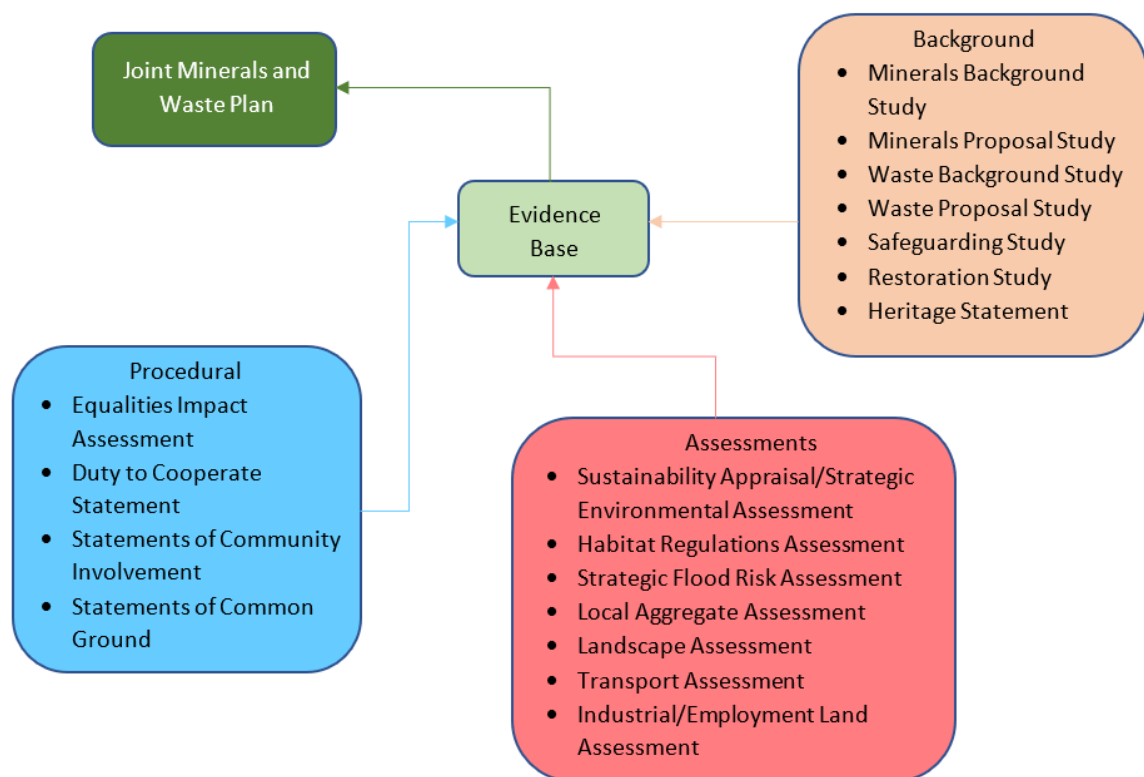
Windsor & Maidenhead LDS -

https://www3.rbwm.gov.uk/info/201025/emerging_plans_and_policies/1346/local_development_scheme

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

- 1.5 The JMWP only applies to the administrative area of the four unitary councils of Bracknell Forest, Reading, Windsor and Maidenhead, and Wokingham. The West Berkshire and Slough unitary authorities are preparing their own Local Plans.
- 1.6 Annual monitoring will review the effectiveness of the adopted Plan and its policies. Monitoring issues, indicators and triggers accompany each of the policies in this Proposed Submission Plan.
- 1.7 The preparation of the Plan provides the opportunity to develop a new spatial strategy for minerals and waste planning in Central and Eastern Berkshire. At the same time, it allows for changes and adjustments to be made in the planning approach in order to reflect new legislation and other developments since adoption of its predecessors.
- 1.8 The evidence base for the Plan (see Figure 2) includes the Minerals Background Study and the Waste Background Study which set out the requirements for mineral supply and waste management provision, presented in this Plan (see Appendix C).

Figure 2: Joint Minerals & Waste Plan Evidence Base



Links with Legislation, Other Policies and Strategies

National Planning Policy

1.9 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) was published in 2012 with the accompanying National Planning Practice Guidance⁷ launched in 2014 as a live document, updated as necessary by the Government. The NPPF was subsequently revised in 2018 and 2019⁸. The Waste Management Plan for England⁹ was published in December 2013, followed by the National Planning Policy for Waste¹⁰ which was published in October 2014. The 25 Year Environment Plan¹¹ was published in 2018 and sets out Government action to help the natural world regain and retain good health. A Resources and Waste Strategy for England was also published in December 2018¹². The Strategy seeks to preserve material resources by minimising waste, promoting resource efficiency, and encouraging a move towards a circular economy.

1.10 A 'Duty to Cooperate'¹³ was introduced by the Localism Act and Regulations in 2011 to encourage local planning authorities to address issues which have impacts beyond their administrative boundaries. The approach being taken by the Central & Eastern Berkshire Authorities recognises that minerals and waste issues require a strategic cross-boundary approach. Beyond this, it is necessary to demonstrate on-going, constructive, and active engagement with other neighbouring councils and certain organisations that are concerned with sustainable development. Where necessary, Statements of Common Ground and position statements have been prepared to outline the relationship with relevant bodies in terms of minerals and waste movements.

1.11 To demonstrate how this duty has been addressed, a Duty to Cooperate Statement¹⁴ accompanies this consultation document. The Statement shows

⁷ Planning Practice Guidance - <http://planningguidance.communities.gov.uk/>

⁸ National Planning policy Framework -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

⁹ Waste Management Plan for England - <https://www.gov.uk/government/publications/waste-management-plan-for-england>

¹⁰ National Planning Policy for Waste - <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

¹¹ The 25 Year Environment Plan, 2018 -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

¹² Our Waste, our Resources: A Strategy for England -

<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

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

¹⁴ Duty to Cooperate Statement (July 2020) – www.hants.gov.uk/berksconsult

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.

Regional Planning Policy

1.12 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 policy¹⁵ and is relevant to the Plan area.

Local Plans

1.13 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:

- Bracknell Forest Local Plan¹⁶;
- New Local Plan for Reading¹⁷;
- Borough Local Plan for Windsor and Maidenhead¹⁸; and the
- Local Plan Update for Wokingham¹⁹.

Strategies

1.14 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 Involvement²⁰. They are as follows:

- Bracknell Forest SCI (adopted 2014)²¹;
- Reading SCI (adopted 2014)²²;

¹⁵ Natural Resource Management (NRM6) - <http://www.bracknell-forest.gov.uk/south-east-plan-policy-nrm6.pdf>

¹⁶ Comprehensive Local Plan for Bracknell - <http://www.bracknell-forest.gov.uk/comprehensivelocalplan>

¹⁷ New Local Plan for Reading - <http://www.reading.gov.uk/newlocalplan>

¹⁸ Borough Local Plan for Windsor and Maidenhead - https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

¹⁹ Local Plan Update for Wokingham - <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-update/>

²⁰ Please note that temporary updates are being undertaken by the Berkshire Authorities in response to the 2020 Cov-19 national emergency.

²¹ Bracknell Forest Council. Statement of Community Involvement 2014 - <https://www.bracknell-forest.gov.uk/sites/default/files/documents/statement-of-community-involvement-2014.pdf>

²² 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>

- Windsor and Maidenhead SCI (adopted 2016)²³; and
- Wokingham SCI (adopted 2019)²⁴.

1.15 A Climate Change Action Plan sets out the strategy and policies for a Council's response to climate change. Three of the Central & Eastern Berkshire Authorities have adopted or approved their own Climate Change Action Plans. They are as follows:

- Bracknell Forest Council (adopted 2013, updated 2016)²⁵;
- Reading Climate Change Strategy 2013-2020 (Second strategy adopted 2014)²⁶ (production of the third commenced in 2019);
- Wokingham (high-level) Action Plan (2020)²⁷.

1.16 Central and Eastern Berkshire is located within the Thames Valley Berkshire Local Enterprise Partnership (LEP) area. The Thames Valley Berkshire LEP has produced a Strategic Economic Plan²⁸ which outlines the proposed strategic plan for implementing national economic growth and needs to be taken into consideration.

1.17 Figure 3 shows how waste is considered in the plans and strategies which cover the Plan area. While all three types of plan contribute to sustainable waste management, the Waste Strategy considers municipal collection and waste disposal, the Local Plan looks at the uses for employment land (including waste minimisation and reuse) and the JMWP looks at land use for waste management purposes (recycling, recovery and disposal).

²³ Royal Borough of Windsor and Maidenhead. Statement of Community Involvement 2016 - https://www3.rbwm.gov.uk/info/200209/planning_policy/460/statement_of_community_involvement/1

²⁴ Wokingham Borough Council. Statement of Community Involvement 2019 - <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/planning-policy-consultations/>

²⁵ Bracknell Forest Council Climate Change Action Plan 2016 - <https://www.bracknell-forest.gov.uk/sites/default/files/documents/climate-change-action-plan.pdf>

²⁶ Reading Climate Change Strategy 2013-2020 (Second strategy adopted 2014) - <https://www.reading.gov.uk/media/1232/Climate-Change-Strategy/pdf/Climate-Change-Strategy.pdf>

²⁷ Wokingham Climate Emergency - <https://www.wokingham.gov.uk/council-and-meetings/open-data/climate-emergency/>

²⁸ Strategic Economic Plan - <http://thamesvalleyberkshire.co.uk/Portals/0/FileStore/StrategicEconomicPlan/TVB%20SEP%20-%20Strategy.pdf>

Figure 3 - Relationship between the different plans



Assessment of the Local Plan

1.18 In line with European Directives, this Plan has been subject to the following statutory assessments throughout its preparation:

- Strategic Environmental Assessment (incorporated into the Sustainability Appraisal); and
- Habitats Regulation Assessment.

1.19 In compliance with National policy, this Plan is also subject to Strategic Flood Risk Assessment.

Local Plan Monitoring & Review

1.20 The NPPF²⁹ requires that Local Plans are reviewed at least every five years from the year of adoption in order to take into account changing circumstances to the local area and national policy. The review should decide whether the policies need updating and if not, the reasons for this decision must be published.

²⁹ National Planning Policy Framework (Para. 33) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

1.21 Each of the policies contained within the Plan have associated monitoring indicators to measure their effectiveness, and thresholds for when a policy should be reviewed. These thresholds may relate to a breach over a 5-year period or less. The monitoring information will be collated and reported annually. In addition to monitoring how each of the policies is performing, it will also be necessary to consider the inter-relation of the policies to order to measure the effectiveness of the policies to mitigate and adapt to the effects of climate change.

2. Background and Context

The Central and Eastern Berkshire Context

- 2.1 The Central & Eastern Berkshire Authorities have a combined population of around 600,000, split relatively evenly between the four authorities. Spatially the degree of urbanisation increases from west to east, with the main centres of population and commercial activity located around the centres of Reading, Bracknell and Maidenhead.
- 2.2 With regards to individual authorities, Reading has a significantly greater population density than the other areas at around 4,000 people per square kilometre. The population pyramid for each of the authorities' mirrors that of the UK as a whole, with the most significant difference in Reading where the increase in the 20 years bracket reflects the prominence of educational facilities, specifically Reading University and the retention of young professionals within the borough.
- 2.3 Superimposed on this dense pattern of land use is the significant area of London's Metropolitan Green Belt which covers areas of the Bracknell Forest, Wokingham and Windsor and Maidenhead Council areas. Within this area of Green Belt, new development is tightly controlled in order to prevent the outward sprawl of London.
- 2.4 The Green Belt designation imposes significant constraints in the eastern part of the Plan area, where there is the highest demand for waste management facilities to deal with waste arisings from the main centres of population and economic activity.

The role of minerals in supporting economic growth

- 2.5 Minerals are an important element both in the national economy and that of the Plan area. Their exploitation can make a significant contribution to economic prosperity and quality of life. The maintenance of a buoyant economy, the improvement and development of infrastructure and maintenance of the building stock all require an adequate supply of construction minerals known as aggregates.
- 2.6 Minerals development is a key part of the wider economy. The location and type of minerals development can lead to local economic benefits, through the supply of a local resource to development projects and the provision of local employment.
- 2.7 Mineral production is influenced by economic factors, in terms of operators wishing to extract based upon the market demand for these mineral resources.

The demand for mineral resources will be determined by the action of the market and macro-economic forces that are beyond the remit of the minerals planning authority to influence.

- 2.8 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).
- 2.9 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. Central and Eastern Berkshire as well as surrounding areas are subject to major growth pressures which will need to be supported by the aggregates industry, but this will also need to be balanced with protecting the quality of the local environment and communities.

The importance of planning for aggregates

- 2.10 The mineral of more than local significance in Central and Eastern Berkshire is gravel and sharp sand. National Planning Practice Guidance³⁰ 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 aggregate whilst taking into account the geographical imbalances in terms of both need and the geological occurrence of appropriate resources. MASS requires mineral planning authorities to make an appropriate contribution nationally as well as locally whilst controlling environmental damage to an acceptable level.
- 2.11 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 importance of planning for Waste

- 2.12 If left unmanaged waste can have a number of environmental, amenity and health impacts that are undesirable. Waste is comprised of considerable resources, which will have been used when producing the original object. With appropriate technologies, many of these resources can be retrieved and used again, thereby reducing the need for raw materials. As such, an array of

³⁰ Planning Practice Guidance (Paragraph: 060 Reference ID: 27-060-20140306) - <https://www.gov.uk/guidance/minerals>

legislation exists to control how waste is managed and national policy seeks to improve the sustainability of waste management.

2.13 There are a variety of waste management facilities and technologies. Each has different locational requirements and range of potential impacts. The planning regime can help to identify suitable sites for waste management but also manage these impacts. Therefore, the Joint Minerals & Waste Plan should not only determine the amount and type of waste management facilities whilst driving waste up the 'waste hierarchy', but also enable waste development in appropriate locations.

3. Spatial Vision for Minerals and Waste

- 3.1 The Joint Minerals & Waste Plan will cover the period up to 2036 to align with Local Plans the Central & Eastern Berkshire Authorities are producing.
- 3.2 The Vision, Strategic Plan Objectives and Spatial Strategy principles have been prepared to be consistent with National Policy principles and fit with the other Local Plans within Central and Eastern Berkshire.

Vision

- 3.3 The 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. The Vision must, therefore, recognise the balance to be struck between making provision for minerals and waste developments to meet future requirements and ensuring that such developments seek social, environmental and economic gains.
- 3.4 The focus of the Vision is on ensuring a sufficient supply of minerals based on the principles of sustainable development. The Joint 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 and 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 treatment of waste as a potential resource; provide local jobs; and protect and improve the environment. The Plan recognises the urgency required to tackle climate change and will proportionately contribute to the climate change response.
- 3.5 The following is the Vision for the Joint Minerals & Waste Plan:

Vision for Central & Eastern Berkshire

In recognition of the importance of the area as a source of minerals, the Central & Eastern Berkshire Authorities will aim to ensure 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 and historic environment.

Waste will be managed in a sustainable way, in accordance with the waste hierarchy. The Authorities will work in collaboration with others to ensure the best environmental solutions to waste management are 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 Central and Eastern Berkshire's economic activity and enhancing the quality of life and living standards within the area. These benefits will be achieved, whilst minimising impacts on the natural and historic environment and positively contributing to climate change adaptation and mitigation.

Strategic Plan Objectives

- 3.6 The purpose of the strategic objectives are to assist in the delivery of the Spatial Vision and provides the context and overall direction of the Plan. The Strategic Plan Objectives are to:
- 1) 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 improving and enhancing the quality and diversity of environmental assets, by protecting the natural and historic environment and local communities from negative impacts;
 - 2) Protect community health, safety and amenity in particular by managing traffic impacts, minimising the risk from flooding and reduction in water quality, 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) Ensure minerals and waste development makes a positive contribution to the local and wider environment, and biodiversity, through the protection and creation of high quality, resilient habitats and ecological networks and landscapes that provide opportunities for enhanced biodiversity and geodiversity and contribute to the high quality of life for present and future generations;
 - 4) Help mitigate the causes of, and adapt to, climate change by; positive design of development; developing appropriate restoration of mineral workings; prioritising movement of waste up the waste hierarchy; reducing the reliance on landfill; maximising opportunities for the re-use and recycling of waste; and facilitating new technologies to maximise the renewable energy potential of waste as a resource;

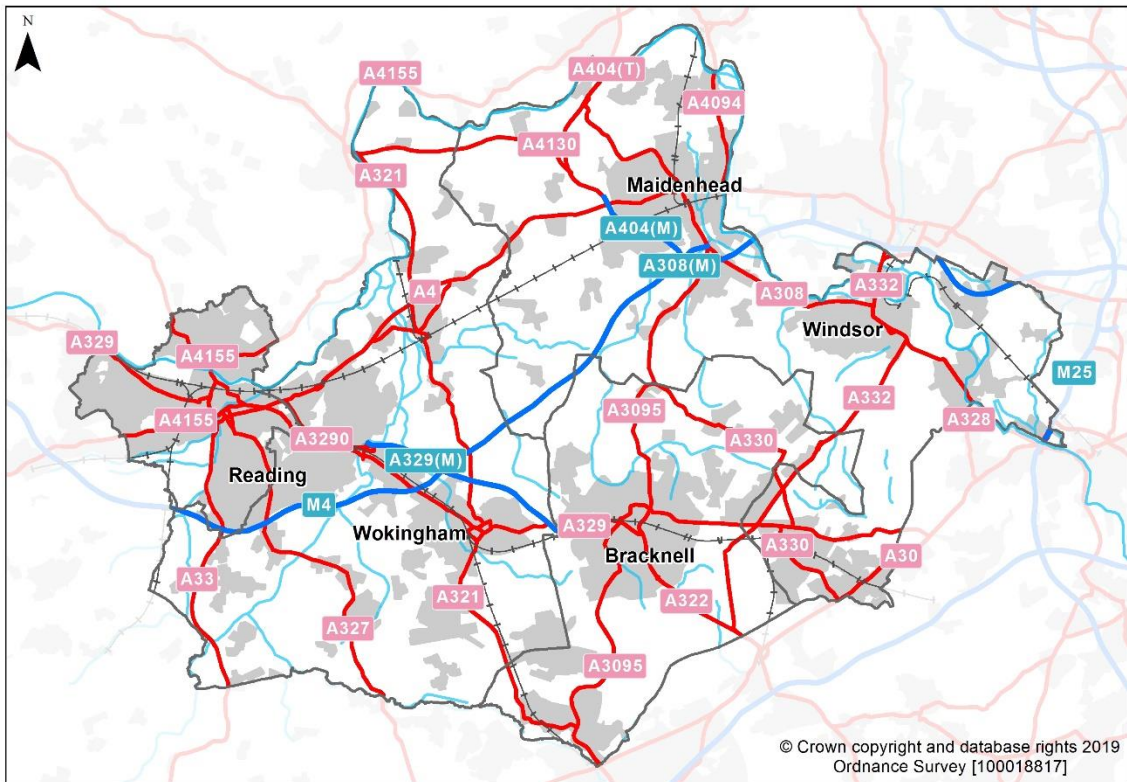
- 5) Encourage engagement between developers, site operators and communities so there is an understanding of respective needs.
- 6) Ensure the restoration of mineral sites is suitably addressed at the beginning of the proposal to enable progressive restoration in order to maximise environmental gains and benefits to the quality of life of local communities through appropriate after uses that reflect local circumstance and landscape linkages;
- 7) Support continued economic growth in Central and Eastern Berkshire, as well as neighbouring economies by helping to deliver a steady and adequate supply of environmentally acceptable primary minerals and mineral-related products to enable new development and key infrastructure projects locally through safeguarding mineral resources and allocating key sites;
- 8) 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) Safeguard facilities for the movement of minerals and waste by rail and encouraging the use of other non-road modes where these are available and more sustainable;
- 10) Ensure sufficient primary aggregate is supplied to the construction industry from appropriately located and environmentally acceptable sources achieving a net reduction in 'mineral miles'.
- 11) Enable the production and encourage use of good quality secondary and recycled aggregates, having regard to the principles of sustainable development;
- 12) 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;
- 13) Encourage a zero waste economy whereby landfill is virtually eliminated (excluding inert materials) by providing for increased recycling and waste recovery facilities including energy recovery; and
- 14) Achieve a net reduction in 'waste miles' by delivering adequate capacity for managing waste as near as possible to where it is produced.

Spatial Strategy

- 3.7 The Central & Eastern Berkshire Authorities have, and will continue to, work collaboratively with other bodies and partners³¹. 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.
- 3.8 The spatial context in which this Plan is set is outlined in the Key Diagram (see Section 4). This includes the existing minerals and waste sites that are already contributing to mineral supply and waste management within the Plan area. The existing movements of minerals and waste (both imports and exports) are shown which highlights the strategic nature of these requirements. In addition, an Area of Search is outlined which demonstrates the potential locations for future sand and gravel proposals.
- 3.9 The Vision, Objectives and Spatial Strategy are delivered by the policies in this Plan. As the Plan is a joint plan between four different authorities, and the policies make provision for minerals, waste, conservation, and climate change mitigation and adaptation, all the policies are considered strategic.
- 3.10 Central and 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 Bristol Temple Meads to London Paddington, the Windsor Lines and the Waterloo-Reading line (see Figure 4). The Plan area is also characterised by its extensive network of water courses including rivers which are used by leisure users but could provide opportunities for more sustainable transportation of materials.

³¹ Duty to Cooperate Statement (July 2020) – www.hants.gov.uk/berksconsult

Figure 2: Strategic Transport Routes in Central and Eastern Berkshire

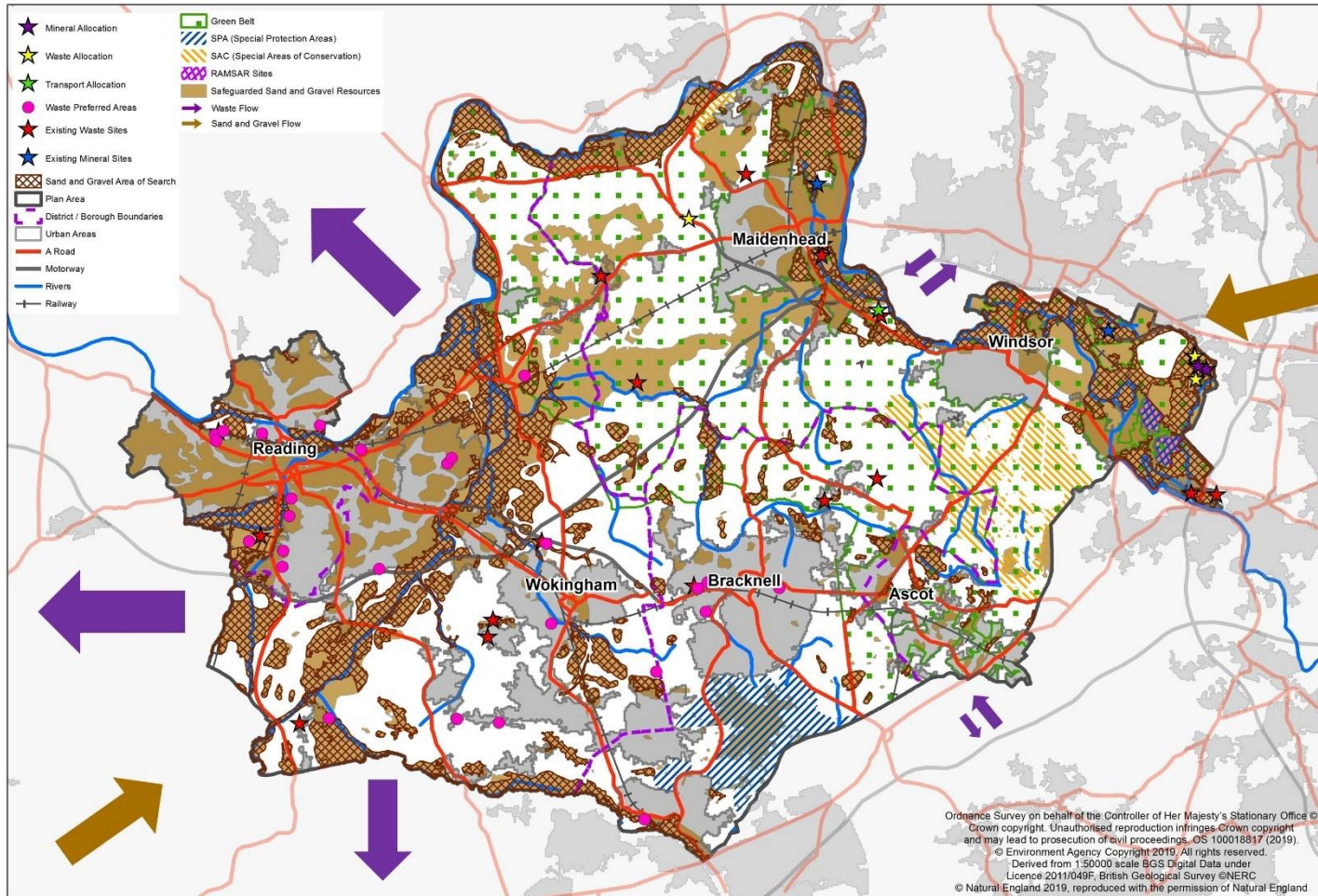


- 3.11 This transport network forms a vital building block in the area’s buoyant economy; that unites local authority areas and will be a key element of the strategic spatial approach.
- 3.12 Central and Eastern Berkshire is located at the heart of the economic powerhouse of the United Kingdom. It is within the Thames Valley Berkshire Local Enterprise Partnership (LEP), prominent within the South East and is adjacent to London. As a result, and in line with the Thames Valley LEP Strategic Economic Plan, 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 the spatial strategy for Central and Eastern Berkshire, as well as the wider Thames Valley region.
- 3.13 The area’s importance is highlighted by its relatively close proximity to several major infrastructure projects including the M4 Junctions 3 to 12 Smart Motorway and Southampton to London Pipeline Nationally Significant Infrastructure Projects; the High Speed 2 rail link from London to the North; the proposed Heathrow airport expansion and Crossrail. These projects significantly increase the regional and national demand for construction aggregates, as well as for construction waste treatment and recycling.

- 3.14 The unitary authorities of Bracknell Forest, Windsor and Maidenhead, and Wokingham are also characterised by a considerable area of Green Belt, which covers large areas of these authorities outside of the existing built up area. The Plan area also benefits from a rich natural and historic environment with prominent features such as Windsor Castle and Great Park.
- 3.15 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. These future projects will also impact future waste management requirements through increased numbers of households and businesses as well as the associated production of construction wastes.
- 3.16 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 sustainable management of mineral resources;
 - iii. Ensure the efficient use of materials and promote the sustainable use and disposal of resources, particularly recycled and secondary aggregates, while mitigating and adapting to climate change;
 - iv. Protect the environment and the character of localities by maintaining/improving the natural and historic environment of the area, 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 are appropriate and meet the needs of the community;
 - viii. Limit minerals and waste development in those areas at most risk of flooding and pollution, making the development safe through mitigation without increasing flood risk elsewhere if necessary;
 - ix. Protect important areas for biodiversity, landscape and heritage from unacceptable forms of development;
 - x. Ensure development is of high-quality 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.

4. Key Diagram

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5. Development Management Policies

- 5.1 The following Development Management (DM) policies address a range of subjects relevant to minerals and waste developments in Central and Eastern Berkshire. Together with the minerals (M) and waste (W) policies, they form a robust framework for the determination of minerals and waste applications. These policies should also be considered in the context of the wider Development Plan³² where the proposal is situated. All policies include an explanation of the existing situation, supporting text regarding the policy and details on how the policy would be implemented and monitored.
- 5.2 It is important that all minerals and waste developments are designed to minimise the impact upon the environment and local communities within Central and Eastern Berkshire.

³² The Development Plan includes the Local Plan for the relevant area.

Sustainable Development

- 5.3 The National Planning Policy Framework (NPPF) requires local plans to support the presumption in favour of sustainable development. Accordingly, any development that conforms to the policies in this Plan is deemed sustainable and should be progressed without delay by the relevant planning authority.

Policy DM1

Sustainable Development

1. The Central & Eastern Berkshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance. The authorities will seek to work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions of the Plan area.
2. The policies in this Plan are to be regarded as a whole and proposals will be expected to conform to all relevant policies in the Plan.
3. Minerals and waste development that conforms with all the relevant policies in this Plan will be approved, unless material considerations indicate otherwise.

Implementation

- 5.4 Development management will be the main, but not the only, means by which the Plan will deliver sustainable minerals and waste development in Central and Eastern Berkshire. The Plan is largely delivered through the determination of minerals and waste planning applications and through the implementation of policies in this Plan. The approach will be focused on problem solving and seeking quality outcomes. Accordingly, when dealing with applications, the relevant planning authority will:
- Make timely decisions within the required timeframes;
 - Promote pre-application discussions between minerals and waste developers, the determining authority, statutory consultees and other consultees, as appropriate;
 - Ensure appropriate and proportionate information is submitted;
 - Request that statutory consultees provide timely advice;
 - Give due weight to this Plan in the context of the overall Development Plan when making decisions on minerals and waste development;
 - Impose appropriate controls on development through conditions;

- Monitor all minerals and waste development proportionate to its potential risk and take appropriate compliance measures, including enforcement action when unauthorised development takes place; and,
- Encourage community engagement on minerals and waste development proposals, as appropriate, to ensure the community can examine development proposals and engage with interested parties. Community engagement is relevant to minerals and waste development at all stages of the planning process, including pre-application and post submission, as well as during development monitoring.

5.5 Minerals and waste developments are often able to provide economic and social improvements by contributing to the economy and providing job opportunities, but the specific contribution of each proposal will need to be assessed. Environmental improvements will be assessed by considering whether the development provides environmental net gain. It will be expected that minerals and waste developments provide environmental net gain, taking account of the mitigation hierarchy. The NPPF removes the presumption in favour of sustainable development where a plan or project is likely to have a significant effect on a European protected site or Ramsar site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the site.

5.6 In making any planning decision the relevant authority will have to make a judgement as to the weight they give to the various elements of the Development Plan including the Joint Minerals and Waste Plan as well as other material considerations and conclude whether on the balance of evidence a development is sustainable and if it should be granted planning permission. This is particularly the case where a proposal does not conform with one or more policies in the Plan and there will need to justify doing so.

5.7 The effectiveness of the Joint Minerals & Waste Plan will be monitored against the relevant indicators and reported annually. The Plan will be reviewed within five years of adoption to determine whether an update of the Plan will be required.

Monitoring

5.8 Monitoring Indicators

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Planning performance	60% of planning applications decided within 13 weeks (excluding those subject to an Environmental Impact Assessment (EIA) or a Planning Performance Agreement or other agreed extension of time).	Percentage of applications < 60%. Breach over 3 successive years.
Plan conformity	Permissions not in accordance with the Plan.	Number of permissions not in accordance with the Plan > 0

Climate Change – Mitigation and Adaptation

- 5.9 The urgency required to tackle climate change has been recognised by the Central & Eastern Berkshire Authorities through their declaration of a climate emergency³³ and/or the preparation of challenging Action Plans to reduce carbon emissions³⁴.
- 5.10 It is a national planning objective that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and supporting the delivery of renewable and low carbon energy and associated infrastructure³⁵.
- 5.11 National planning policy also states that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change'³⁶. This should include taking account of the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes as well as the risk of overheating from rising temperatures³⁷.

Policy DM2

Climate Change – Mitigation and Adaptation

1. Minerals and waste development will be supported that:
 - a. contributes towards mitigating the causes of climate change by:
 - i. Being located and designed to encourage the sustainable use of resources; and
 - ii. Helping to reduce greenhouse gas emissions; and/or
 - iii. Facilitating low carbon technologies; and
 - b. reduces vulnerability and provides resilience to the impacts of climate change through location and design and the incorporation of adaptation measures.

2. Minerals and waste development proposals will be supported by a Climate Change Assessment which demonstrates how these opportunities have been considered, and where possible, incorporated.

³³ Declarations of Climate Change Emergencies: Reading BC – 26 Feb 2019, RBWM – 26 June 2019 and Wokingham BC – 18 July 2019.

³⁴ Bracknell Forest commitment to update Climate Change Action Plan – 17 July 2019

³⁵ National Planning Policy Framework (Para. 148):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

³⁶ National Planning Policy Framework (Para. 149)

³⁷ National Planning Policy Framework (Para. 149)

Implementation

5.10 Minerals and waste development can provide opportunities to mitigate and adapt to the effects of climate change, including:

- Reduction in greenhouse gas emissions through diverting biodegradable waste from landfill;
- Generation of renewable energy from energy recovery facilities;
- More sustainable use of resources through the use of recycled and secondary aggregates in construction;
- Appropriate restoration of quarries and landfill sites;
- Supplying aggregates for use in flood defences;
- opportunities for increasing floodplain storage when sites are restored; and,
- The location of development adjacent to local markets which may provide opportunities to reduce emissions from or created by transport.

5.11 In this instance resilience means capacity for the environment to respond to such changes by resisting damage caused by climate change and, where damage does occur, recovering quickly. This can be achieved by maintaining a robust and varied network of natural environments which will allow natural processes to change and adapt.

5.12 The Climate Change Assessment should include how the development proposal encourages the wider sustainable use of resources and how the development itself makes efficient use of resources (e.g. through sustainable construction techniques, the use of renewable energy and design that minimises resource and energy use).

5.13 The Climate Change Assessment must also outline:

- the current carbon baseline at the site;
- the method for measuring carbon emissions associated with the development for the total life of the proposal (including restoration); and
- a commitment to supply the data to the relevant Authority for reporting in the Authority Monitoring Report.

5.14 The following policies support the mitigation and adaptation of Climate Change and will need to be taken into account as part of the Climate Change Assessment:

- Policy DM8: Restoration of Minerals and Waste Developments;
- Policy DM9: Protecting Public Health, Safety and Amenity;
- Policy DM10: Flood Risk;
- Policy DM11: Sustainable Transport Movements; and

- Policy DM12: High Quality Design of Minerals and Waste Development.

Monitoring

5.15 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Climate change.	Planning permissions granted which do not: <ul style="list-style-type: none"> • divert waste from landfill; • generate renewable energy; or • use recycled or secondary aggregate; or • provide resilient restoration schemes; or • provide for flood defence or water storage; or • include measures to support and promote sustainable transport. Carbon emission monitoring data for minerals and waste development.	Number of permissions > 0 A total increase in carbon emissions from baseline levels reported from minerals and waste developments, subject to monitoring requirements, over 5-year period.

5.16 The Plan seeks to reduce emissions as required by the Climate Change Act 2008, but it is not possible to monitor the effectiveness of this on existing minerals and waste operations until baseline and monitoring data is available.

Protection of Habitats and Species

- 5.17 Central and Eastern Berkshire supports a wide range of landscapes and habitats that play an important role in supporting a variety of flora and fauna, including internationally and nationally important wildlife areas, and rare and declining species. These habitats and their associated species form a vital component of the area's natural capital from which communities derive significant benefit.
- 5.18 The Central & Eastern Berkshire Authorities will provide net gain for biodiversity as a result of development and will give regard to the implications of climate change to ensure that habitats are sufficiently protected and enhanced to support resilience to such changes, such as the creation of coherent ecological networks. Net gain will be measured using appropriate metrics such as Defra's proposed biodiversity metric³⁸.
- 5.19 National planning policy protects biodiversity overall, as well as important habitats and species, requiring local authorities to 'distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value' and 'take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries'³⁹.
- 5.20 The Environment Act⁴⁰ requires that development achieves at least a 10% net gain in value for biodiversity and that developers must submit a 'biodiversity gain plan' with a planning application. Furthermore, the Act requires that Local Nature Recovery Strategies (LNRS) to be prepared by locally appointed 'responsible authorities'⁴¹ to guide delivery of biodiversity net gain and other nature recovery measures by helping developers and planning authorities avoid the most valuable existing habitat and focus habitat creation or improvement where it will achieve the greatest benefit.
- 5.21 Bracknell Forest and Windsor & Maidenhead both have sites of international importance including Thames Basin Heaths Special Protection Area (SPA), Chiltern Beechwoods Special Area of Conservation (SAC), South West London Waterbodies SPA and Ramsar as well as the Windsor Forest and Great Park SAC which crosses both authorities. Further internationally important sites are within 10km of the plan boundaries.

³⁸ Net Gain consultation proposals (Defra, December 2018) - https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/netgainconsultationdocument.pdf

³⁹ National Planning Policy Framework 2019 (Para. 171)

⁴⁰ Environment Bill currently going through Parliament

⁴¹ LNRS area boundaries and 'responsible authorities' are yet to be determined by the Secretary of State

5.22 There are a number of nationally important Sites of Special Scientific Interest (SSSI) across the Plan area and all European Protected sites are also designated SSSI. Locally important sites, such as Local Wildlife Sites, are also designated in recognition of their significance at the local level but do not normally carry the same level of protection as internationally or nationally designated sites.

5.23 Central and Eastern Berkshire's network of green infrastructure includes an important and extensive network of wildlife rich water courses, including rivers and streams and their corridors ('blue infrastructure'). This component of the area's natural capital provides important linear features and ecological linkages that support the migration of important species.

Policy DM3

Protection of Habitats and Species

1. Minerals and waste development that will contribute to the conservation, restoration and enhancement of biodiversity through the securing of at least 10% measurable net gain in biodiversity value will be permitted.
2. Development that is likely to result in a significant effect, either alone or in combination, on internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites; sites identified, or required, as compensatory measures for adverse effects on such sites; and European Protected Species, will need to satisfy the requirements of the Habitats Regulations.
3. The following sites, habitats and species will be protected and enhanced in accordance with the level of their relative importance:
 - a) Nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, and nationally protected species;
 - b) Irreplaceable habitats (such as ancient woodland and ancient or veteran trees).
 - c) Locally designated sites including Local Wildlife Sites, and Local Nature Reserves;
 - d) Habitats and species of principal importance;
 - e) Priority habitats and species listed in the national and local Biodiversity Action Plans;
 - f) Trees, woodlands, and hedgerows; and
 - g) Features of the landscape that function as 'stepping stones' or form part of a wider network of features by virtue of a coherent ecological structure or function, or importance in the migration, dispersal and genetic exchange of wild species.
4. Development likely to result in the loss, harm or deterioration of the above sites, habitats and species will only be permitted where it can be demonstrated:
 - a. For Sites of Special Scientific Interest that the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of such sites;
 - b. For irreplaceable habitats that there are wholly exceptional reasons for the development and a suitable compensation strategy exists;
 - c. For those listed in c – g of paragraph 3, in proportion to their relative importance (alone or as part of a wider network), where loss, harm or deterioration to biodiversity cannot be avoided through locating on an alternative site with less harmful impacts, adequate mitigation, or, as a last resort, compensation is provided.

Implementation

- 5.21 Internationally protected sites will be given the statutory protection set out in the Conservation of Habitats and Species Regulations 2017, and development that is likely to result in a significant effect, either alone or in combination, will need to satisfy the requirements of the Regulations through project level assessments; proposals likely to result in adverse effects, after avoidance and mitigation measures have been accounted for, will not be permitted.
- 5.22 Development which is likely to have an adverse impact upon European Protected Species can only be permitted where it is judged to have no satisfactory alternative, there are strong overriding reasons of public interest, and that the conservation status of species can be maintained.
- 5.23 With regards to internationally and nationally designated sites, the Central & Eastern Berkshire Authorities have a duty to take reasonable steps to further the conservation and enhancement of the features for which sites are designated. The presence of such a site within proximity to a minerals or waste proposal may constrain the type and scale of development where the designated features of interest may be impacted.
- 5.24 National planning policy is clear that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed “clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”⁴².
- 5.25 Similarly, national planning policy requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) be refused, unless there are “wholly exceptional reasons”⁴³ and a suitable compensation strategy exists”⁴⁴.
- 5.26 Central and Eastern Berkshire also contains other important sites, habitats and species which are also critical in maintaining a high level of biodiversity. These sites, habitats and species form networks that support a robust and healthy natural environment that is resilient to change. The Central & Eastern Berkshire

⁴² National Planning Policy Framework (NPPF) 2019 (Para 175(b)).

⁴³ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁴⁴ National Planning Policy Framework (NPPF) 2019 (Para 175(c))

Authorities will encourage positive management of such habitats and the species they support, particularly where development proposals would extend or create links between existing habitats, create or restore priority habitats and support Biodiversity Action Plan or Biodiversity Opportunity Area targets.

- 5.27 Features of the landscape that function as 'stepping stones' (such as ponds, small woods and meadows) and features that by virtue of their linear and continuous structure (such as rivers and their corridors, vegetated field boundaries and other green infrastructure linkages) are essential for the migration, dispersal and genetic exchange of wild species. The ecological importance of such features should be identified at the preliminary ecological assessment stage for minerals and waste development and such features protected and enhanced.
- 5.28 Rivers and their corridors are important environmental assets, particularly for the conservation and enhancement of biodiversity and for the promotion of strong and resilient ecosystems. These assets require protection and enhancement. As such, minerals and waste development close to waterbodies must maintain and, where feasible, enhance their ecological status.
- 5.29 In a small number of instances, minerals and waste development may result in significant impacts on habitats and species which cannot be avoided or adequately mitigated. In these instances, the provision of new compensatory habitat areas will be required to ensure that there is overall biodiversity net gain. If significant harm cannot be avoided, mitigated, or adequately compensated for, planning permission may be refused if the need for the development does not clearly outweigh the biodiversity interests at the site.
- 5.30 In the case of a demonstrable overriding need for the development, any impacts must be mitigated or compensated for in order to provide a net gain or improvement in condition. Such measures should be located either within or close to the proposed development.
- 5.31 As the proposed net gain biodiversity metric is developed, the Central & Eastern Berkshire Authorities will take a consistent approach to its application in ensuring biodiversity net gain through minerals and waste development and in monitoring the performance of this policy.

Monitoring

5.32 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on habitat and species.	Planning permissions granted which impact on European designations or Sites of Special Scientific Interest (SSSIs) against Natural England advice.	Number of planning permissions granted which impact on European designations or Sites of Special Scientific Interest (SSSIs) against Natural England advice > 0
	Condition and/or changes in biodiversity of SSSIs and Local Wildlife Sites (LWSs) within 5km of operational minerals and waste sites.	Decline in condition of SSSI or LWS over 5-year period.
	Planning permissions granted for which a measurable net biodiversity gain is not agreed.	The number of planning permissions granted for which a measurable net biodiversity gain is not agreed > 0.

Protection of Designated Landscape

- 5.33 Central and Eastern Berkshire contains a diverse range of landscapes. National planning policy requires that ‘great weight is given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’⁴⁵.
- 5.34 Although Central and Eastern Berkshire does not include any landscape designations, the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and Chilterns AONB border the northern limit of the administrative area. These designations, including their setting, need to be fully taken into account when considering minerals and waste developments.
- 5.35 Although it does not have a defined geographical boundary, the setting of an AONB is the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty of the AONB.

Policy DM4

Protection of Designated Landscape

1. Development which affects the setting of an Area of Outstanding Natural Beauty (AONB) will be accompanied by a Landscape and Visual Impact Assessment that demonstrates that there is no detrimental impact on the natural beauty of the North Wessex Downs or Chilterns AONBs in terms of scale, design, layout or location, that cannot be effectively mitigated.

Implementation

- 5.36 Minerals can only be worked where they are found. Minerals development in areas of landscape importance and sensitivity should be rigorously examined and should only take place when there are exceptional reasons and the need for the development outweighs any negative impact. Proposals should be assessed against the criteria for ‘valued landscapes’ as set out in relevant guidance⁴⁶.
- 5.37 Minerals and waste developments are considered to be development that, by reason of its scale, character or nature, has the potential to have a significant adverse impact on the natural beauty, distinctive character, and remote and

⁴⁵ National Planning Policy Framework (Para. 172) - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴⁶ Guidance for Landscape and Visual Impact Assessment (3rd Edition) (Para. 5.29, Box 5.1).

tranquil nature of the AONBs and local landscapes. The potential for significant impacts on the AONBs will be dependent on the individual characteristics of each case.

5.38 Although the North Wessex Downs and Chilterns AONBs border Central and Eastern Berkshire, minerals and waste development within the setting of these protected landscapes could have indirect impacts within the AONBs, by for example impacting on tranquillity from increased lorry movements.

Monitoring

5.39 Monitoring Indicators:

Monitoring Issues	Monitoring Indicator	(Threshold) for Policy Review
Impact on the setting of AONBs.	Planning permissions granted in the setting of an AONB against Natural England advice.	Number of planning permissions granted in the setting of an AONB against Natural England advice > 0

Protection of the Countryside

- 5.40 Landscapes outside designated areas and sites are highly valued and it is important to respect their special qualities. Minerals and waste developments, even though they may be temporary, can have a negative landscape and visual impact on residents, visitors, users of publicly accessible land, rights of way and roads.
- 5.41 In general, most mineral developments are tied to countryside locations as this is where the most unsterilized viable mineral deposits are available. Other activities essential for supplying minerals are therefore often located in the countryside including mineral processing or aggregate recycling.
- 5.42 Some waste uses, such as large-scale facilities requiring an open site are difficult to accommodate in urban areas. Waste uses not requiring a more isolated location and minerals developments that are not specifically linked to the natural occurrence of a mineral, should be located in urban areas. However, this is not always feasible on amenity grounds.
- 5.43 Appropriately managed minerals and waste development is important to support employment and provision of services in rural areas.

Policy DM5

Protection of the Countryside

1. Minerals and waste development in the open countryside will only be permitted where:
 - a. It is a time-limited mineral extraction or related development; or
 - b. The development provides a suitable reuse of previously developed land; or
 - c. The development is within redundant farm or forestry buildings and their curtilages or hard standings.
2. Where appropriate and applicable, development in the countryside will be expected to meet the highest standards of design, operation and restoration including being subject to a requirement that it is restored in the event it is no longer required for minerals and waste use. In particular, the network of statutory and permissive countryside access routes should be protected, and where possible, enhanced.

Implementation

- 5.44 The ‘countryside’ (not covered by other designations such as Green Belt) within the Plan area is defined by the settlement boundaries and development limits as set out in the Central & Eastern Berkshire Authorities’ Local Plans.
- 5.45 Where minerals or waste developments are located close to or would directly impact a statutory public right of way footpath network, measures should be put in place to protect or divert the route (for a temporary or permanent period, as appropriate). This includes adopted public footpaths, bridleways and cycle routes. Minerals and waste development may also provide benefits for rural communities such as opportunities for enhanced public access and recreation, especially as part of the restoration of minerals or waste developments.
- 5.46 Where they are located close to, or would directly impact on a permissive footpath, the use of this route for public access would be considered as part of any planning application. Permissive footpaths do not carry the same weight as adopted public rights of way.
- 5.47 Minerals and waste proposals proposed in the countryside that cannot be accommodated by Policy DM5 would be considered as a departure from the Plan. Exceptional developments will need to demonstrate how impacts on the countryside will be minimised and the level of net environmental gain provided.
- 5.48 High quality design is outlined in Policy DM12 and the requirements for restoration are provided in DM8.

Monitoring

- 5.49 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on the countryside	Planning permissions granted in the countryside contrary to policy.	Number of planning permissions granted in the countryside contrary to policy > 0.

Green Belt

- 5.50 The eastern part of the Plan area is situated within the Metropolitan Green Belt around London (see Key Diagram). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence⁴⁷.
- 5.51 Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts and the National Planning Policy Framework.
- 5.52 There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances⁴⁸.

Policy DM6 Green Belt

1. Proposals for minerals and waste development within the Metropolitan Green Belt will be carefully assessed for their effect on the objectives and purposes for which the designation has been made. High priority will be given to preservation of the openness of the Green Belt.
2. Where the proposals do not conflict with the preservation of the openness of the Green Belt, waste management facilities, including aggregate recycling facilities will be permitted where it can be demonstrated:
 - that the site is the most suitable location in relation to arisings and recycle markets;
 - there are no appropriate sites outside the Green Belt that could fulfil the same role; and
 - that suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt.

Implementation

- 5.53 When considering any planning application, the planning authority will ensure that substantial weight is given to protection of the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by

⁴⁷ National Planning Policy Framework (Para. 133) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁴⁸ National Planning Policy Framework (Para. 143)

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 5.54 When considering waste management proposals, the following factors may combine to produce very special circumstances, allowing development within the Green Belt: a lack of suitable alternative sites within the Plan area outside the Green Belt; the need to locate facilities close to sources of waste to serve a local catchment; and the wider social and environmental benefits associated with sustainable waste management.
- 5.55 National planning policy⁴⁹ states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt.
- 5.56 A processing plant, although commonly associated with mineral extraction, is unlikely to preserve openness, owing to its size, height and industrial appearance and would therefore be inappropriate development.
- 5.57 Elements of many renewable energy projects will also comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Sequential testing to show that other suitable sites are not available will also be required.
- 5.58 The Central & Eastern Berkshire Authorities will plan positively to enhance the beneficial use of the Green Belt, by retaining and enhancing landscapes, visual amenity and biodiversity, by improving damaged and derelict land, and seeking opportunities to increase access or provide for outdoor sport and recreation.
- 5.59 The disposal of inert waste can play a part in the restoration of mineral workings and may therefore be acceptable in the Green Belt as in other areas, and subject to policies to encourage the recycling of materials as part of a sustainability strategy. Site restoration may also provide opportunities to enhance beneficial use of the Green Belt. The development of permanent waste management facilities will be judged on the locational needs of the development and the impact on the area, landscape, biodiversity and other issues. This, together with the wider environmental and economic benefits of

⁴⁹ National Planning Policy Framework (Para. 146) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

sustainable waste management are material considerations that should be given significant weight in determining whether proposals for waste management facilities on Green Belt land should be given planning permission.

Monitoring

5.60 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on the Green Belt.	Planning permissions granted in the Green Belt without Very Special Circumstances.	Number of planning permissions granted in the Green Belt without Very Special Circumstances > 0

Conserving the Historic Environment

- 5.61 Minerals and waste development can play a positive role in protecting heritage assets and their settings, but it is also recognised that many developments can have an adverse impact, whether damaging or in the case of extraction on archaeology, more fully destructive. Where the public benefits of development outweigh the significance of the heritage assets archaeological recording can mitigate the effect by making the results of archaeological excavation and study available, through the Historic Environmental Record and other public arenas, where appropriate, as a public good.
- 5.62 The historic environment covers all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged as well as landscaped and planted or managed flora.
- 5.63 National planning policy identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations⁵⁰.

⁵⁰ National Planning Policy Framework (Para. 184) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Policy DM7

Conserving the Historic Environment

1. Proposals for minerals and waste developments will be required to protect, conserve and where possible enhance the historic environment, and the character, setting and special interest of heritage assets, whether designated or undesignated.
2. Harm will only be allowed where the public benefit of development clearly and convincingly outweighs the significance of the heritage assets, and where the development cannot be delivered in a way that does not cause harm.
3. Any planning application should be supported by an assessment of the significance of heritage assets, both present and predicted, and the impact of development on them. Where appropriate, this should be informed by the results of technical studies and field evaluation to establish the potential for archaeological remains within the overburden and the mineral body itself.
4. When the public benefits of development outweigh the significance of the heritage assets and harm to or loss to heritage assets would unavoidably occur mitigation of that harm, including archaeological work ahead or during development should be secured (including depositing the results in a public archive).

Implementation

- 5.64 Any decision on planning applications for minerals and waste development should be informed by an assessment, proportionate to the circumstances, of the significance of heritage assets and the historic environment and the potential effects of the proposed development upon heritage significance, which will be submitted with the planning application. This will include, where necessary, technical studies (such as desk-based assessment, Palaeolithic assessment, geoarchaeological deposit models, condition assessments and water environment studies), and field surveys (such as boreholes, test pits and geophysics) intended to establish archaeological potential within both the mineral body and the overburden.
- 5.65 Where there is the potential for as yet unrecorded archaeological remains of such significance as to represent a constraint to development, the submission of pre-determination archaeological evaluation, may be required.

- 5.66 Heritage assets or the potential for previously unidentified archaeological deposits and features may be identified in proposed minerals and waste sites. Therefore, further archaeological investigations or other mitigation, may be required prior to or during development and secured by planning permission or via condition.
- 5.67 Mitigation measures should include archaeological recording during and prior to development, and changes to the development to ensure the preservation, provision within post extraction restoration, screening, and protection of retained heritage assets.
- 5.68 The suitability of all proposals will be assessed, having particular regard to proposed conservation and mitigation measures, and the potential benefits of mineral development on archaeology. This may include enhancing the historic assets or their setting, and the management of the site.
- 5.69 Heritage assets of the highest significance, such as a site of national importance should be preserved as part of the development. Additional site investigations or evaluation may be required prior to the determination of an application and may justify amendments to a permitted scheme during the application process.

Monitoring

5.70 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on Historic Environment	Planning permissions contrary to Historic England advice.	Number of planning permissions contrary to Historic England advice > 0
	Planning permissions granted against Conservation/Heritage Officer advice.	Number of planning permissions granted against Conservation/Heritage Officer advice > 0

Restoration of Minerals and Waste Developments

- 5.71 Effective restoration and long-term aftercare of minerals and waste development is integral to all mineral extraction and landfill development in Central and Eastern Berkshire. Extracting minerals and landfilling are long-term land uses, but they are only temporary developments. It is critical that restoration and aftercare of the site is carefully planned and maintained to ensure that local communities and the environment receive maximum benefit after the development has been completed.
- 5.72 Once mineral extraction and landfilling has been completed, a site may be returned to the former land use or to a number of different 'after-uses'. The restoration of minerals and waste sites will usually involve the removal of buildings, plant and equipment used for winning or processing the materials and may also include the decontamination of land prior to restoration, depending on the type of development.
- 5.73 The nature of restoration activity depends on the choice of after-use, which is influenced by a variety of factors including:
- the aspirations of the landowner(s) and the local community;
 - the present characteristics of the site and its environs;
 - area strategies (such as biodiversity priorities, green and blue infrastructure strategies, river basin management plans and any landscape planning guidance);
 - the nature, scale and duration of the proposed development; and
 - the availability and quality of soil resources.
- 5.74 Restoration, aftercare and after-use will usually seek to assure that the land is restored to a level of quality at least equivalent to that which it was prior to development commencing. Restoration schemes should provide for:
- Net environmental gain through the enhancement of the quality and character of the landscape, local environment or the setting of historic assets to the benefit of the local or wider community; and
 - Measures to achieve biodiversity net gain in line with national planning policy, whatever the proposed after-use of the site.

Policy DM8

Restoration of Minerals and Waste Developments

1. Planning permission for minerals extraction and temporary waste management development will be granted only where satisfactory provision has been made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.
2. The restoration of minerals and waste developments should reinforce or enhance the quality and character of the local area and should contribute to the delivery of local objectives for biodiversity, landscape character, historic environment or community use where these are consistent with the Development Plan and national policies and guidance.
3. The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.

Implementation

5.75 The Central & Eastern Berkshire Authorities will continue to ensure that all mineral extraction, and landfill sites are restored to high quality beneficial after-uses which are in keeping with the local area's biodiversity, landscape and community use. This includes the provision of biodiversity net gain as set out in Policy DM3: Protection of Habitats and Species.

5.76 Consideration needs to be given to the following factors:

- Type, quality and value of the land prior to extraction (for example, agricultural land);
- Presence of important habitats and species prior to development on site and in the local environment;
- Local ecological networks including green/blue corridors;
- Existing hydrological regime;
- Underlying geology;
- Local topography and landscape character/setting;
- Presence of important archaeological features and historic context;
- Proximity of urban areas and aerodromes;
- Compatibility with surrounding land uses;
- Availability of fill material;
- Planning policy framework and guidance;
- Landowner / site operator aspirations;
- Views of local community and other stakeholders;

- Transport issues;
- Public safety;
- Long-term management considerations; and
- Financial considerations.

5.77 Consideration must be given to the material used in restoration schemes and where appropriate, ensure that there is no impact on controlled waters.

5.78 For the initial years following restoration (usually a 5-year period but this may be extended⁵¹) site aftercare measures are required to ensure that the reinstatement of soils and the planting or seeding carried out to meet restoration requirements are managed so that a site is returned to its intended after-use in a timely manner.

5.79 These measures involve improving the structure, stability and nutrient value of soils, ensuring adequate drainage is available and securing the establishment and management of the grass sward, crop or planting areas, together with any other maintenance as may be required. The aftercare scheme normally requires two levels of details to be provided, these are:

- The outline strategy for the whole of the aftercare period;
- A detailed strategy for the forthcoming year.

5.81 Where after-use of a site includes the provision of built infrastructure, such as residential development, post-extraction changes in ground level may provide urban design opportunities for sub-surface development such as underground car parking, subject to geological and hydrological considerations. Such opportunities may provide greater space for green infrastructure improvements and improve the viability of proposed built development.

5.82 Restoration and aftercare plans should take into consideration community needs and aspirations. Local interest groups such as Catchment Partnerships and community representatives should be consulted, and their viewpoints incorporated into the proposals wherever possible and appropriate. Developers should work with the Colne Valley Regional Park and relevant Local Authorities to secure an enhanced bridleway/footpath network in line with the Joint Connectivity Statement⁵². Regard should also be given to the green infrastructure policies and strategies of relevant local planning authorities and

⁵¹ For example, this may occur when restoration is to a particular nature conservation afteruse.

⁵² Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.

the Colne Valley Regional Park⁵³. Restoration and aftercare plans for mineral development need to be reviewed and updated periodically, in accordance with legislation.

5.83 A Restoration Study⁵⁴, which accompanies this Plan, provides greater detail and guidance on after-use, aftercare and restoration. The study and any subsequent restoration strategies or guidance adopted by the authorities should be read in conjunction with this policy and referenced, where appropriate.

Monitoring

5.84 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Appropriate and timely restoration.	Permissions granted without restoration and aftercare conditions, where restoration and aftercare are required.	Number of permissions granted without restoration and aftercare conditions, where restoration and aftercare are required > 0
	Permissions granted without an agreed restoration plan, where site restoration is required.	Number of permissions granted without an agreed restoration plan, where restoration is required > 0
	Completion of restoration schemes within agreed timescales (not subject to approved extensions of time).	Number of uncompleted restoration schemes within agreed timescales (not subject to approved extensions of time) > 0.

⁵³ Colne and Crane Valleys Green Infrastructure Strategy (September 2019) - <https://www.colnevalleypark.org.uk/project/green-infrastructure-strategy-colne-and-crane-valleys/>

⁵⁴ Restoration Study (July 2020) – www.hants.gov.uk/berksconsult

Protecting Health, Safety and Amenity

- 5.85 Minerals and waste development can have impacts on the environment and local communities. The use of machinery and lighting can result in noise, light and air pollution which can impact on air quality and tranquillity. These impacts can also affect the amenity and health of nearby communities and businesses and other land uses such as sport, recreation or tourism.
- 5.86 It is important that the minerals and waste industry in Central and Eastern Berkshire does not adversely impact upon the health and amenity of the surrounding environment and communities, and appropriate suitable mitigation measures are used to reduce the risk of unacceptable adverse impacts to health such as pollution and the attraction of vermin.

Policy DM9

Protecting Health, Safety and Amenity

1. Planning permission will be granted for minerals and waste development only where it can be demonstrated that it will not generate unacceptable adverse impacts on the health, safety and amenity of local communities and the environment.
2. Minerals and waste development should not:
 - a. Release emissions to the atmosphere, land or water (above appropriate standards);
 - b. Have an unacceptable impact on human health;
 - c. Cause unacceptable noise, dust, lighting, vibration or odour;
 - d. Have an unacceptable visual impact;
 - e. Potentially endanger aircraft from bird strike and structures;
 - f. Cause an unacceptable impact on public safety safeguarding zones;
 - g. Cause an unacceptable impact on public strategic infrastructure;
 - h. Cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development.
 - i. Cause an unacceptable impact through:
 - i. Tip and quarry slope stability; or
 - ii. Differential settlement of quarry backfill and landfill; or
 - iii. Subsidence and migration of contaminants.
3. Where it is considered that there will be adverse impacts, applicants will be expected to undertake mitigation to ensure an acceptable degree of potential impact.

Implementation

- 5.87 Many of the criteria outlined in Policy DM9 will be fulfilled by minerals and waste operators adopting appropriate management systems such as International Standards Organisation controls and other operational controls.
- 5.88 The screening of sites and delivery of mitigation measures are often required to ensure the potential impact of minerals and waste developments on the habitats, landscape, townscape and local communities is kept to acceptable levels. It is recommended practice for operational mineral extraction and inert waste recycling sites to have a minimum buffer zone of 100 metres, where appropriate, from the nearest sensitive human receptors, such as homes and schools, though this distance will be reviewed on a case-by-case basis.
- 5.89 Developments handling bio-wastes, such as landfill and composting sites may need a buffer zone of up to 250 metres from sensitive human receptors unless there are exceptional circumstances such as mitigation measures which can reduce the size of the buffer.
- 5.90 Minerals and waste development and associated traffic movements can give rise to air pollutants that adversely impact human health and sensitive environmental receptors. This can include sulphur oxides (SO_x), nitrogen oxides (NO_x) and carbon particulates (e.g. PM₁₀). HGV traffic can extend these air quality impacts significantly beyond development sites and into adjacent local authority areas. Local authorities review and assess air quality on a regular basis⁵⁵, against a set of Air Quality Objectives (AQOs)⁵⁶. Local authorities are required to declare as Air Quality Management Areas (AQMAs)⁵⁷ where AQOs are exceeded. Central and Eastern Berkshire and adjacent authorities have AQMAs delineated for parts of their areas for which Air Quality Action Plans (AQAP) have been prepared. AQAPs are often integrated with Local Transport Plans (LTP). AQMAs will need to be considered when making any decisions on routing.
- 5.91 Minerals and waste development can affect a community's access to public rights of way, open spaces or outdoor recreation uses whilst the development is in progress. Development could also affect routes favoured by cyclists, equestrians and walkers near minerals and waste sites. It is standard practice for such routes to be diverted if they are impacted by a development. In such

⁵⁵ The Environment Act 1995 requires local authorities to review and assess air quality on a regular basis, against a set of Air Quality Objectives (AQOs).

⁵⁶ Set out in the Air Quality Standards Regulations 2010 -

<http://www.legislation.gov.uk/uksi/2010/1001/contents/made>

⁵⁷ Air Quality Management Areas - <https://uk-air.defra.gov.uk/aqma/>

instances, it is expected that rights of way will be replaced, diverted or equivalent routes be provided. Minerals and waste development should not negatively affect these features to an unacceptable degree.

5.92 Planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community. Cumulative impacts should be considered, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

5.93 The potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard. Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused. Where policy refers to a judgement on 'acceptability', this is defined as being judged acceptable by the relevant authority.

5.94 It is expected, where relevant, that other regulatory bodies or functions (such as the Environment Agency, Health and Safety Executive or Environmental Health) will ensure that the impacts within their remit will be satisfactorily addressed.

Monitoring

5.95 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on local communities.	Planning permissions granted against Environment Agency advice.	Number of planning permissions granted against Environment Agency advice > 0
	Planning permissions granted against Environmental Health Officer advice.	Number of planning permissions granted against Environmental Health Officer advice > 0

Flood Risk

- 5.96 Minerals and waste development can have significant impacts on flooding. National planning policy on flooding aims to ‘steer inappropriate new development to areas with the lowest probability of flooding’⁵⁸. This approach is based on the indicative Flood Maps prepared by the Environment Agency (EA).
- 5.97 A Strategic Flood Risk Assessment (SFRA) has been prepared to support this Plan⁵⁹. The assessment looks at the potential flood-risk associated with the minerals and waste site allocations included in the Plan. The assessment considers flooding from rivers, rainfall, groundwater and sewers.

Policy DM10 Flood Risk

1. Minerals and waste development in areas at risk of flooding should:
 - a. Apply the sequential test, exception test, where required, and sequential approach within the development site directing the most vulnerable development to the areas at lowest risk from flooding;
 - b. Not result in an increased flood risk elsewhere and, where possible, reduce flood risk overall;
 - c. Ensure development is safe from flooding for its lifetime including an assessment of climate change impacts;
 - d. Incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;
 - e. Include site drainage systems designed to take account of events which exceed the normal design standard;
 - f. Not increase net surface water run-off; and
 - g. If appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.

Implementation

- 5.98 Mineral deposits have to be worked where they are found, and these are often located in flood risk areas. Sand and gravel extraction and processing can take place in flood risk areas, provided any potential impact on the site and surrounding area is adequately managed so that the risk of flooding does not

⁵⁸ National Planning Policy Framework (Para 158) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁵⁹ Strategic Flood Risk Assessment (July 2020) – www.hants.gov.uk/berksconsult

increase either within the site or downstream. Applications for minerals and waste proposals within Source Protection Zones should be accompanied by a Hydrogeological Risk Assessment.

- 5.99 Mineral extraction may provide opportunities for flood water to be alleviated, by providing water storage when the area is restored⁶⁰.
- 5.100 Existing waste developments have the potential to pollute water resources if they are at risk from flooding. Landfill and hazardous waste facilities will not be permitted in Flood Risk Zones 3a and 3b. Historic landfills in areas of flood risk may need to be protected by flood defences.
- 5.101 Proposals in identified areas of flood risk will need to demonstrate that the development of the site will be safe and not result in increased flood risk. Such developments will require the Sequential Test and, where appropriate the Exception Test, to be carried out together with site specific Flood Risk Assessments. Where a flood risk is identified, development should only occur where the Exceptions Test in national guidance has been met. A development without a Flood Risk Assessment (FRA), where one is required, will not be supported.
- 5.102 Development of 1 hectare or greater in Flood Zone 1, or all proposals in Flood Zones 2 and 3, require a FRA. The FRA and the advice of the Environment Agency will be taken into account in any decision.

Monitoring

5.103 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on flood risk.	Planning permissions granted against Environment Agency advice.	Number of planning permissions granted against Environment Agency advice > 0
	Planning permissions granted against Lead Local Flood Authority advice.	Number of planning permissions granted against Lead Local Flood Authority advice > 0

⁶⁰ Restoration Study (July 2020) – www.hants.gov.uk/berksconsult

Water Resources

- 5.104 Central and Eastern Berkshire is heavily influenced by its water sources and there are many streams, rivers, lakes and reservoirs though out the Plan area.
- 5.105 Many of the area's rivers are associated with extensive reaches of gravel and sand bed material associated with a dynamic, meandering or divided channel and active erosion and sediment deposition features.
- 5.106 To ensure compliance with the Water Framework Directive, minerals and waste development must not cause any adverse impact on local water bodies.

Policy DM11

Water Resources

1. Planning permission will be granted for minerals and waste development where proposals do not:
 - a. Result in the deterioration of the physical state, water quality or ecological status of any water resource and waterbody including river, streams, lakes, ponds, groundwater source protection zones and groundwater aquifers; and
 - b. cause unacceptable risk to the quantity of water resources; and
 - c. cause changes to groundwater and surface water levels which would result in unacceptable impacts on:
 - i. adjoining land;
 - ii. potential groundwater resources; and
 - iii. the potential yield of groundwater resources, river flows or natural habitats.
2. Where proposals are in a groundwater source protection zone, a Hydrological Risk Assessment must be provided. If the Hydrological Risk Assessment identifies unacceptable risk, the developer must provide appropriate mitigation.

Implementation

- 5.107 The Water Framework Directive (2000/60/EC) (WFD) provides the framework for ensuring surface and ground water is protected and to achieve good qualitative and quantitative status for all water bodies. Minerals development can have significant impacts on not only flooding and water quality but also water quantity. To ensure compliance with the WFD, development must not cause any unacceptable impact on water resources.
- 5.108 Planning applications should be supported by a Hydrological Risk Assessment which evaluates the impact on surface and groundwater from the proposed

operations. A management scheme will need to be agreed for the construction, operation and restoration phases of development.

- 5.109 Proposals for mineral development must take into account the need to protect water resources. In assessing proposals, the Authorities will consider the risk of flooding (DM 10) and, where relevant, surface water and groundwater issues. All development must consider the need to protect the flow and quality of surface and groundwater resources. Development will only be permitted if they are unlikely to have an unacceptable impact on water resources. Dewatering may require prior approval through the issuing of an Environment Agency abstraction licence.
- 5.110 An undeveloped 16 metre buffer zone (Thames Region Land Drainage Byelaws, as amended) is required on both sides of a main river⁶¹ to help promote strong and resilient ecosystems, green and blue infrastructure links, water quality standards and human health and wellbeing (pleasant amenity space).
- 5.111 Planning applications should be supported by a risk assessment which evaluates the impact to surface and groundwater from the proposed operations; and include a comprehensive management scheme that will be agreed for the construction, operation and restoration of the proposals.
- 5.112 All minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically connected to the site. Where relevant a Hydrogeological Risk Assessment will be required to demonstrate the effects of the proposed development on the groundwater environment and how these may be mitigated to an acceptable level. Such assessments should include a consideration of impacts on near-by abstraction licences; risk to the principal aquifer; cumulative impacts of the neighbouring quarry sites; groundwater quality in relation to impacts on neighbouring potable abstractions and adjacent waste sites; and monitoring.

⁶¹ Main rivers are typically larger streams and rivers, but some are smaller watercourses of local significance. Main Rivers are nationally managed by the Environment Agency and can be identified using this map - <https://www.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

Monitoring

5.113 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Impact on water resources	Planning permissions granted against Environment Agency advice.	Number of planning permissions granted against Environment Agency advice > 0
	Planning permissions granted against Environment Health Officer advice.	Number of planning permissions granted against Environment Health Officer advice > 0

Sustainable Transport Movements

- 5.114 The sustainable supply of minerals and management of waste resources is dependent on well-maintained transport infrastructure.
- 5.115 One of the roles of this Plan is to encourage the use of sustainable transportation methods including rail, water, and conveyors to reduce movements by road. However, as limited opportunities are available within the Plan area to increase the use of sustainable transportation methods, it is acknowledged that most minerals and waste movements will continue to be made by road.
- 5.116 The impact of transporting minerals and waste materials by road can, if not controlled, be significant for sensitive environments and on communities both inside and outside of Central and Eastern Berkshire. A key priority of this Plan is minimising and managing the impact of traffic, as traffic can give rise to noise, dust, vibration, congestion and a reduction in air quality through emissions such as carbon dioxide (CO₂), nitrogen dioxide (NO₂) and particulates.
- 5.117 National planning policy supports developments where sustainable transport opportunities have been utilised, safe and suitable access can be achieved, and any significant impacts from the development on the transport network in terms of capacity, congestion and highway safety can be mitigated in an acceptable, and cost effective way⁶².

⁶² National Planning Policy Framework (Para. 108) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Policy DM12

Sustainable Transport Movements

1. Minerals and waste development will be permitted where good connectivity for the movement of minerals and waste can be demonstrated.
2. A Transport Assessment or Statement will be required (as appropriate) to consider:
 - the acceptability of routeing to the site and the impact(s) on the surrounding road network in relation to capacity and demand, with consideration of committed developments and cumulative impact
 - road safety
 - sustainable accessibility
 - appropriate hours of working
 - mitigation as appropriate.
3. Applications are expected to be accompanied by an Environmental Statement which would include details of the site's impact on noise, air quality, and severance.
4. The Assessment or Statement is required to explore how the movement of minerals and/or waste within and outside the site will not be detrimental to road safety and would not have an unacceptable impact on the highway network. It should also determine whether highway improvements or other measures, such as routeing agreements, are necessary to mitigate impacts the impacts of the proposals.
5. Where minerals and waste development will result in significant road transport movements, justification is required to explain how alternatives to road-based methods of transportation such as rail, inland waterways, conveyors, pipelines and the use of reverse logistics have been actively considered.

Implementation

- 5.118 Good connectivity will be established through the Transport Assessment or Statement. Good connectivity will be determined where there is safe site access and suitable access to the Strategic Road Network, rail or waterways. Routeing agreements will be required to ensure that access is not permitted on roads which result in unacceptable transport impacts on the highway network and sensitive receptors.

- 5.119 Road safety and capacity are issues of paramount importance. Highways England is responsible for considering assessments of the transport impacts of minerals or waste development on the Strategic Road Network. The Highways authorities, including the Central and Eastern Berkshire Authorities, are responsible for considering assessments of the transport impacts on the local highway network. In addition to potential capacity congestions, and safety impacts along the highway network, the potential and perceived impact of transportation on amenity may include vibration, visual intrusion and impacts on air quality. It is therefore beneficial for mineral and waste development to be located either close to the Strategic Road Network, or where there is potential for the sustainable movement of materials and/or where operational road miles can be minimised.
- 5.120 Where the source of waste for a facility may arise from a range of geographic locations, the impact of developing a network of smaller facilities, rather than one larger central facility, should be assessed through the Transport Assessment and Environmental Statement, including the likely transport impacts of both options on congestion, emissions, communities and sites of historic or ecological importance. It is also important that potential cross-boundary impacts and cumulative impacts of minerals and waste development with other local developments are considered.
- 5.121 Alternative methods of transport may provide opportunities to reduce and manage impacts of traffic and reduce potential emissions associated with HGV movements. This may help to offset potential impacts on the climate and air quality. Alternative methods may include the use of field conveyors, internal site haul roads, pipelines and the use of rail and inland waterways to transport minerals and waste.
- 5.122 The use of one of the above methods, in particular the use of field conveyors and/or site haul roads at mineral sites, could be implemented in combination with road transport, in order to help reduce the impacts from road transport. However, such mechanical transport mechanisms will also need to be assessed in terms of the impact on health and public amenity in terms of noise, vibration, particulates and air quality.
- 5.123 The Central & Eastern Berkshire Authorities recognise that these methods may only be appropriate in certain circumstances and will not always be available or suitable as a direct substitution for road transport.
- 5.124 Reverse logistics involves reducing vehicle movements by bulking when transferring minerals and waste so that, for example, an HGV always enters

and exits a site with a full load. The use of alternative methods of transportation and reverse logistics will be supported, as appropriate.

5.125 All minerals and waste development should give the greatest consideration to potential highway and transportation impacts that may be associated with the development. Planning conditions and legal agreements can be used to control and/or manage highway impacts. This may include conditions on hours of working and restrictions on the number of lorry movements, routeing agreements or legal agreements for mitigation which may include highway improvement and/or maintenance works.

Monitoring

5.126 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Transport impacts.	Planning permissions against Highways England advice	Number of planning permissions against Highways England advice > 0
	Planning permissions against Local Highway Authority advice	Number of planning permissions against Local Highway Authority advice > 0

High Quality Design of Minerals and Waste Development

- 5.127 The sustainable design and operation of minerals and waste development in Central and Eastern Berkshire is critical in ensuring potential impacts are reduced or avoided. It is also important that the impact of such developments on the qualities of place are taken into account, both to enhance the built environment but also to overcome resistance to the siting of such facilities close to the communities from which waste arises. National planning policy⁶³ attaches great importance to the design of the built environment and is a key aspect of sustainable development.
- 5.128 It is important that all minerals and waste developments are designed to minimise the impact upon the environment and the local communities in Central and Eastern Berkshire. It is equally important to encourage all new developments to include high quality design as a standard. There is a need to mitigate the impacts and adapt to climate change. This can be supported by reducing the amount of greenhouse gas emissions and other forms of emissions, minimising energy and water consumption, reducing waste production and reusing or recycling materials.
- 5.129 Sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable building materials.

Policy DM13

High Quality Design of Minerals and Waste Development

1. Proposals for minerals and waste development must demonstrate that they have taken every opportunity to make a positive contribution to the quality and character of the area.
2. The design of appropriate facilities for minerals and waste development should:
 - a. Help to reduce greenhouse gas emissions;
 - b. Maximise the re-use or recycling of materials in its construction;
 - c. Minimise impact on resources;
 - d. Protect and enhance the character and quality of the site's setting and the contribution to place making in the area; and
 - e. Protect and, wherever possible, enhance soils and not result in the net loss of best and most versatile agricultural land.

⁶³ National Planning Policy Framework (Para. 124) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Implementation

- 5.130 The principles of high-quality design apply to all developments, but particularly in new development areas. Building activity is a significant contributor to waste production and improved waste management in this sector should be encouraged through the selection of materials and construction techniques.
- 5.131 It may be appropriate for large-scale facilities in prominent locations to create a positive architectural statement. All minerals and waste development should also be in accordance with the latest guidance on modern design standards.
- 5.132 Landscape Character Assessments and other relevant landscape planning guidance should be used to assess the capacity of landscapes to accept development, to inform the appropriate scale and character of the development, and guide restoration.
- 5.133 Design and access statements will be required, where appropriate, for minerals and waste developments.

Monitoring

5.134 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Improving design quality.	Planning permissions not in accordance with Policy DM13 (1).	Number of planning permissions not in accordance with Policy DM13 (1) > 0.

Ancillary development

- 5.135 The operation of a mineral or waste site may require the erection of various ancillary structures or buildings to maximise opportunities at a site, to allow for investment or to ensure a sustainable operation. This minor development is associated with the primary permitted minerals or waste development. For example, sand and gravel dug from the ground generally requires washing, grading and sorting before it can be put to use. Waste may also require sorting and grading before it can be recycled or disposed. Mineral and waste sites may also need such ancillary structure as site offices, weighbridges or vehicle maintenance buildings.
- 5.136 Certain buildings and structures can be erected at minerals and waste sites without separate planning permission because general permission is granted for them under the General Permitted Development Order.
- 5.137 Where ancillary development is required which does not fall within the General Permitted Development Order, planning permission will be required.

Policy DM14 Ancillary development

1. Proposals for buildings and/or structures ancillary to minerals processing or manufacturing, or for structures ancillary to the existing minerals or waste operation, will be supported where they are appropriate and located within the development footprint of the existing site.
2. Proposals will need to demonstrate how the ancillary development will benefit the site and ensure a sustainable operation.
3. Development permitted in accordance with this policy will be subject to a requirement that:
 - a. it is used only as ancillary to the primary permission of the site; and
 - b. it will only be permitted for the life of the primary permission.

Implementation

- 5.137 Ancillary development must relate to the existing permitted minerals and/or waste operation and must not conflict with any of the other policies contained within this Plan.
- 5.138 Proposals that do not relate to the materials being produced, imported or exported at an existing site will not be supported as being ancillary development.

- 5.138 Appropriate development must be associated with the primary permitted development and comply with the other relevant policies within this Plan.
- 5.139 The development footprint is considered to be the outline of the permitted operation to which the proposed development is ancillary. It is not the extent of the landownership.
- 5.140 There will need to be a consideration of the cumulative effects of permitting the ancillary development in combination with the existing operation.

Monitoring

5.141 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Maximising existing infrastructure.	Permissions not in accordance with Policy DM14.	Number of permissions not in accordance with Policy DM14 > 0.

Operator past performance

- 5.141 The planning regime has, as a principle, the expectation that effective planning authority monitoring, and enforcement, will take place and that other regulatory regimes will function to help control the potential negative impacts of development. Each planning application is considered on its own merits, within the overall strategic direction of relevant plans. At the same time, when making planning decisions, it is necessary to take all relevant information into account and Planning Practice Guidance⁶⁴ states that the planning history of a site may be a relevant consideration in the determination of an application.
- 5.142 An operator's record of running established minerals or waste sites within their control can provide information on how appropriately the impacts of development have been managed by that operator. In some circumstances, where there is sufficient evidence, this information can be a useful indicator of how proposed future minerals or waste sites might be managed by that operator.
- 5.143 This Plan seeks to protect communities near minerals and waste development from any significant adverse effects.

Policy DM15

Past operator performance

1. Where an applicant or operator has been responsible for an existing or previous minerals or waste development site, an assessment of their operational performance at that existing or previous site will be made.
2. Where issues have been raised about the operation of an existing or previous development site, how the operator or applicant has responded, particularly where there is evidence of any significant adverse effects, will be taken into consideration in decision-making on minerals or waste applications submitted by the same applicant or operator.

Implementation

- 5.144 Any site can experience issues, and these will vary in complexity. It is important that operators listen to the concerns of the monitoring officers or the community and take active steps to rectify issues, especially substantiated complaints and breaches, quickly, effectively and proportionately.

⁶⁴ Planning Practice Guidance (Paragraph: 010 Reference ID: 21b-010-20190315, 15/03/2019 revision) - <https://www.gov.uk/guidance/determining-a-planning-application#how-decisions-on-applications>

- 5.145 Liaison panels can be an effective way of bringing together various interested parties, keeping relevant stakeholder informed, opening communication channels and resolving issues. Liaison panels, where appropriate, should be established and managed by the relevant operator of the site. It is encouraged that interested parties, such as parish councils, are invited to join as active members of the panel to enable effective representation of local interests.
- 5.146 A minerals or waste development may be authorised or unauthorised. An intentional unauthorised development can be a material consideration⁶⁵, as it could potentially have a variety of significant adverse effects, being much less likely to have implemented avoidance or mitigation measures.
- 5.147 The (re)occurrence of any significant adverse effects and how they have been addressed will be an indicator of whether an operator or applicant can deliver future development effectively. The applicant will need to provide information and relevant records on existing development site performance as part of the planning application, as well as submitting information on how any previous performance issues will be avoided and/or addressed in the future for the proposed development.
- 5.148 A Monitoring Assessment will be required, to support the determination of a planning application, particularly where developments have a long or complex history of issues. Where there is no history of an operator within the Plan areas, it may be possible to obtain the relevant information through liaison with monitoring officers in locations where they have previously had active sites. It would be expected that the planning authority prepares the Monitoring Assessment with relevant input (e.g. monitoring officer, environmental health officer or Environment Agency).
- 5.149 The record of performance of an operator or applicant, as assessed, will form a material consideration in the decision-making process and may be used:
- As a basis to request additional information to support an application in relation to any issues raised through the Assessment and how these may be mitigated as part of the proposal;
 - To apply an appropriate condition to a permission to address an issue which has been raised through the Assessment where this has not been rectified by the applicant to an acceptable level; or
 - To tip the balance in determining an application where all matters are equal in relation to impacts.

⁶⁵ As per the 31 August 2015 letter to Chief Planning Officers by the Department of Communities and Local Government Chief Planner

Monitoring

5.150 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Taking past performance into account	Permissions for proposals by existing operators accompanied by Monitoring Assessments.	Number of permissions where issues outlined in Monitoring Assessments are not addressed through additional information requests and/or conditions > 0.

6. Minerals Delivery Strategy

Minerals in Central and Eastern Berkshire

- 6.1 Until the 20th 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.
- 6.2 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 more recently its main use has been for the lining for waste landfill sites to prevent the spread of pollution and for other engineering applications.
- 6.3 Since the Second World War, the main type of minerals production in Berkshire has been of aggregates for the construction industry, the bed rock for future development. Construction aggregates are hard granular materials and in the context of the extraction industry of Central and Eastern Berkshire comprise sands and gravels.
- 6.4 The geology of Berkshire determines where these deposits are available for extraction. Further supplies of aggregate are imported from elsewhere in southern England or obtained by recycling of construction and demolition waste. 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.
- 6.5 This section sets out the policies relating to the following issues:
- Managing the supply of aggregate;
 - Safeguarding minerals resources, and minerals infrastructure;
 - The locations for extraction; and
 - Provision of non-aggregate minerals.
- 6.6 All policies include an explanation of the existing situation, supporting text regarding the policy and details on how the policy would be implemented and monitored.

Sustainable mineral strategy

- 6.7 Minerals make a significant contribution to the nation’s prosperity and quality of life and are needed to build and maintain local communities.
- 6.8 The supply of minerals to Central and Eastern Berkshire comprises imports of crushed rock, marine-won and land-won sand and gravel, recycled aggregate as well as locally won sand and gravel.
- 6.9 Data on the consumption of aggregates (the types of mineral used by the construction industry) as well as the movements of aggregates (imports and exports) is recorded on a Berkshire-wide level rather than by each mineral planning authority. This data is published by the Ministry of Housing, Communities and Local Government (MHCLG) every four years as part of the Aggregate Mineral survey for England and Wales undertaken by the British Geological Survey (BGS)⁶⁶.

Table 1: Total consumption of Primary Aggregate in Berkshire, 2009 and 2014

Berkshire Imports (Tt)	Land Won Sand and Gravel		Marine Sand and Gravel		Total sand and gravel		Crushed Rock		Total Primary Aggregates	
	2009	2014	2009	2014	2009	2014	2009	2014	2009	2014
	298	353	98	152	396	505	861	1,161	1257	1,666
Consumption* (Tt)	807	601	98	152	905	753	875	1,161	1780	1,914
Consumption %	45.3%	31%	5.5%	8%	50.8%	39%	49.2%	61%	100%	100%
Imports/Consumption %	36.93%	58.7%	100%	100%	43.76%	67%	98.4%	100%	71%	87%

Source: Collation of the results of the 2009 and 2014 Aggregate Minerals survey for England & Wales.

* Consumption is determined by total sold internally plus total imported.

- 6.10 Table 1 shows the consumption of aggregate both imported and from external areas and supplied from sources within Berkshire. Unfortunately, comparable data is not available for 2005.
- 6.11 In 2014, Berkshire was producing 1051 Thousand tonnes (Tt) with sales split by 248 Tt sold internally within Berkshire. A further 548 Tt was sold in the South East region, the principal destinations being Surrey and Buckinghamshire (including Milton Keynes) and 255 Tt sold to locations elsewhere (predominately West London).

⁶⁶ A further survey is scheduled for 2020 but this may be subject to delays due to the Corona Virus.

- 6.12 There is no marine-won sand and gravel produced within Berkshire as it is land locked nor is there any crushed rock due to geological constraints and therefore, these aggregates are imported into the Plan area. In 2014, Berkshire was also importing 353 Tt of land-won sand and gravel.
- 6.13 Although it is not possible to determine the amount of these imports that reach Central and Eastern Berkshire, the movements need to be taken into consideration when forecasting future demand.
- 6.14 Table 1 also shows an overall increase in supply of primary aggregates from sources within Berkshire during this period. The Table does however show that there is an increasing reliance on Primary Aggregate imports within Berkshire.
- 6.15 Soft sand is found in Central and Eastern Berkshire within the Reading Formation, a bedrock deposit which is predominately clay bearing but also contains sand beds and therefore, the deposits are variable in terms of quality and location. As a result, reliable information about the distribution of commercial reserves of soft sand is not available. This situation reflects the fact that there have been no operational soft sand quarries in over 10 years and only a small level of incidental extraction.
- 6.16 Soft sand supply in the South East is recognised as an issue by the South East England Aggregate Working Party (SEEAWP). The Mineral Planning Authorities in the South East worked collectively to prepare a Position Statement which provides an agreed source of evidence and current policy on soft sand supply in the South East. The Position Statement will underpin effective cooperation and collaboration between the Minerals Planning Authorities of the South East of England in addressing the strategic cross-boundary matter of soft sand supply.
- 6.17 Soft sand is currently being supplied to Central and Eastern Berkshire by mineral planning authorities outside of the Plan area. A Soft Sand Study⁶⁷ has been prepared to explore the options for supply in the short and longer-term. The Study outlines those areas currently supplying the Plan area and those that have potential to supply in the future. The Study concludes that Central and Eastern Berkshire is in an enviable position as it has a number of supply sources and therefore, is not dependent on any single area.
- 6.18 Demand for soft sand in Central and Eastern Berkshire during the Plan period could be in the region of 1.0 million tonnes (0.065 million tonnes per annum)⁶⁸.

⁶⁷ Soft Sand Study (March 2020) – www.hants.gov.uk/berksconsult

⁶⁸ Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult

- 6.19 Recycled and secondary aggregates can be used as a substitute for some land-won sharp sand and gravel extraction, providing a more sustainable source of supply. These have combined benefits of reducing the need for land won (or marine aggregate) and reducing the amount of waste requiring disposal by landfill.
- 6.20 When used locally, recycled aggregate can reduce the impact of transport and cut carbon emissions.
- 6.21 There is no reliable or comprehensive data on the production or use of recycled aggregates. Historically, the production and sales of recycled and secondary aggregate have been recorded on a Berkshire county-wide level. However, sales data for Central and Eastern Berkshire has been recorded since 2014. Sales of recycled and secondary aggregate in Berkshire during this period suggest an overall increase in sales but with a spike in sales in 2016 (see Table 2). Similarly, the wider South East has seen an overall increase but with a spike in 2017. In comparison, Central and Eastern Berkshire has seen a steady increase in sales.

Table 2: Sales of recycled and secondary aggregate in the Central and Eastern Berkshire, Berkshire, and the South East (thousand tonnes)

Year	Central & Eastern Berkshire	Berkshire Sales	South East
2014	85	408	3,628
2015	103	400	4,223
2016	128	498	4,034
2017	131	451	4,875
2018	138	459	4,581
5 Year Average	132	443	4,268

Source: Aggregate Monitoring survey data and South East Aggregate Monitoring Report⁶⁹

- 6.22 There are no known commercial resources of oil and gas in Central and Eastern Berkshire. Whilst there is coal present within the Plan area, this resource is not currently prospective for exploitation.
- 6.23 Both chalk and clay are not currently being extracted for an industrial purpose.
- 6.24 There are several options available to Central and Eastern Berkshire to supply the Plan area with minerals and there is a need for this to be supported to allow

⁶⁹ South East Aggregate Monitoring Report 2018 - <https://documents.hants.gov.uk/see-awp/SEEAWP-annual-report-2018.pdf>

for flexibility in demand and changes in market. Therefore, the Central & Eastern Berkshire Authorities will plan to facilitate minerals of the right type, in the right place and at the right time.

Policy M1

Sustainable minerals development strategy

The long term aims of the Plan are to provide and/or facilitate a steady and adequate supply of minerals to meet the needs of Central and Eastern Berkshire in accordance with all of the following principles:

- a) Work with relevant minerals planning authorities to maintain the supply of aggregate not available within Central and Eastern Berkshire;
- b) Deliver and/or facilitate the identified aggregate demand requirements (Policy M3);
- c) Facilitate the supply of other mineral to meet local demands (Policy M6);
- d) Be compliant with the spatial strategy for minerals development (Policy M4).
- e) Take account of wider Local Plans and development strategies for Central and Eastern Berkshire.

Implementation

- 6.25 The Central & Eastern Berkshire Authorities will work jointly to maintain the supply of minerals that serve the wider Plan area. They will also work closely with relevant mineral planning authorities to plan for the provision of aggregates from outside of the Plan area that supply Central and Eastern Berkshire. This will be established through Statements of Common Ground.
- 6.26 Statements of Common Ground will be regularly reviewed through the 'duty to cooperate' to ensure the issues outlined are still relevant.
- 6.27 The spatial strategy for minerals development is outlined in Policy M4 which includes allocated sites and locational criteria for new aggregate provision.
- 6.28 The Joint Minerals & Waste Plan needs to enable minerals and waste development that complements the delivery of the strategies outlined in the wider Local Plans and vice versa.

Monitoring

6.29 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Effective engagement with relevant mineral planning authorities.	Up-to-date Statement of Common Ground and annual 'duty to cooperate' (reported in the Local Aggregate Assessment).	n/a

Safeguarding Mineral Resources

- 6.30 Minerals are a valuable but finite resource that can only be won where they naturally occur. Safeguarding of viable or potentially viable mineral deposits from sterilisation by surface development is an important component of sustainable development. Safeguarding means taking a long-term view to ensure that sufficient resources will be available for future generations, and importantly, options remain open about where future mineral extraction might take place with the least environmental impact. National planning policy⁷⁰ is that planning authorities should safeguard mineral deposits that are of local or national importance against non-minerals development by defining Mineral Safeguarding Areas (MSAs) in their plans and not normally permit development in Mineral Safeguarding Areas if it constrains their potential future use⁷¹.
- 6.31 Minerals of local and national importance will be safeguarded and defined by Mineral and Waste Safeguarding Areas (MWSA). This safeguarding will be achieved by encouraging extraction of the underlying minerals prior to development proceeding, where practicable, if it is necessary for the development to take place within the MWSA.
- 6.32 In Central and Eastern Berkshire, clay and chalk are only extracted for local needs and not for industrial purposes. Neighbouring planning areas have not raised a shortfall in provision of clay and chalk and therefore, the minerals are not considered of sufficient importance to warrant safeguarding. The key mineral deposit in Central and Eastern Berkshire is sand and gravel. The deposits of sand and gravel, although widespread, are relatively shallow, and the material can be processed away from the site, where required. The location of sand and gravel often closely coincides with existing settlement patterns. As such, there is a strong potential for new surface development to be proposed on or close to these important mineral deposits.
- 6.33 For these reasons, it is particularly important to have a firm framework for the safeguarding of sand and gravel resources which are or could be of potential importance.
- 6.34 The geological deposits in which soft sand is found are much more variable than deposits of sharp sand and gravel. As a result, information about the distribution of commercial reserves of soft sand is not available.

⁷⁰ National Planning Policy Framework (Para. 204 (c)) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁷¹ National Planning Policy Framework (Para. 206)

- 6.35 Neighbouring areas which contain soft sand resources include West Berkshire, Hampshire, Surrey, Buckinghamshire and Oxfordshire. There are also soft sand resources within the wider South East, most notably Kent and West Sussex. However, several authorities have a significant proportion of their soft sand resources located within Areas of Outstanding Natural Beauty (West Berkshire and Surrey) or within the South Downs National Park (Hampshire and West Sussex).
- 6.36 The presence of such designations restricts the availability of soft sand resources in these areas. As such, soft sand supply issues may occur in the near future, in particular in the wider region (West Berkshire, Hampshire, Surrey and West Sussex) as resources outside of the designated areas deplete.
- 6.37 Central and Eastern Berkshire is already dependent on soft sand supplies from outside of the Plan area. Therefore, securing future supplies may become more of an issue as other mineral planning authority areas seek to source their supplies from elsewhere (outside of designated areas). As such, it is considered that deposits of soft sand where they are identified, are also safeguarded.
- 6.38 It is important to note that there is no automatic presumption that planning permission for the winning and working of sand and gravel will be granted in MWSAs.

Policy M2

Safeguarding sand and gravel resources

1. Sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development.
2. Safeguarded mineral resources are defined by the Minerals and Waste Safeguarding Area illustrated on the Policies Map.
3. Non-minerals development in the Minerals and Waste Safeguarding Area may be permitted if it can be demonstrated that the option of prior extraction has been fully considered as part of an application, and:
 - a. Prior extraction is maximised, taking into account site constraints and phasing of development; or
 - b. It can be demonstrated that the mineral resources will not be sterilised; or
 - c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.

Implementation

6.39 The extent of MWSA will be based on information about aggregate sand and gravel resources from the British Geological Survey and other sources of geological information, plus existing mineral working permissions and the nature and duration of any such operations. In some instances, the MWSAs will apply to sand and gravel deposits beneath existing built up urban areas. This ensures sand and gravel deposits and the possibility for prior extraction is taken into account when proposals for large scale redevelopment are considered. The broad extent of sand and gravel resources to which the MWSA will apply are shown on the Key Diagram and Policies Map.

6.40 In assessing development proposals within the MWSA, the Central & Eastern Berkshire Authorities will have regard, amongst other things, to the size and nature of the proposed development, the availability of alternative locations and the need for phasing of the proposed development. Account will also be taken of the quantity and quality of the sand and gravel that could be recovered by prior extraction and the practicality and environmental impacts of doing so. A minimum plot size of 3 hectares⁷² will apply in the safeguarding process to

⁷² Minerals and Waste Safeguarding Study (July 2020) – www.hants.gov.uk/berksconsult

avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved. However, applications will be monitored to ensure a piecemeal approach is not taken which could accumulate to have an impact on resources.

- 6.41 Developers are responsible for preparing a Mineral Resource Assessment which will need to assess the actual or potential commercial value of the underlying mineral deposit. The developer should determine the type, depth and quality of sand and gravel deposits within the site. In order to demonstrate that prior extraction has been fully considered, the developer must undertake an assessment of the practicality of prior extraction, either for use in the development itself or elsewhere.
- 6.42 In reviewing the potential for prior extraction developers should consider whether the extraction of part of the sand and gravel deposit within the site can be undertaken, even if removal of the entire deposit appears impractical. This might apply, for example, in a case – perhaps on a site close to land liable to flood where the removal of the upper levels of the deposit could be undertaken, whereas the removal of the entire deposit would render the land unsuitable without the importation of inert material to raise the ground level above flood levels.
- 6.43 In considering proposals for prior extraction, it will also be important to ensure that the environmental impacts of the development are contained. In most cases, the shallowness of the layers of sand and gravel means it can be extracted without blasting. As a result, it is unlikely that the extraction operation will give rise to additional environmental effects, over and above those of the development operation itself, that would preclude prior extraction.
- 6.44 Safeguarding does not necessarily mean that other forms of development should not take place where sand and gravel deposits occur. However, developers will need to demonstrate, through the preparation of a Mineral Resource Assessment, that the sand and gravel deposit has no commercial value, or that they have fully explored the use of the underlying sand and gravel in preparing development proposals. Alternatively, the policy includes provision for temporary developments and can allow specific projects of demonstrable overriding importance in the Central & Eastern Berkshire Authorities' Local Plans to proceed.
- 6.45 It is expected that, as a minimum requirement, incidental recovery of sand and gravel as part of a non-mineral development will take place.

6.46 National Planning Guidance⁷³ states that a Minerals Consultation Area (MCA) should be produced based on the MSA. The Central and Eastern Berkshire Authorities' Mineral and Waste Consultation Area (MWCA) includes a buffer of 250 metres around quarries and 50 metres around other mineral operations. The MWCA will be applied by the Central & Eastern Berkshire Authorities to determine whether they need to consult a neighbouring Mineral Planning Authority or each other on an application and to ensure that minerals and waste issues are taken into consideration when determining non-minerals or waste applications.

6.47 A list of safeguarded sites (operational and planned) is outlined in Appendix E and will be maintained by the Central & Eastern Berkshire Authorities. This will be updated as permissions are granted, and sites are completed and no longer require safeguarding.

Monitoring

6.48 Monitoring Indicator:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Mineral Safeguarding	Area (Hectares) of MWSA on completed sites above 3 ha in size, sterilised by non-minerals development.	Year on year increase over 5 years.

⁷³ National Planning Practice Guidance (Paragraph: 003 Reference ID: 27-003-20140306)

Managing the supply of aggregate

6.49 The requirement under national planning policy⁷⁴ is that minerals policies should make provision for ensuring a steady and adequate supply of aggregates for the construction industry and wider economy by means of maintaining a ‘landbank’.

Local Aggregate Assessment

6.50 The Local Aggregate Assessment (LAA) reviews the demand and supply of aggregate in the area and is reported annually. The LAA contains:

- A forecast of demand for aggregates based on the rolling average of 10-years sales and other relevant local information. The 3-years sales data should also be reviewed as this may indicate an increase in future supply;
- Analysis of all supply options including land-won, marine-won (dredged) and recycled or secondary aggregate. Imports and exports of aggregate also need to be considered;
- An assessment of the local issues that may influence the situation such as environmental constraints or economic growth.
- If there is considered to be a shortage in supply, the conclusions need to outline how this is to be addressed.

Landbank

6.51 A landbank is a stock of mineral planning permissions which together allow sufficient minerals to be extracted to meet a defined period at a given rate of supply. The landbank is recalculated each year and is then reported in the LAA.

6.52 Landbanks are used as a monitoring tool by Mineral Planning Authorities to forecast whether a steady and adequate supply of aggregate can be maintained in their Plan area. If the landbank cannot be maintained, this can act as a trigger to highlight to the Mineral Planning Authorities that the existing sites are not sufficient and therefore, new permissions are required.

6.53 National planning policy⁷⁵ also requires mineral planning authorities to make provision for the maintenance of a landbank of at least seven years for sand and gravel. Reserves of sand and gravel in Central and Eastern Berkshire with planning permission for extraction (permitted reserves) at 31st December 2018 were 6.053 Million tonnes (Mt).

⁷⁴ National Planning Policy Framework (Para. 207) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁷⁵ National Planning Policy Framework (Para. 207 (f))

- 6.54 Star Works Quarry in Wokingham Borough had a remaining soft sand reserve at the end of December 2018. However, the inactive quarry will require approval of working conditions before any extraction can proceed, and therefore it cannot be included in the total permitted reserves.
- 6.55 Total permitted reserves are therefore 5.857 Mt (discounting Star Works Quarry). The Central and Eastern Berkshire – Local Aggregate Assessment for the period 2018, determined the LAA Rate as 0.628 Mt⁷⁶. This LAA Rate has been applied as the Plan Provision rate as it has been robustly justified⁷⁷ and agreed by the SEEAWP. Application of the LAA Rate results in a landbank of 9.3 years.
- 6.56 The Plan period is up to 2036. If the LAA rate is projected forward from 2018 to 2036 a total of **11.304 Mt** of sharp sand and gravel would be required over the course of the Plan. Taking into account that current permitted reserves for Central and Eastern Berkshire are 5.857 Mt (not including Star Works Quarry). This means that there is a total requirement of **5.447 Mt** of sharp sand and gravel (0.628 Mt per annum).
- 6.57 A change in local circumstances will have an impact on demand and therefore, the landbank. The proposed Heathrow airport expansion, subject to ongoing legal challenges and consultations, is such an example which would create a local increase in demand for aggregate. However, there is currently a significant level of uncertainty over the proposals for the Heathrow airport expansion with regard to timings and construction methods which would influence demand. It is therefore, accepted that the provision rate may change over the Plan period in order to maintain the landbank and a steady and adequate supply of aggregate. This will be monitored through the Local Aggregate Assessment and reviewed within three years, where necessary.
- 6.58 Soft sand and crushed rock are provided from outside of the Plan area and the continuation of this supply will be enabled in cooperation with other Mineral Planning Authorities (as outlined in Policy M1).
- 6.59 Due to geological constraints, the supply of crushed rock over the Plan period will all be met from outside the Plan area, most notably Somerset. The security of supply is established through Local Aggregate Assessments⁷⁸.

⁷⁶ Central and Eastern Berkshire: Local Aggregate Assessment 2019 – www.hants.gov.uk/berksconsult

⁷⁷ The Assessment was undertaken following SEEAWP LAA: Supplementary Guidance - <https://documents.hants.gov.uk/see-awp/SEEAWP-SuppLAAGuidance-July2019.pdf>

⁷⁸ Somerset Local Aggregate Assessment (Fourth Edition, 2016) – <http://www.somerset.gov.uk/EasySiteWeb/GatewayLink.aspx?allid=124408>. 28.4 years of supply of crushed rock.

Policy M3

Sand and gravel supply

1. Provision will be made for the release of land to allow a steady and adequate supply of sand and gravel for aggregate purposes in Central and Eastern Berkshire at an average rate of 0.628 million tonnes a year to 2036, subject to the impact of local circumstances on demand.
2. A landbank of permitted reserves for the winning and working of sharp sand and gravel sufficient for at least 7 years' supply will be maintained through the Plan period.

Implementation

- 6.60 The policy seeks to ensure a steady and adequate supply of sand and gravel during the Plan period and maintain at least 7 years of permitted reserves.
- 6.61 Annual monitoring will be undertaken by the Central & Eastern Berkshire Authorities and reported in the Local Aggregate Assessment to ensure that, if required, permissions can be granted for mineral extraction before the landbank falls below 7 years.
- 6.62 It should be noted that the mineral extraction sites have been identified as locations where planning permission is most likely to be granted to maintain the landbank and where policies to ensure extraction in these locations and others, likely to come forward during the course of the Plan, do not have a significant impact. However, the Central & Eastern Berkshire Authorities cannot dictate that acceptable applications are submitted, and the required level of production is maintained.
- 6.63 It is recognised that the landbank can only be maintained if industry comes forward with planning applications in acceptable locations. The implementation of Policy M3 is therefore, reliant on the aggregate industry as well as the Central & Eastern Berkshire Authorities as the relevant Minerals Planning Authority.
- 6.64 Soft sand supplies that arise within the Plan area, will be addressed by Policy M4.
- 6.65 The effectiveness of the policy will need to be carefully monitored through the Local Aggregate Assessment to ensure that changes in local circumstances are reflected in any future provision rate. However, it should also be recognised

that these changes maybe time-limited due to their association with specific large-scale infrastructure projects such as proposed Heathrow airport expansion, rather than a long-term trend.

Monitoring

6.66 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Steady and Adequate Supply	Sand and gravel sales fail to achieve provision rate.	Breach over 3 consecutive years.
	Sand and gravel sales exceed provision rate.	Increasing trend in sales (above provision rate) over 5 consecutive years.
	Landbank falls below 7 years of permitted reserves.	Breach over 3 consecutive years.

Locations for sand and gravel extraction

- 6.67 There are a number of existing sites which currently extract sharp sand and gravel. There are no soft sand sites but there has been incidental soft sand extraction and a former soft sand quarry which has not been operational for a number of years. These sites have a role in the supply of sand and gravel during the Plan period.
- 6.68 Star Works is inactive but retains approved soft sand reserves. The site now forms a landfill which is due to close in the near future and there are no current plans to extract the remaining reserves. Waste uses continue to operate on other parts of the site.
- 6.69 There is a requirement to provide an additional **5.447 Mt** of sharp sand and gravel (**0.628 Mt per annum**) during the Plan period. As such, there is a need to identify sites for local land-won aggregate.
- 6.70 The new sites identified in Policy M4 have been nominated by industry and have been assessed to be appropriate for development subject to the relevant development considerations outlined in Appendix A.
- 6.71 The exact timings of sites coming forward will depend on the market conditions, extraction rates at existing sites and planning permission being granted.
- 6.72 Despite new site allocations, there is still likely to be a shortfall in supply during the Plan period⁷⁹. The aggregate industry has not identified sufficient sites to plug this gap at present. The minerals industry is market-led, and it recognised that there is likely to be a need for future requirements, particularly considering major infrastructure projects in the area such as the proposed Heathrow airport expansion. In order to provide flexibility in supply and to allow industry to bring forward appropriate sites, Policy M4 (3) outlines a contingency approach to ensure that the landbank is maintained and therefore a steady and adequate supply.

⁷⁹ Minerals Background Study (July 2020) – www.hants.gov.uk/berksconsult

Policy M4

Locations for sand and gravel extraction

A steady and adequate supply of locally extracted sand and gravel will be provided by:

1. The extraction of remaining reserves at the following permitted sites:
 - a. Horton Brook Quarry, Horton
 - b. Riding Court Farm, Datchet
 - c. Sheephouse Farm, Maidenhead
 - d. Poyle Quarry, Horton
 - e. Water Oakley, Holyport

2. Extensions to the following existing sites:
 - a. Horton Brook & Poyle Quarry, Horton (MA1)
 - b. Poyle Quarry, Horton (MA 2)

3. Proposals for new sites not outlined in Policy M4 (1 and 2) will be supported, in appropriate locations, where:
 - a. They are situated within the Area of Search (as shown on the Policies Map); and
 - b. They are needed to maintain the landbank; and/or
 - c. Maximise opportunities of existing infrastructure and available resources; or
 - d. At least one of the following applies:
 - i. The site contains soft sand;
 - ii. The resources would otherwise be sterilised; or
 - iii. The proposal is for a specific local requirement.

Implementation

6.73 The allocation of sites does not convey that planning permission will be automatically granted but indicates the locations that could provide sustainable development subject to the development considerations being addressed (see Appendix A).

6.74 The Area of Search is shown on the Policies Map. However, the criteria defining the Area and therefore, the extent will change as land uses change and new designations are made or amended. Sites identified within the Area of Search will still be subject to planning permission.

- 6.75 Proposals for new sites will be supported where they are in ‘appropriate locations’ and therefore, comply with all relevant policies within this Plan and M4 (4a, b or c).
- 6.76 Minerals extraction is not considered inappropriate in Green Belt locations subject to certain provisions (see DM6).
- 6.77 Landbanks can be used as an indicator for whether additional provision needs to be made for new aggregate extraction. Applications for the extraction of sand and gravel will not necessarily be refused if the landbank stands at over 7 years. National planning policy⁸⁰ states that provision should be made to maintain the landbank at ‘at least’ 7 years for sand and gravel. However, consideration should also be given to the productivity of existing sites and the need to ensure that large landbanks are not bound to only a few sites which could lead to the stifling of competition.
- 6.78 Conversely if the overall landbank of aggregates at the time of an application for mineral extraction stands at less than 7 years, this does not mean that an application will inevitably be approved. Government guidance confirms that landbank policies do not remove the discretion of Mineral Planning Authorities to refuse applications which are judged to have overriding objections. Whilst Mineral Planning Authorities should use the size of the landbank as an indicator for when new permissions for extraction of aggregates are likely to be needed, consideration should be given to other allocations and policies in the Plan.
- 6.79 The acceptability of extending existing quarries will be assessed on a case-by-case basis and will include the assessment of cumulative impacts which may be associated with continued working and other economic considerations such as market areas.
- 6.80 The performance of operators will be a material consideration in decision-making as outlined in Policy DM15.
- 6.81 Due to the variable nature of soft sand deposits in the Plan area, where suitable resources are identified in appropriate locations, these should be exploited to supplement supply, provided that the development is undertaken in accordance with the relevant Development Management policies.

⁸⁰ National Planning Policy Framework (para. 207 (f)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

- 6.82 Opportunities for prior extraction should be fully considered as part of an application for non-minerals development within the Minerals and Waste Safeguarding Area in accordance with Policy M2.
- 6.83 A 'specific local requirement' as referenced in M4(3)(diii) is defined as a project within Central and Eastern Berkshire or a neighbouring planning authority area and may include beneficial uses where the primary purpose for its extraction is not for the mineral and it takes place to support other non-mineral developments in a given location e.g. creation of agricultural reservoirs, recreational lakes or borrow pits for a special localised need.
- 6.84 Although borrow pits are not generally supported, there are some circumstances where they are the only sustainable way of providing aggregates for another planned local development project such as the construction of new roads or major built development. This is particularly likely to be the case where a borrow pit would minimise the potential impacts on local communities and the environment. Borrow pits can help to safeguard resources of higher-grade material for primary uses. Proposals for borrow pits will only be permitted where there is a clearly identified need, where the aggregate extracted is for use only within the specific construction projects in which it is related to, and the site is located on land surrounding the construction project, within a 'corridor of disturbance' which would be determined on a case-by-case basis.
- 6.85 Significant infrastructure projects, such as the Heathrow airport expansion proposal, are likely to require borrow pits. Where these sites are already identified in the Joint Minerals & Waste Plan the development considerations should be taken into consideration in the delivery of the Nationally Significant Infrastructure Project.

Monitoring

6.86 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Sand and gravel supply	Landbank falls below 7 years of permitted reserves.	Breach over 3 consecutive years.

Supply of recycled and secondary aggregates

- 6.87 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 soils and subsoil, concrete, brick or asphalt for re-use that would otherwise be disposed. On the other hand, secondary aggregates are usually by-products of other construction or industrial processes. For example, Incinerator Bottom Ash (IBA) at energy recovery facilities is a by-product of the incineration process that can be processed into a secondary aggregate for road construction. Other secondary aggregates include spent railway ballast, recycled glass, plastics and rubber (tyres).
- 6.88 Highway maintenance work has the potential to comprise a relatively large source of recycled aggregate through recycled road planings, asphalt, concrete kerbs and soils.
- 6.89 A significant amount of recycled and secondary 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 mineral extraction, waste transfer, materials recovery and landfilling.
- 6.90 No secondary aggregate is produced within Central and Eastern Berkshire.
- 6.91 National policy requires the 'contribution that substitute or secondary and recycled materials can make to the supply of materials to be taken into account, before considering extraction of primary materials'⁸¹. The Central & Eastern Berkshire Authorities do not control how much aggregate is recycled but can enable and encourage recycling facilities to meet demand.
- 6.92 Given the urbanised nature of much of Central and Eastern Berkshire and the development required as part of future development plans, the main source of non-primary aggregates will be recycled aggregates. It will therefore be important that adequate recycling facilities are available to enable aggregates to be recovered from construction and demolition waste.
- 6.93 It is estimated that, based on operator returns to the Aggregate Monitoring survey and Environment Agency permits, the recycling capacity for aggregate in 2018 was 0.39 Million tonnes (Mt). However, due to the temporary nature of the operations and the reality of operations taking place at the sites, the

⁸¹ National Planning Policy Framework (Para. 204 (b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

capacity is likely to be more in the region of **0.05 Mt**. The operations will be safeguarded (see Policy M8) and the capacity should be considered as a minimum to be maintained.

Policy M5

Supply of recycled and secondary aggregates

1. Recycled and secondary aggregate production will be supported, in appropriate locations, to encourage investment in new and existing infrastructure to maximise the availability of alternatives to local land-won sand and gravel.
2. The supply of recycled aggregate will be provided by maintaining a minimum of 0.05 million tonnes per annum.

Implementation

6.94 Proposals for new sites will be supported where they are in ‘appropriate locations’ and therefore, comply with all relevant policies within this Plan and W4 (2).

6.95 Recycling capacity can be provided by mobile plant operating on construction sites, but further permanent facilities will be necessary to increase the capacity baseline.

Monitoring

6.96 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Aggregate recycling capacity	Aggregate production capacity reduced by more than 5000 tonnes or 10% whichever is greater.	Breach over 2 consecutive years

Energy minerals

Oil and Gas

- 6.97 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.
- 6.98 Oil and gas resources (known as ‘hydrocarbons’) are classed as either ‘conventional’ or ‘unconventional’. Conventional resources are situated in relatively porous sandstone or limestone rock formations. Unconventional sources are found where oil and gas has become trapped within a non-traditional reservoir such as shale rock and as such will require non-traditional methods of extraction.
- 6.99 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 technological advancements have resulted in horizontal drilling which has made tapping into shale deposits more financially viable.
- 6.100 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. Whilst the government identified 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, hydraulic fracturing will not proceed in England following the publication of new evidence⁸² highlighting that it is not currently possible to accurately predict the probability or magnitude of earthquakes linked with the operation.
- 6.101 There are no known commercial resources of oil and gas in Central and Eastern Berkshire, although viable conventional resources of oil and gas have been identified and are being exploited in neighbouring counties, such as Hampshire.
- 6.102 Oil and Gas licences are granted by the Oil and Gas Authority and confer rights for persons to search for, bore and produce petroleum resources. Oil and gas activity comprise 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

⁸² Oil and Gas Authority Report - <https://www.ogauthority.co.uk/exploration-production/onshore/onshore-reports-and-data/preston-new-road-pnr-1z-hydraulic-fracturing-operations-data/>

planning authority. The development of gathering stations requires more rigorous examination of potential impacts than exploration or appraisal.

- 6.103 There are currently no licence areas within Central and Eastern Berkshire. A former licence area within Windsor (PEDL 236) was relinquished in 2014.
- 6.104 There have also been two exploratory wells within the Central and Eastern Berkshire area, but these were completed in 1966 and 1974 respectively.
- 6.105 The lack of a current licence area and the fact that earlier exploratory wells did not lead to further appraisal or production suggests that there are no opportunities presently for the provision of oil and gas.
- 6.106 It is considered that should technology advances and more information on geological conditions become available, and the situation changes; there are sufficient policies within national planning policy⁸³ to determine any application for oil and gas.

Coal

- 6.107 There is a significant coal seam in West Berkshire which runs into the western edge of Central and Eastern Berkshire. 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. The coals are present in a thin gas seam and the coal measures are considered as not prospective for coalbed methane.
- 6.108 Whilst it is considered unlikely that an application will come forward for coal extraction, in such event, national planning policy⁸⁴ would provide sufficient guidance in determining any such application.

⁸³ National Planning Policy Framework (most notably Para. 205) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁸⁴ National Planning Policy Framework (most notably Para. 211)

Other non-aggregates

Chalk

- 6.109 In Berkshire, chalk was of some local importance and the use of chalk for agricultural purposes dates back to Roman times.
- 6.110 The geological outcrops of chalk in Berkshire are fairly extensive, but demand for new workings is very limited.
- 6.111 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.
- 6.112 Due to lack of demand for chalk for industrial processes there is no requirement to make 15 years provision of chalk (as cement primary) as outlined in national planning policy⁸⁵. As such, no allocations for chalk extraction are required and any future proposals can be determined using Policy M6.

Clay

- 6.113 Common clay was one of the main minerals produced in Berkshire until the 20th century. The most important were the land clay pits of the Lambeth Group and some of these were worked for over 200 years.
- 6.114 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 basis.
- 6.115 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.
- 6.116 The last remaining brick and tile works was located at Star Works, 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.

⁸⁵ National Planning Policy Framework (Para. 208 (c)) – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

6.117 There have not been any operational claypits permitted to support industrial processes for over 10 years.

6.118 Due to the lack of current brick and tileworks within Central and Eastern Berkshire, there is no requirement to make 25 years provision of brick-making clay as outlined in national planning policy⁸⁶. As such, no allocations for clay extraction are required to support the supply and any future applications can be addressed by Policy M6. However, demand for these minerals will be monitored in case demand increases and markets change.

Policy M6

Chalk and clay

1. Proposals for the extraction of chalk and clay to meet a local requirement will be supported, in appropriate locations, subject to there being no other suitable, sustainable alternative source of mineral available.

Implementation

6.119 Proposals for the extraction of non-aggregate minerals will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. Chalk and clay in particular will be assessed to consider whether the material concerned is needed to meet a specific local requirement which would supply Central and Eastern Berkshire or the immediate surrounding planning authority areas.

6.120 The supply of clay to landfill sites outside the Plan area would not be favoured because it would likely result in transportation over greater distances. The policy does not seek to establish a maximum or guide distance because there is insufficient evidence available to define such a figure, and criteria may vary. However, in practice it is considered unlikely that a proposal to supply a landfill beyond the 'local requirement' range would be promoted, because the practicalities of distance and alternative supplies closer to the point of use would preclude such proposals being commercially realistic. Similar considerations apply to the supply of chalk for production of agricultural lime.

⁸⁶ National Planning Policy Framework (Para. 208 (c)) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Monitoring

6.121 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Chalk extraction	Amount of chalk extraction in tonnes per annum.	Increase in sales over 5 years.
Clay extraction	Amount of clay extraction in tonnes per annum.	Increase in sales over 5 years.

Aggregate wharves and rail depots

- 6.122 Central and Eastern Berkshire has many close functional interrelationships with its neighbouring authorities. Minerals won and processed in Central and Eastern Berkshire are not necessarily used within the Plan area. Some are likely to be transported elsewhere and at the same time minerals, such as crushed rock, which is not found within Central and Eastern Berkshire, are supplied from elsewhere.
- 6.123 All movements of mineral within the Plan area are undertaken by road as there are currently no aggregate rail depots or wharves within Central and Eastern Berkshire.
- 6.124 National policy encourages the use of sustainable transport⁸⁷. During the life of the Plan, opportunities to utilise navigable stretches of the Thames, or canals or waterways within Central and Eastern Berkshire for water-based transportation of minerals may arise.
- 6.125 Central and Eastern Berkshire is well connected by rail, but it is dependent on rail depots at Theale in West Berkshire. However, establishing aggregate rail depots is difficult due to the limited locations. Freight path capacity, including the timetabling for Crossrail, will also be a restricting factor in supply. The rail depot in neighbouring Slough currently supplies the immediate operations and no further material is transported from the site. However, should the proposed Heathrow airport expansion proceed, the site may provide an opportunity for an aggregate rail depot which could supply the Plan area.
- 6.126 The Kennet & Avon Canal which joins Bristol and Reading via Newbury is a small waterway and is not considered to have significant potential for freight movement⁸⁸. It is currently unknown whether the River Thames is suitable for freight from Windsor Bridge to Staines Bridge although large barges are able to use this waterway⁸⁹. However, this may be limited as the river is non-tidal from Teddington Lock.
- 6.127 The potential for a rail depot or aggregate wharf in the Plan area could reduce local road impacts, although the likelihood of this opportunity is dependent on a number of factors including location of minerals, connectivity and cost.

⁸⁷ National Planning Policy Framework (Para. 102) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁸⁸ WA Policy on Freight on Inland Waterways (2012) - www.waterways.org.uk/pdf/freight_policy

⁸⁹ The River Thames and Connecting Waterways 2013-2014 -

www.gov.uk/government/uploads/system/uploads/attachment_data/file/289796/LIT_6689_3e9c5e.pdf

Policy M7

Aggregate wharves and rail depots

1. Proposals for aggregate wharves or rail depots will be supported:
 - a. At Monkey Island Wharf, Bray (TA 1); and
 - b. In appropriate locations with good connectivity to:
 - i. The Strategic Road Network; and/or
 - ii. The rail network; and/or
 - iii. Minerals infrastructure.

Implementation

- 6.128 The allocation of sites does not convey that planning permission will be automatically granted but indicates that the locations could provide sustainable development subject to the development considerations being addressed (see Appendix A),
- 6.129 Proposals for new sites will be supported where they are in ‘appropriate locations’ and therefore, comply with all relevant policies within this Plan.
- 6.130 In order to ensure that the proposal allows for the sustainable movement of materials, the site would need to have good connectivity to strategic transport infrastructure or minerals infrastructure such as a quarry or processing plant. Good connectivity is defined by Policy DM11.

Monitoring

- 6.131 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Aggregate rail depot capacity	Capacity (tonnes per annum).	A reduction in capacity over 5 years.
Aggregate wharf capacity	Capacity (tonnes per annum).	A reduction in capacity over 5 years.

Safeguarding other minerals development infrastructure

- 6.132 Safeguarding minerals infrastructure that supports the supply of minerals is just as important as safeguarding mineral resources. Safeguarding minerals infrastructure is a requirement of national planning policy⁹⁰ which states that Mineral Planning Authorities should safeguard: “existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary material”.
- 6.133 A particular problem that mineral infrastructure faces is the encroachment of incompatible land uses, such as housing, into the locality which may give rise to additional complaints about the existing mineral operations. This may result in a hindrance to operations and restrictions placed on the mineral site which impacts on supply.
- 6.134 Safeguarding potential sites for rail depots and wharves prevents future decisions being made without consideration of potential minerals and waste interests on appropriate sites.
- 6.135 Safeguarding also allows the Central & Eastern Berkshire Authorities to resist other types of future development which could be incompatible with existing minerals infrastructure and operations.

⁹⁰ National Planning Policy Framework (Para. 204 (e)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Policy M8

Safeguarding minerals infrastructure

1. Facilities for the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary material within the Plan area will be safeguarded for their on-going use.
2. Where this infrastructure is situated within a host quarry, wharf or rail depot, they will be safeguarded for the life of the host site.
3. Existing, planned and potential sites that enable the supply of minerals in Central and Eastern Berkshire will be safeguarded against development that would prejudice or jeopardise its operation by creating incompatible land uses.
4. Non-mineral development that might result in the loss of permanent mineral infrastructure will only be supported in the following circumstances:
 - a. The site is relocated with appropriate replacement capacity being provided within the Plan area; or
 - b. New capacity is provided within the Plan area which allows for the closure of sites; or
 - c. The requirements of the need for the alternative development are set out in wider Local Plans and development strategies outweigh the need for safeguarding.

Implementation

- 6.136 Any existing or planned mineral operation including rail depot or wharf will be automatically safeguarded and a list of safeguarded sites will be maintained by the Central & Eastern Berkshire Authorities. Safeguarded minerals sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area.
- 6.137 New or replacement capacity would only be considered to satisfy the circumstances outlined in Policy M8 if the capacity is provided within the Plan area.

- 6.138 In line with the “agent of change” principle in national planning policy⁹¹, potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected.
- 6.139 There may be circumstances where the continued safeguarding of the site may be undesirable due to potential redevelopment opportunities such as regeneration. In these cases, some circumstances may enable the release of existing safeguarded sites.
- 6.140 In cases where aggregate rail depots or aggregate wharves in other Minerals Planning Authority areas provide a supply of aggregate to Central and Eastern Berkshire and are under threat of losing their safeguarding status which would result in a loss of capacity, the Central & Eastern Berkshire Authorities will provide support to defend the safeguarding or support the replacement of the capacity.
- 6.141 Statements of Common Ground with relevant Mineral Planning Authorities will regularly reviewed through the ‘duty to cooperate’. Support will be provided through information sharing, where relevant.

Monitoring

6.142 Monitoring Indicator:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Safeguarded permanent mineral sites.	Safeguarded permanent minerals and waste sites developed for other development uses without replacement capacity.	Number of safeguarded permanent minerals and waste sites developed for other development uses without replacement capacity > 0
	Loss of permanent mineral capacity.	Amount of capacity lost (in tonnes) through developed safeguarded permanent mineral sites.

⁹¹ National Planning Policy Framework (Para. 182) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

7. Delivery Strategy for Waste

- 7.1 This section addresses the development principles, spatial strategy and waste capacity needs over the plan period for waste management within Central and Eastern Berkshire.

Waste in Central and Eastern Berkshire

- 7.2 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 are continually changing.
- 7.3 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 streams⁹². The review of waste properties enables its classification as non-hazardous, inert and hazardous.
- 7.4 The majority of non-hazardous waste is produced mainly from municipal solid waste (MSW) (sometimes referred to as 'household waste') and commercial and 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.
- 7.5 Waste can be managed in different ways, but the waste (management) hierarchy (see Figure 5) is a framework that has become a cornerstone of sustainable waste management, setting out the order in which options for waste 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.

⁹² National Planning Policy for Waste (Para. 3) - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

Figure 3: The Waste Management Hierarchy



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

- 7.6 In 2018 there were more than 30 waste management facilities in Central and Eastern Berkshire. However, these do not provide sufficient waste management treatment capacity for the estimated waste arisings (i.e. waste tonnage produced) in the area throughout the Plan period.
- 7.7 Accordingly, a number of significant movements of waste originating within Central and Eastern Berkshire are treated outside of the Plan area. In particular, identified long term movements of waste from Central and Eastern Berkshire are treated at facilities within the neighbouring Waste Planning Authorities of Oxfordshire, Slough and Surrey.
- 7.8 This section sets out the policies relating to the following issues:
- Safeguarding waste management facilities;
 - Waste capacity requirements;
 - The locations for waste management; and
 - Re-working landfills.
- 7.9 All policies include an explanation of the existing situation, supporting text regarding the policy and details on how the policy would be implemented and monitored.

Sustainable waste development strategy

7.10 Delivering sustainable waste management involves developing strategies and devising policies which will encourage the prudent use of resources whilst also taking into account the potential for waste growth.

7.11 In support of sustainable waste development, the Plan and its associated waste policies aim to support the revised Waste Framework Directive (2008/98/EC)⁹³ targets, of;

“by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight; and

by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight.”

7.12 Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council formed a municipal waste management partnership called Re3 in 1999. Re3 produced a Joint Municipal Waste Management Strategy for the period 2008 to 2013. This was updated in 2016/17⁹⁴ and includes a target to achieve 50% reuse and recycling by 2020. In support of this target, Wokingham Borough Council introduced food waste collection in April 2019. Work is ongoing regarding an overarching update. This Plan will support any subsequent update.

7.13 More recently, the Government’s Resources and Waste Strategy⁹⁵ sets a blueprint for eliminating avoidable plastic waste, doubling resource productivity and eliminating avoidable waste by 2050. As well as a move towards a circular economy, the Strategy sets out challenging targets including:

- 50% recycling rate for household waste (2020);
- 65% recycling rate for municipal solid waste (2035);
- Municipal waste to landfill 10% or less (2035).

⁹³ Waste Framework Directive -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁹⁴ Re3 Joint Municipal Management Strategy (2008 – 2013) -

<http://wokingham.moderngov.co.uk/documents/s10056/Re3%20Waste%20Strategy%20App.pdf>

⁹⁵ Our waste, our resources: a Strategy for England (2018) -

<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

7.14 A number of significant movements of waste originating in the Plan area for treatment outside of the Plan area have been identified. These movements are scheduled to continue through much of the Plan period and their continuation has been considered in developing the Plan, though the long-term ambition is to achieve waste net self-sufficiency.

7.15 As net self-sufficiency seeks to cover the quantity of waste produced in the Plan area, but not necessarily the exact types of waste produced, it is recognised that a certain amount of waste movements in and out of the Plan area will continue.

7.16 In line with the Waste Management Plan for England⁹⁶ therefore, the Central & Eastern Berkshire Authorities will plan to provide new waste management facilities of the right type, in the right place and at the right time.

Policy W1

Sustainable waste development strategy

1. The long term aims of the Plan are to provide and/or facilitate sustainable management of waste for Central and Eastern Berkshire in accordance with all of the following principles:
 - a. Encourage waste to be managed at the highest achievable level within the waste hierarchy;
 - b. Locate near to the sources of waste, or markets for its use;
 - c. Maximise opportunities to share infrastructure at appropriate existing mineral or waste sites;
 - d. Deliver and/or facilitate the identified waste management capacity requirements (Policy W3);
 - e. Be compliant with the spatial strategy for waste development (Policy W4).
 - f. Where W1 (e) cannot be achieved, work with other waste planning authorities to provide the most sustainable option for waste management.

Implementation

7.17 Proposals will need to demonstrate how the development achieves the highest achievable level within the waste hierarchy and how much residual waste (requiring disposal) will typically be created per annum.

⁹⁶Waste Management Plan for England - <https://www.gov.uk/government/publications/waste-management-plan-for-england>

- 7.18 Depending on the facility type, waste management activities will be supported in principle where waste will be managed as close to its source as possible to reduce long distance transport, or where it is demonstrated that it represents sustainable development.
- 7.19 The Central & Eastern Berkshire Authorities will work jointly in planning for the provision of larger facilities that serve the wider Plan area. They will also work closely with neighbouring Waste Planning Authorities to plan for the provision of facilities that serve the wider South East.
- 7.20 Statements of Common Ground will be regularly reviewed through the ‘duty to cooperate’ to ensure the relationship with other Waste Planning Authorities outlined are still relevant.
- 7.21 Waste management capacity requirements are set out in Policy W3.
- 7.22 The spatial strategy for waste development is outlined in Policy W4 which includes identified waste sites and location criteria for new waste management development.

Monitoring

7.23 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Effective engagement with other waste planning authorities.	Up-to-date Statements of Common Ground and annual ‘duty to cooperate’	n/a
Application of the waste hierarchy.	Recovery capacity	Percentage of recovery capacity delivered is greater than recycling capacity delivered
	Landfill capacity	Percentage of landfill capacity delivered is greater than recovery capacity delivered

Safeguarding of waste management facilities

- 7.24 The Central & Eastern Berkshire Authorities have a network of waste treatment and transfer facilities which are critical to meeting the long-term waste management needs of the Plan area. In addition, there are also a number of significant long-term movements of waste arisings within the Plan area moving outside of the Plan area for treatment.
- 7.25 However, treatment capacity within the Plan area is less than the waste arisings generated. As such, it is considered that all waste management capacity facilities, including treatment and transfer facilities and those which provide a temporary function should be safeguarded from encroachment or loss to other forms of development, particularly in light of increasing pressures on land for competing uses such as housing.
- 7.26 It is important that existing and allocated waste sites are not hindered by 'encroachment' of inappropriate development in close proximity in order that the operational potential of the waste site is not negatively impacted.

Policy W2

Safeguarding of waste management facilities

1. All existing, planned and allocated waste management facilities shall be safeguarded against development that would prejudice or jeopardise their operation by creating incompatible land uses.
2. New waste management facilities will be automatically safeguarded.
3. Non-waste development that might result in a loss of permanent waste management capacity may be considered in the following circumstances:
 - a. The planning benefits of the non-waste development clearly outweigh the need for the waste management facility at the location taking into account wider Local Plans and development strategies; and
 - b. An alternative site providing an equal or greater level of waste management capacity of the same type has been found within the Plan area, granted permission and shall be developed and operational prior to the loss of the existing site; or
 - c. It can be demonstrated that the waste management facility is no longer required and will not be required within the Plan period

Implementation

- 7.27 Waste management sites are less geographically and geologically restricted than mineral sites but can face pressures from incompatible non-waste development. This is because many waste management activities can be located on industrial land, where land rental values can be high. Waste management typically generates less high value end products which means activities on prime industrial locations are not always viable to sustain.
- 7.28 Planning policy has a role to play in protecting waste management sites from competing pressures. It is important to avoid the loss of facilities or allocated waste management sites as this capacity may not be replaced elsewhere. This limits the ability to manage waste close to where it is generated and in sustainable locations in terms of transport, and the ability to maintain provision to meet waste management needs.
- 7.29 Furthermore, to encourage proposals for the necessary level of capacity required over the Plan period, new developed waste management facilities should be automatically safeguarded until the required capacity requirements have been met.
- 7.30 Safeguarded waste sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area.
- 7.31 It is recognised that it is not always appropriate to protect existing waste management sites from redevelopment or encroachment by other uses. Many planning permissions for waste management activities are temporary, which may reflect the aim of returning the land to its previous use or developing / restoring it for an alternative use longer term. Where temporary facilities are safeguarded, this will be for the duration of the planning permission related to the specific activity.
- 7.32 It may be appropriate to redevelop some safeguarded sites if they offer strong regeneration potential. The impact on the overall waste handling capacity would need to be assessed in order to maintain capacity levels. Any change in site use would need to be considered on a case-by-case basis to ensure sufficient waste capacity was maintained in the Plan area.
- 7.33 Sites for waste recovery to land operations using CD&E waste are not safeguarded as these generally involved other land uses and constitute a form of engineering works.
- 7.34 In the case of encroaching future development, it must be demonstrated that mitigation measures are in place to ensure that the proposed development is

adequately protected from any potential adverse impacts from the existing waste development.

- 7.35 Encroaching development is considered as any development which impacts upon the waste management activities or associated activity (such as transport) of a site.
- 7.36 In line with the “agent of change” principle in national planning policy⁹⁷, it will be expected that the potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected. Different sites will require different assessments, for example encroachment on an inert waste recycling site might require a noise impact assessment while encroachment on a wastewater treatment works would require an odour impact assessment.
- 7.37 Where this infrastructure is located outside of the Plan area, the Central & Eastern Berkshire Authorities will provide support to the relevant Waste Planning Authority should there be the need to defend the safeguarding or support the replacement of the capacity.
- 7.38 Replacement capacity would only be considered to satisfy the circumstances outlined in Policy W2 if the capacity is provided within the Plan area. Alternative facilities will need to be applied for and developed with the specific intent that they are providing replacement capacity.
- 7.39 The replacement capacity can be provided in various ways, including new sites, expansion or intensification of existing sites and across multiple sites. It would be expected that the replacement capacity matches the type of waste management capacity that is being lost or achieves a higher level within the waste hierarchy.

⁹⁷ National Planning Policy Framework (Para. 182) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Monitoring

7.40 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Safeguarding permanent waste infrastructure.	Safeguarded permanent waste sites developed for non-waste uses without replacement capacity.	Number of safeguarded permanent waste sites developed for non-waste uses without replacement capacity > 0
	Loss of permanent waste management capacity	Amount of capacity lost (in tonnes) through developed safeguarded permanent waste sites.

Waste capacity requirements

- 7.41 Waste capacity requirements have been estimated through national data from waste management facilities and national and local information on waste capacity within and near the Plan area. Further details can be found in the Waste Background Study⁹⁸.
- 7.42 The Central & Eastern Berkshire Authorities will aim to provide and/or facilitate sustainable management of waste for Central and Eastern Berkshire within the Plan area. However, given the extent of existing movements of waste to treatment facilities outside of the Plan area, it is recognised that this may be difficult to prevent and that they will have to work with other Waste Planning Authorities outside of the Plan area.
- 7.43 Planning for the management of waste in line with this principle conforms with both National Planning Policy for Waste⁹⁹ and Planning Practice Guidance¹⁰⁰ which highlights that there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of self-sufficiency.
- 7.44 These movements of waste have an implication on the waste treatment capacity required within Central and Eastern Berkshire. The amount of waste 'imports' and 'exports' to and from the Plan area are not static. However, the capacity requirements identified provide what is considered the minimum additional amount of waste treatment capacity needed within Central and Eastern Berkshire.
- 7.45 Should the waste movements cease within the Plan period, it is expected that additional waste treatment capacity would be required within the Plan area. However, market forces may result in the capacity shortfall being addressed elsewhere.
- 7.46 The capacity requirements outlined in this Plan take into consideration current levels of capacity and seek to address the future arisings expected up to 2036. The key arisings and expected capacity gap are discussed in Table 3.
- 7.47 It is important to note that any calculations of waste arisings and capacity are estimates based on a number of assumptions and approximations. Furthermore, waste arisings are subject to significant yearly fluctuations.

⁹⁸ Waste Background Study (July 2020) – www.hants.gov.uk/berksconsult

⁹⁹ National Planning Policy for Waste (2014) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

¹⁰⁰ Planning Practice Guidance (Waste – Para. 007) - <https://www.gov.uk/guidance/waste>

Table 3 Estimated arisings and capacity gaps (based on 2018 data calculations, as detailed in the Waste Background Study)

Type of waste	Estimated arisings in 2036	Existing and allocated treatment capacity	Capacity gap based on difference between predicted arisings and treatment capacity
Tonnes per annum			
Non-hazardous	870,000	326,000	543,000
Inert	1,172,000	598,000	574,000
Hazardous	24,100	24,500	-400
Total	2,066,100	948,500	1,116,600

7.48 Each of the above waste streams consists of different materials that may need differing waste facilities. The non-hazardous waste stream can also be subdivided into materials that can be recycled and materials that need to go to recovery in order to divert them from landfill, as well as a small proportion of waste sludge.

7.49 The capacity gap for the main types of materials in each stream is considered in this Plan, while acknowledging that these may change in the future depending on markets, technologies and changes in waste composition.

Recycling capacity requirements for non-hazardous waste

7.50 Recycling is higher up the waste hierarchy than recovery or landfill, so is a preferable form of waste management. It includes a variety of waste streams, such as dry-mixed recyclables, composting and metals.

7.51 In total, taking into account forecast waste growth and the integration of a headroom capacity, detailed material analysis of waste known to be exported from the Plan area shows that around equal quantities of waste are leaving to be recycled, as are being recovered outside the Plan area. However, in order to promote recycling in line with the waste hierarchy, the Plan will aim to provide more recycling than recovery provision, around **300,000 tpa by 2036**.

Residual capacity requirements for non-hazardous waste

Recovery capacity

- 7.52 Treatment through means of recovery is encouraged, if recycling is not possible, in order to keep waste away from landfill.
- 7.53 The Royal Borough of Windsor & Maidenhead sends residual household waste to the Ardley Energy Recovery Facility (ERF) in Oxfordshire under a contractual agreement due to run to 2030, although two 5-year extensions have been agreed within the current arrangement which could extend this to 2040.
- 7.54 In addition, residual household waste from the Re3 Authorities (Bracknell Forest, Reading and Wokingham) is sent to the Lakeside ERF in Slough under a contract to 2031. This facility is immediately adjacent to the Plan area and meets the proximity principle for managing waste, that waste is managed as close as possible to the source.
- 7.55 The long-term contracts with these two facilities and the close working relationship, particularly between the Central & Eastern Berkshire Authorities and Slough Borough Council, mean that these waste movements are likely to continue in the future and address some of the capacity needs for arisings from the Plan area. However, any changes to the ability to send waste for recovery to these two facilities, particularly the Lakeside ERF, will significantly impact the projected waste capacity gap in the Plan area.
- 7.56 The Government has indicated that it prefers the proposed additional runway at Heathrow airport as an airport expansion option¹⁰¹ and, should the proposal proceed, Heathrow will submit a Development Consent Order (DCO) application to the Planning Inspectorate.
- 7.57 It is currently uncertain as to whether the Lakeside ERF will be lost or alternatively relocated. A planning application has been submitted for relocation to a site nearby. However, relocating such a facility is a complex project that is still subject to negotiation and practical considerations, as well as planning consents and other permits.
- 7.58 The potential loss of this facility would have a significant impact on waste capacity requirements within the Plan area and across the wider region. There are a number of other waste streams processed in facilities that are part of the Lakeside complex or nearby that could also be affected by the proposed

¹⁰¹ Government announcement regarding Heathrow expansion - www.gov.uk/government/news/government-decides-on-new-runway-at-heathrow

expansion of Heathrow and would further exacerbate the provision of waste capacity in the area.

7.59 In addition to these movements, some non-hazardous waste originating from the Plan area, which has the potential to be treated through recovery, is currently sent to non-hazardous landfills outside of the Plan area.

7.60 As discussed in the Recycling capacity requirements section, while similar amounts of waste are known to go to recycling and recovery facilities outside the Plan area, in line with the waste hierarchy more recycling capacity is planned, leaving around **245,000 tpa** of recovery capacity to be provided.

7.61 The recovery requirement can be delivered through a range of technologies including anaerobic digestion, combined heat and power, gasification and pyrolysis.

Landfill capacity

7.62 Despite the level of effective technology currently available to divert waste away from landfill, there is still a requirement for this option for dealing with wastes which cannot currently be recycled, or which are contrary to the input specification of recovery and pre-recovery treatment facilities.

7.63 Non-hazardous waste arising from Central and Eastern Berkshire is currently sent to landfill. Nearly half is sent to the Sutton Courtenay Landfill (Oxfordshire), which has planning permission until 2030 with no further non-hazardous landfill provision planned in Oxfordshire.

7.64 In 2017, Star Works landfill site at Knowl Hill near Maidenhead was the only operational landfill site within Central and Eastern Berkshire which accepted non-hazardous waste. This operation has since ceased, and the landfill is due to be restored by 2021¹⁰².

7.65 The South East Waste Planning Advisory Group (SEWPAG) has recognised that, with the early closing of landfill sites and the successful diversion of waste from landfill, there is likely to be a move towards regionally strategic landfill sites in the near future¹⁰³.

7.66 Additional non-hazardous landfill capacity will therefore be considered where there is a clearly demonstrated need.

¹⁰² Subject to any applications for extension of time.

¹⁰³ The Central & Eastern Berkshire Authorities are members of SEWPAG and signatories of a number of relevant position statements

Hazardous waste capacity requirements

- 7.67 Hazardous waste and the facilities required to manage it 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. As such, this waste can travel further than other types of waste.
- 7.68 The hazardous waste generated within the Plan area is treated in various facilities across a number of local authority areas.
- 7.69 It is estimated that there is no further requirement for additional treatment capacity by the end of the Plan period. However, provision of additional hazardous waste facilities may still be necessary due to the specialist nature of this waste and the likelihood that it is transported further than other types of waste.

Sludge, liquid, effluent and waste water treatment capacity requirements

- 7.70 There is currently very limited capacity for sludge treatment within the Plan area. The majority of this arising is managed by Thames Water facilities in neighbouring areas, most notably in Slough and Surrey.
- 7.71 This may be a particular waste stream that needs to be accommodated within the Plan area, in order to enable this type of waste to be managed as close to where it is produced as possible.
- 7.72 Capacity requirements for the treatment of waste water are usually considered in the Business Plans of the relevant water companies. Thames Water's 2020-2025 Business Plan¹⁰⁴ outlines that it will invest in 48 wastewater treatment sites and there are plans to increase the reuse of wastewater.

Inert recycling and recovery capacity

- 7.73 The majority of inert waste is treated outside of the Plan area, predominantly at facilities in West Berkshire and Oxfordshire.
- 7.74 Even considering various planned schemes, and end dates of existing treatment capacity within the Plan area, there is still likely to be a need for around **575,000 tpa by 2036** of additional inert recycling, or recovery capacity.

¹⁰⁴ Here for you: Our Business Plan 2020 to 2025 (Thames Water) - <https://corporate.thameswater.co.uk/-/media/Site-Content/Thames-Water/Corporate/AboutUs/Our-strategies-and-plans/PR19/Our-plan-2020-to-2025.pdf>

- 7.75 This need can be delivered through a range of technologies such as recycled aggregate processing or through infill of material used in restoration or engineering projects to mitigate flood risk, such as that at Green Park Village in Reading.
- 7.76 Policy M3 aims to provide a steady and adequate supply of sand and gravel at an average rate of 0.628 Mtpa. Depending on restoration proposals, future sites in the Plan area that provide this supply may necessitate inert infill and provide inert recovery capacity.
- 7.77 It is recognised that there are data limitations to any waste arisings methodology and that the use of assumptions reduces the accuracy of the figures¹⁰⁵. Furthermore, inaccuracies in waste data coding and collection, as well as year on year variations, add further uncertainty. Therefore, the identified level of capacity provision provides a guide for the types of capacity that will be required in the form of a minimum treatment capacity requirement for the Plan area over the Plan period.

Policy W3

Waste capacity requirements

1. Additional waste infrastructure capacity within the Plan area will be granted in appropriate locations, to provide a minimum of:
 - 300,000 tpa non-hazardous recycling capacity;
 - 245,000 tpa non-hazardous recovery capacity;
 - 575,000 tpa of inert recycling or recovery capacity.

2. Hazardous waste management facilities, waste water or sewage treatment plants and non-hazardous waste landfill for residual waste will be supported, in appropriate locations, where there is a clear and demonstrable need.

Implementation

- 7.78 Proposals will need to demonstrate how the development achieves the highest possible level within the waste hierarchy and how much residual waste (requiring disposal) will typically be created per annum.

¹⁰⁵ Waste: Background Study (July 2020) – www.hants.gov.uk/Berksconsult

- 7.79 Depending on the facility type, waste management activities will be supported in principle where waste will be managed as close to its source as possible to reduce long distance transport, or where it is demonstrated that it represents sustainable development.
- 7.80 The Central & Eastern Berkshire Authorities will work jointly in planning for the provision of larger facilities that serve the wider Plan area and will also work closely with neighbouring Waste Planning Authorities to plan for the provision of facilities that serve the wider South East.
- 7.81 Proposals for non-hazardous landfill will be required to demonstrate their need as well as ensuring that;
- a) no acceptable alternative form of waste management further up the waste hierarchy is achievable; and
 - b) the site does not affect a Principal Aquifer and is outside Groundwater Protection and Flood Risk Zones; and
 - c) the site provides for landfill gas collection and energy recovery.
- 7.82 Where Energy recovery development is being proposed, it must:
- a) be used to divert waste from landfill, where other waste treatment options further up the waste hierarchy have been discounted; and
 - b) provide and be designed to allow for the exploitation of both heat and power generated by the facility; and
 - c) provide sustainable management arrangements for waste treatment residues arising from the facility.
- 7.83 Proposals to treat sludge, liquid, effluent and waste water will need to demonstrate;
- a) There is a clearly demonstrated need to provide additional capacity via extensions or upgrades for the treatment of sludge, liquid, effluent and waste water, particularly in planned areas of major new development; and
 - b) they do not breach either relevant 'no deterioration' objectives or environmental quality standards; and
 - c) where possible (subject to relevant regulations), they make provision for the beneficial co-treatment of sewage with other wastes and biogas is recovered for use as an energy source.
- 7.84 Other liquid waste treatment plant proposals that contribute to the treatment and disposal of oil and oil/water mixes and leachate will be expected to be located as near as possible to its source.
- 7.85 Aggregate recycling facilities accept hard inert material which is crushed and filtered to produce recycled and secondary aggregates of various grades. The

softer materials like soils, chalk and clay can also be recovered whereby they may be used as beneficial fill materials for landscaping, for example. To increase the management of inert waste higher up the waste hierarchy, all inert waste elements capable of producing high quality recycled aggregates should be removed for recycling.

Monitoring

7.86 Monitoring of waste arisings and progress in increasing capacity will be particularly important as waste quantities can vary considerably from year to year, making predictions of growth less reliable. Growth rates will be regularly checked, while allowing enough time for yearly fluctuations to even out.

7.87 Monitoring Indicators:

Monitoring Issue	Monitoring Trigger	(Threshold) for Policy Review
Capacity of waste management facilities	Net loss of waste management capacity from closure of sites	Breach over 3 consecutive years
Significant changes to waste arisings	Year on year growth of more than 5%	Cumulative breach over 5 years
Loss of the Lakeside ERF	Facility no longer accepting Plan area waste	Loss of Lakeside facility without replacement.
Hazardous waste capacity	Hazardous waste treatment and transfer management capacity	Hazardous waste treatment and transfer management capacity is lower than arisings*

*Transfer included as it is recognised that this waste generally travels further due to its specialist nature

7.88 The following minimum targets for waste management provision will also be monitored to ensure that Policy W3 is on track to address the increase in required capacity through the Plan period.

Non-hazardous recycling or recovery (cumulative extra capacity)			
	By 2025	By 2030	By 2036
	Tonnes per annum		
Non-hazardous recycling capacity	95,000	190,000	300,000
Non-hazardous recovery capacity	75,000	155,000	245,000
Inert recycling or recovery capacity	180,000	360,000	575,000

Locations and sites for waste management

7.89 Modern waste management facilities can be located on different types of land, if the location is appropriate for the proposed activity. In Central and Eastern Berkshire, the existing network of facilities is generally focused on the main urban areas, although some facilities such as composting tend to be in more rural areas.

Types of waste management facilities

- 7.90 Recycling and recovery facilities enclosed in buildings are typically of an industrial nature and deal with largely segregated materials. Activities involve preparing or sorting waste for re-use and include materials recovery facilities (MRF), waste transfer stations (WTS), dis-assembly and re-manufacturing plants, and reprocessing industries. Potential nuisances such as dust and noise can be mitigated as the activity is enclosed, meaning these facilities are compatible with industrial estates.
- 7.91 Smaller-scale facilities (with an approximate throughput of up to 50,000 tonnes per annum and requiring sites of 2 hectares or less) will normally be compatible with most general industrial estates.
- 7.92 Larger scale enclosed premises (typically requiring sites of 2-4 hectares, with a throughput in excess of 100,000 tonnes per annum) and facilities with a stack are likely to be located on larger industrial estates or suitable brownfield sites.
- 7.93 Sites suitable for general industrial uses are those identified as suitable for B2 (including mixed B2/B8), or some uses within the B8 use class¹⁰⁶ (namely open-air storage). Waste management uses would not normally be suitable on land identified only for B1 (light industrial uses), although a limited number of low impact waste management uses (e.g. the dis-assembly of electrical equipment) may be suitable on these sites. Some industrial estates will not be considered suitable for certain waste management facilities because for instance the units are small, the estate is akin to a business park or it is located close to residential properties.
- 7.94 Energy Recovery Facilities (ERFs) which include advanced thermal treatment processes such as pyrolysis and gasification/plasma conversion require built facilities and, in some cases, a stack (i.e. chimney). Sites must be carefully selected and sensitively designed to avoid visual and other amenity and

¹⁰⁶ The Town and Country Planning (Use Classes) Order 1987 - <http://www.legislation.gov.uk/ukxi/1987/764/schedule/made> - as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 - <http://www.legislation.gov.uk/ukxi/2010/653/article/2/made>

environmental impacts and to provide renewable energy to serve the surrounding area. The location of these facilities is influenced by the location of those using the heat and energy generated and the need to access fuel feedstock. This means that where appropriate, energy recovery Combined Heat and Power (CHP) plants (which may also include non-waste fuel sources) may be encouraged alongside new and existing developments, or near sources of fuel feedstock. Small-scale community-based CHP schemes may be suitable within planned major development or regeneration areas or in mixed-use schemes. CHP could also be used in remote rural areas that do not have access to mains gas supplies.

- 7.95 Recycling and recovery activities which predominantly take place in the open (outside buildings) or involve large areas of open-air storage include biological waste treatment (including composting), construction, demolition and excavation (CD&E) recycling, end-of-life vehicle processing and some Household Waste Recycling Centres or Civic Amenity sites. Because these activities can create noise, odours and other emissions, they are not easily assimilated in built-up areas.
- 7.96 Some activities will be more 'hybrid' in nature, requiring sites with buildings and open storage areas. These may include outdoor MRF or waste transfer station (WTS), wharves and rail sidings for waste transshipment and/or storage. In most cases, the co-location of waste management facilities or processes to increase the recycling and recovery of waste is supported, particularly when the feedstock or outputs are well related.

Locations and sites in Central and Eastern Berkshire

- 7.97 A number of sites have been identified as being appropriate locations, in principle, for hosting waste management activities which are outlined in Appendix A.
- 7.98 These sites are not sufficient to meet the future waste management requirements of Central and Eastern Berkshire up to the end of the Plan period and therefore, it is expected that further new sites will come forward through market-led delivery.
- 7.99 A review of industrial estates and employment land¹⁰⁷ has identified industrial estates and/or employment sites that are suitable for locating waste management facilities in the boroughs of Bracknell Forest, Reading and

¹⁰⁷ Waste: Proposals Study (July 2020) – www.hants.gov.uk/berksconsult

Wokingham. These estates and sites are existing, or proposed, allocations for land uses which are considered compatible to waste uses.

- 7.100 This Plan does not seek to allocate the industrial estates or employment sites as this provision is made within the wider Development Plan.
- 7.101 The review concluded that 25 sites (referred to as ‘Preferred Waste Areas’) are potentially suitable for waste uses ranging from ‘Activities requiring a mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment)’ to ‘Activities requiring enclosed building with stack (small scale)’ (see Appendix B and Appendix C for more details).
- 7.102 All waste management has transport implications and transport impacts, and these should be minimised by ensuring that sites have good connectivity to the strategic network which is the principal transport network for moving waste in the Plan area.
- 7.103 The spatial approach to delivering new waste management capacity aims to allow waste capacity to be sited as close to the source and markets of the waste. Waste facilities will also need to support planned areas of major new development.

Policy W4

Locations and sites for waste management

1. The delivery of waste management infrastructure will be supported within:
 - a. Preferred Waste Areas listed in Appendix C; or
2. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas:
 - a. Allocated sites:
 - i. Berkyn Manor Farm, Horton (WA 1)
 - ii. Horton Brook Quarry, Horton (WA 2)
 - iii. The Compound, Stubbings, Maidenhead (WA 3)
 - b. Appropriate locations, where the site has good connectivity to the strategic road network; and
 - i. Areas of major new development; or
 - ii. Sources of waste; or
 - iii. Markets for the types of waste to be managed; and
 - iv. One or more of the following features:
 - Is existing or planned industrial or employment land; or
 - Is a suitable reuse of previously developed land; or
 - Is within redundant farm or forestry buildings and their curtilages or hard standings; or
 - Is part of an active quarry or active landfill operation; or
 - Is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; or
 - There is a clear proven and overriding need for the proposed facility to be sited in the proposed location.

Implementation

7.104 The allocation of sites does not convey that planning permission will be automatically granted but indicates the locations that could provide sustainable development subject to the development considerations being addressed (see Appendix A).

- 7.105 Proposals for new sites will be supported where they are in ‘appropriate locations’ and therefore, comply with all relevant policies within this Plan.
- 7.106 The sites outlined in Policy W4 (2/a) are entirely located within the Green Belt which has special protection in respect to development. However, these sites are allocated for waste management purposes for the following reasons, in accordance with National Policy¹⁰⁸:
- a) Consideration is given first to locating waste management facilities within Preferred Waste Areas, which are not located within the Green Belt.
 - b) Where there is no capacity within the Preferred Waste Areas or the locational needs of the waste management facility prevents it being accommodated within the Preferred Waste Areas, the lack of available sites outside of the Green Belt will need to be taken into consideration as part of the exceptional circumstances.
- 7.107 The Preferred Waste Areas identified in Appendix C have been assessed on their suitability for waste management. However, planning permission will not be automatically granted, and the proposals will need to comply with all relevant policies within this plan as well as consider the wider Local Plans and development strategies for Central and Eastern Berkshire.
- 7.108 Proposals for further waste management development will be supported where they are in ‘appropriate locations’ and therefore, comply with all relevant policies within this Plan. Evidence of the requirement for a particular location will need to be provided in addition to compliance with the other relevant policies in the Plan.
- 7.109 All sites must have ‘good connectivity’ to the sources, or markets and strategic transport routes as defined by Policy DM11.
- 7.110 Opportunities to provide waste treatment facilities at existing developed locations in addition to those outlined in Appendix C such as employment sites where general industrial and distribution activities are located (B2/B8 land uses)¹⁰⁹, or on previously developed land are strongly supported.

¹⁰⁸ National Planning Policy for Waste (Para. 6) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

¹⁰⁹ The Town and Country Planning (Use Classes) Order 1987 -

<http://www.legislation.gov.uk/ukxi/1987/764/schedule/made> - as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 - <http://www.legislation.gov.uk/ukxi/2010/653/article/2/made>

- 7.111 In accordance with the other policies in this Plan, activities involving open areas will only be supported if they do not have adverse environmental impacts, and noise and emissions are controlled by effective enclosure and other techniques.
- 7.112 There may be a special need or circumstances where both enclosed and open-air facilities can be justified on sites outside main urban areas. Facilities may require a more rural location because this is closer to the source of the waste being treated or the activity is related to an agricultural activity. For instance, anaerobic digestion (AD) plants and composting facilities may need to be located where there is an available feedstock and where residues can be disposed to land for beneficial purposes. Proposals would generally be of a smaller scale than that proposed in urban areas or on edge of the urban / rural area (the urban fringe).
- 7.113 Proposals requiring a more rural location will be required to demonstrate a special need or explain why the waste management activity should be located at that particular site.
- 7.114 Facilities for recycling, particularly inert or construction, demolition and excavation (CD&E) waste, that produce recycled or secondary aggregate, are sometimes located in historic landfills or current/former quarries. In almost all cases, it is expected that that former quarries or landfills will be restored but there may be exceptions where the benefits from continued development at some host locations are considered to be more sustainable than re-locating the development elsewhere. CD&E waste recycling facilities can also be acceptable on some industrial sites, particularly in close proximity to sources of waste.
- 7.115 New waste water and sewage treatment plants, extensions to existing works, or facilities for the co-disposal of sewage with other wastes will be supported where the location minimises any adverse environmental or other impact that the development is likely to give rise to, and the site is considered appropriate by meeting all relevant policies within this Plan.
- 7.116 The co-location of activities with existing operations will be supported, where appropriate, if commensurate with the operational life of the site, and where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area (including access routes), or prolong any unacceptable impacts associated with the existing development.

7.117 A number of development projects¹¹⁰ are planned over the Plan period. These projects will have implications for waste management and also provide opportunities to host appropriate waste management development, particularly within major areas of development such as at Grazeley, a possible Garden Settlement which includes land in Wokingham and Reading.

Monitoring

7.118 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Appropriately located waste management.	Permissions in accordance with Policy W4 (2/b)	Number of permissions in accordance with Policy W4 (1/a and 2/a) > than those in accordance W4 (2/b)

¹¹⁰ Minerals / Waste: Background Study (July 2020) – www.hants.gov.uk/berksconsult

Re-working landfills

- 7.119 There may be opportunities for the re-working of former landfill sites to either remove existing landfilled materials in order to reuse the land or void, or to exploit benefits from the in-situ material itself. Such materials may be valuable and therefore the re-working of such sites would enable the value to be recovered in addition to providing additional landfill capacity if needed.
- 7.120 One former landfill site within Central and Eastern Berkshire has already been successfully reworked, albeit to enable the delivery of residential development rather than the reuse for waste. The former Badnell's Pit in Maidenhead was given permission by the Planning Inspectorate in March 2006 for the removal of landfill waste and replacement with clean fill.
- 7.121 Having been subject to unregulated landfill activities between the 1940s and 1960s, the site was heavily contaminated and there were concerns that removal of the material would cause a serious risk to health. However, the Planning Inspectorate concluded that, subject to conditions, the benefits of the proposed development were sufficient to outweigh the harm that might be caused. The site is now known as Boulters Meadow and is a residential development with over 400 homes.

Policy W5

Reworking landfills

1. Proposals for the re-working of landfill sites will only be permitted in appropriate locations where the proposals would result in beneficial use of the land and of the material being extracted; and, where appropriate, the landfill by-products.

Implementation

- 7.122 The extent of the opportunities for re-working of landfill sites in Central and Eastern Berkshire is unknown and it is likely that considerable work may need to be undertaken to ascertain the 'value' of the sites in Central and Eastern Berkshire by any potential developer. However, pressure on land for housing may result in these opportunities becoming more economically beneficial. Therefore, consideration should be given to the wider Development Plan for Central and Eastern Berkshire.

7.123 By-products associated with the landfill may include the leachate and/or the gas.

7.124 Proposals for re-working landfills will only be permitted which comply with all relevant policies within this Plan.

7.125 Proposals brought forward for the re-working of landfill will also need to consider backfill materials, if applicable, as part of the planned restoration.

Monitoring

7.126 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Appropriate re-working of landfills.	Permissions not in accordance with Policy W5	Number of Permissions not in accordance with Policy W5 > 0

Appendix A – Allocated Sites

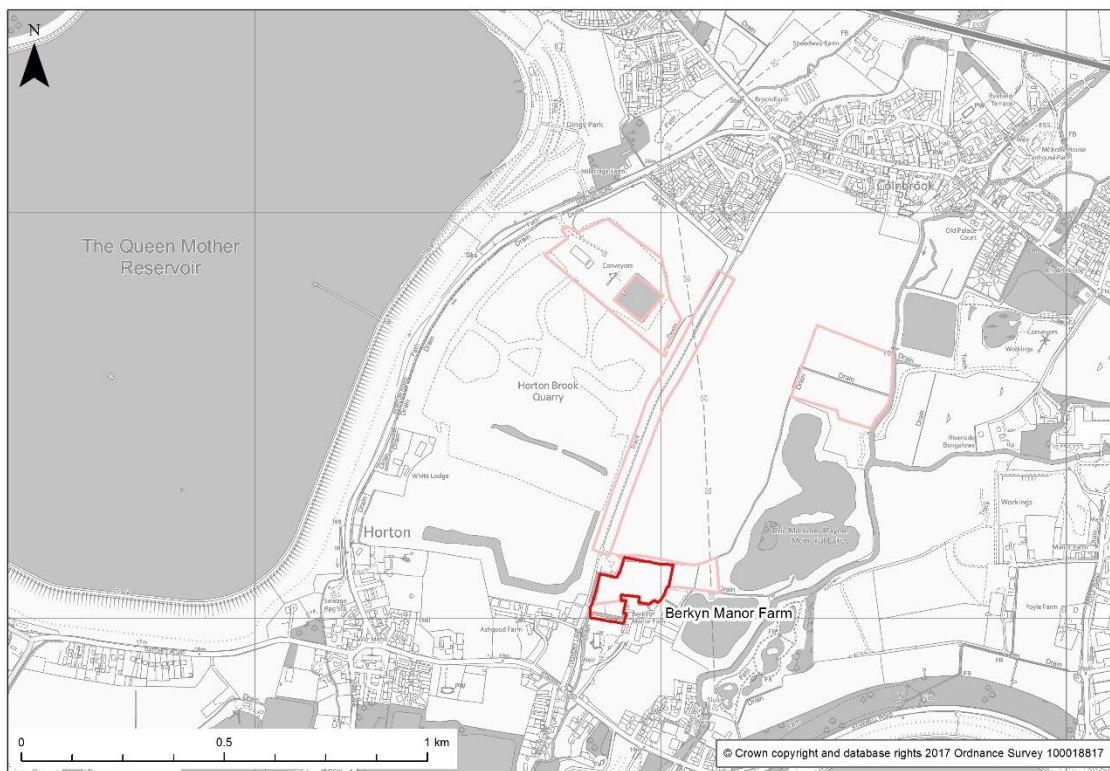
1. The following appendix provides information on the minerals and waste sites (listed alphabetically) that are allocated within the Plan:

Site Reference	Site Name	Location	Local Plan Authority	Proposal
WA 1	Berkyn Manor Farm	Horton	RBWM	Waste Management
WA 2	Horton Brook Quarry	Horton	RBWM	Waste Management
MA 1	Horton Brook and Poyle Quarry Extension	Horton	RBWM	Sand and Gravel Extraction
TA 1	Monkey Island Wharf	Bray	RBWM	Aggregate Wharf
MA 2	Poyle Quarry Extensions	Horton	RBWM	Sand and Gravel Extraction
WA 3	Stubbings Compound	Pinkneys Green	RBWM	Waste Management

2. The delineation of the site is shown by the red boundary. In the case of mineral extraction sites, it does not mean that working would extend to the site boundary as the allocation needs to include provision for buffer zones and mitigation measures. These will be determined through detailed site investigation, taking into account the development considerations for each site. Such measures will be covered by the planning permission, including the relevant conditions and / or legal agreements. It may also include provision for ancillary development such as plant, offices, access and weighbridge.
3. In the case of waste sites, types of waste activity that are considered suitable are provided. More detail on these activities is provided in Appendix B.
4. Development considerations are identified in the text accompanying each map in this appendix. They should be addressed alongside the other policies of the Plan. Development should be designed with appropriate mitigation measures, where applicable, to avoid or mitigate its impacts on the environment and local communities. Development considerations apply to minerals and waste developments in Central and Eastern Berkshire but may also include impacts that extend beyond the Plan boundary.

5. Development cannot be permitted if it may negatively affect the integrity of European protected sites. The development requirements for maintaining this integrity are identified with an asterisk (*) in the text and must be addressed.
6. The Plan does not specify how the development considerations may be addressed. This will be assessed at the planning application stage, which should present the most appropriate responses, which are likely to include detailed site appraisals and Environmental Impact Assessment (EIA). These will identify what effects the development will have, and how to tackle them. All assessment information and suggested mitigation measures should be clearly identified and form part of the pre-application discussions and consultation with communities.
7. For any development proposal at the sites identified in the Plan, all elements of the Plan need to be considered as well as the site-specific development considerations outlined in this Appendix.

Berkyn Manor, Horton (WA 1)



Local Planning Authority: The Royal Borough of Windsor & Maidenhead

Existing Use: Working farm estate with some industrial use.

Proposal: Green waste and / or energy recovery.

Waste activity categories:

Category	Activity
1	Open sites or ancillary open areas (possibly biological treatment)
2	Mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment)
3	Enclosed industrial premises (small scale)
4	Enclosed industrial premises (large scale)

Area: 2.7 ha

Development Considerations:

Ecology

- Protection of South West London Waterbodies Special Protection Area (SPA)/Ramsar*.
- Impacts on all roosting and foraging areas used by qualifying bird species of South West London Waterbodies SPA and Ramsar, in particular open grasslands within and adjacent to the site*.

- Impacts to Wraysbury reservoir Site of Special Scientific Interest (SSSI), Staines Moor SSSI, Wraysbury No.1 Gravel Pit SSSI, Wraysbury and Hythe End Gravel Pit SSSI.
- Impacts to Queen Mother Reservoir Local Wildlife Site (LWS), Arthur Jacob Nature Reserve LWS, Colne Brook LWS Horton and Kingsmead Lakes LWS.
- Consideration of hydrological impacts.
- Retention and buffering of hedgerows within site.
- Consideration of the Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area in restoration or operational landscaping.
- The restoration of the site must consider the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹¹¹.

Landscape & Townscape

- Existing vegetation should be conserved and protected, and additional buffer planting established to all boundaries.
- Enhanced screening is required.

Historic Environment:

- A Heritage Impact Statement is required.
- The setting of Grade II Listed Building to the south needs to be considered.

Transport:

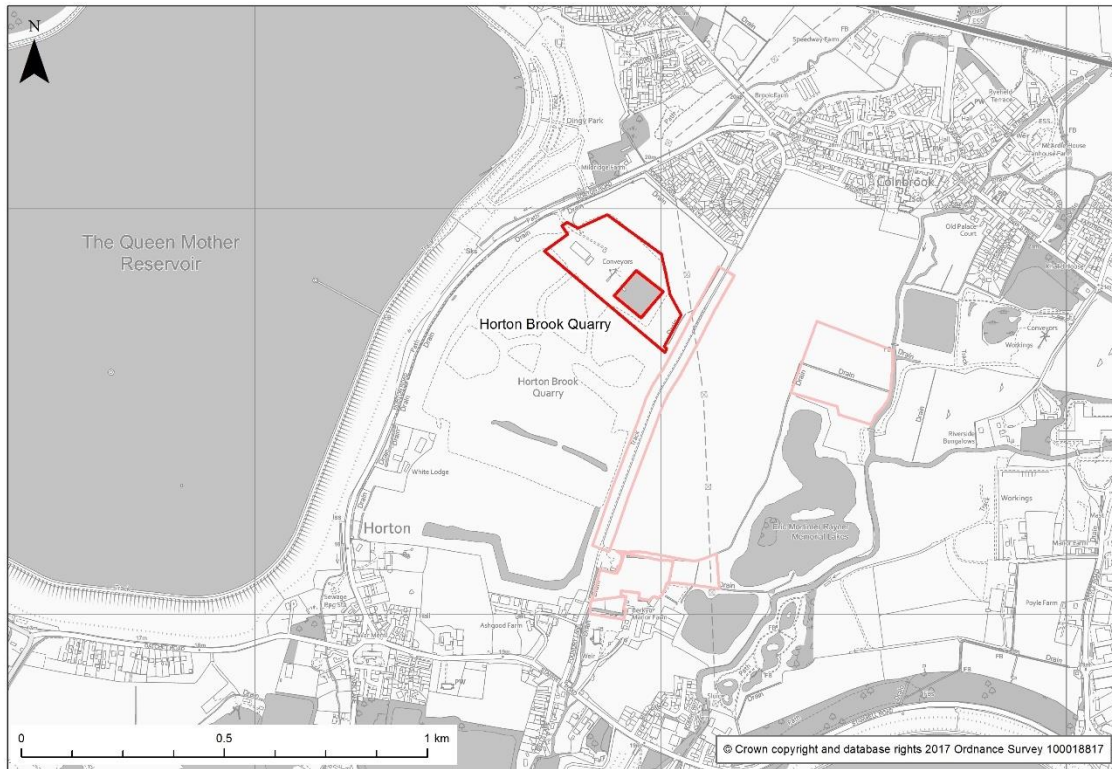
- A new access onto Poyle Road is required for mineral use and further investigation is required for a suitable access onto Stanwell Road for waste uses.
- A Transport Assessment or Statement is required.
- A HGV Routeing Agreement will be required.

Flood Risk & Water Resources

- A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required.
- Proximity to major / minor aquifers, in addition to Source Protection Zones.

¹¹¹ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.

Horton Brook Quarry, Horton (WA 2)



Local Planning Authority: The Royal Borough of Windsor & Maidenhead

Existing Use: Existing operational sand and gravel quarry.

Proposal: Inert recycling.

Waste activity categories:

Category	Activity
1	Open sites or ancillary open areas (possibly biological treatment)
2	Mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment)
3	Enclosed industrial premises (small scale)
4	Enclosed industrial premises (large scale)

Area: 55 ha

Development Considerations:

Ecology

- Protection of South West London Waterbodies Special Protection Area (SPA)/Ramsar*.
- Impacts on all roosting and foraging areas used by qualifying bird species of South West London Waterbodies SPA and Ramsar, in particular open grasslands within and adjacent to the site*.

- Impacts to Wraysbury reservoir Site of Special Scientific Interest (SSSI), Staines Moor SSSI, Wraysbury No.1 Gravel Pit SSSI, Wraysbury and Hythe End Gravel Pit SSSI.
- Impacts to Queen Mother Reservoir Local Wildlife Site (LWS), Arthur Jacobs Nature Reserve LWS, Colne Brook LWS, and Horton and Kingsmead LWS
- Retention and protection of a part of the site for nature conservation purposes during operation.
- Considerations of the objectives of the Colne Valley gravel Pits and Reservoirs Biodiversity Opportunity Areas (BOA) in restoration or operational landscaping proposals.

Landscape & Townscape

- Proposals should ensure adequate space is set aside for the establishment of a strong new landscape structure for this group of sites (Poyle Quarry and extensions, Berkyn Manor and Horton Brook) including large scale native species tree belts.
- Integrate new structures with effective screen planting, including along boundaries.
- Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs BOA.
- Restoration of the site must give consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹¹².

Transport:

- A Transport Assessment or Statement is required.
- An HGV Routeing Agreement will also be required (or maintain existing).

Flood Risk & Water Resources

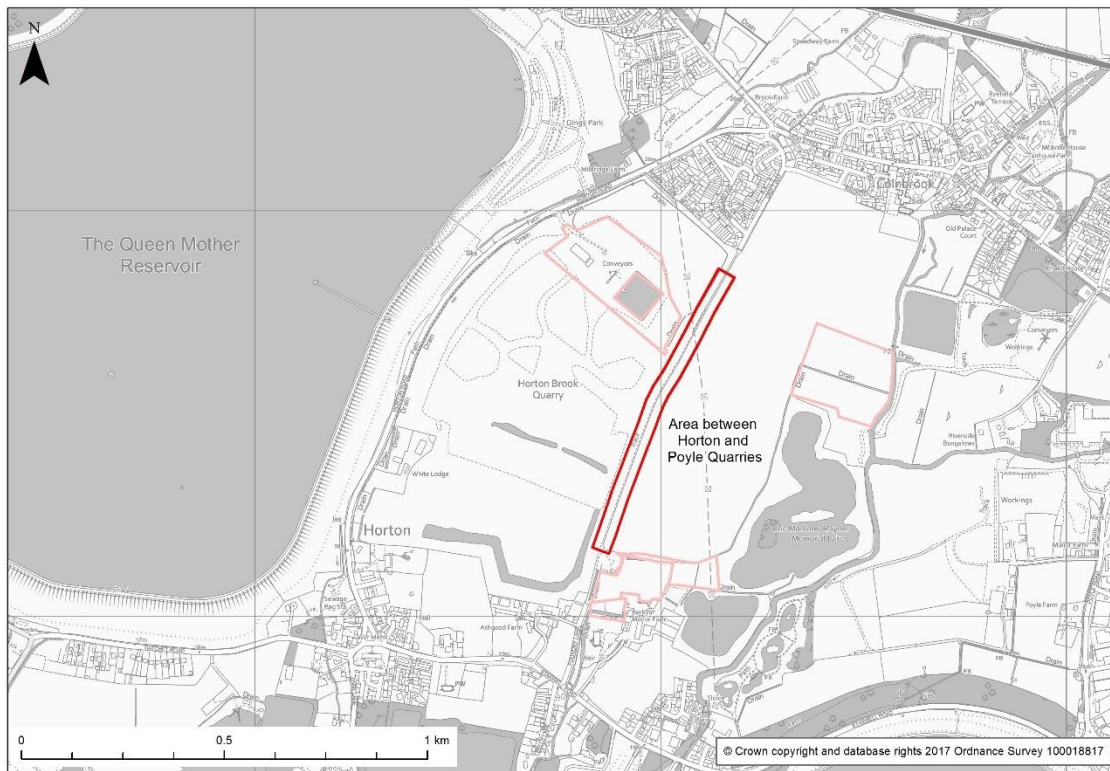
- A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required.
- Proximity to major / minor aquifers, in addition to Source Protection Zones.
- Consideration of the Colne Brook and its river corridor.

Utilities

- Statutory safety clearance of National Grid infrastructure.

¹¹² Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.

Horton Brook and Poyle Quarry Extension, Horton (MA 1)



Local Planning Authority: The Royal Borough of Windsor & Maidenhead

Existing Use: Bridleway (Colne Valley Way).

Proposal: Extension to Horton Brook and Poyle Quarry extracting 250,000 tonnes of sand and gravel with no processing on site.

Area: 3.75 ha

Development Considerations:

Ecology

- Protection of South West London Waterbodies Special Protection Areas (SPA) and Ramsar*.
- Impacts on all roosting and foraging areas used by qualifying bird species of South West London Waterbodies SPA and Ramsar, in particular open grasslands adjacent to the site*.
- Impacts on Arthur Jacob Nature Reserve Local Wildlife Sites (LWS), Queen Mother Reservoir LWS, Colne Brook LWS and Horton and Kingsmead Lakes LWS.
- Consideration of indirect impacts such as air and noise pollution.
- Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area.

Landscape & Townscape

- The Colne Valley Way Trail will need to be temporarily diverted and re-established as part of the restoration and applicants will need to work closely with the relevant authorities and the Colne Valley Regional Park.
- The bridleway route and restoration of the site must seek to improve connectivity and enhance the local public access network and give consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹¹³.

Transport:

- A Transport Assessment or Statement is required.
- An HGV Routeing Agreement will also be required (or maintain existing).

Historic Environment

- The archaeological potential is high and will need to be addressed during the determination of the planning application.

Flood Risk & Water Resources

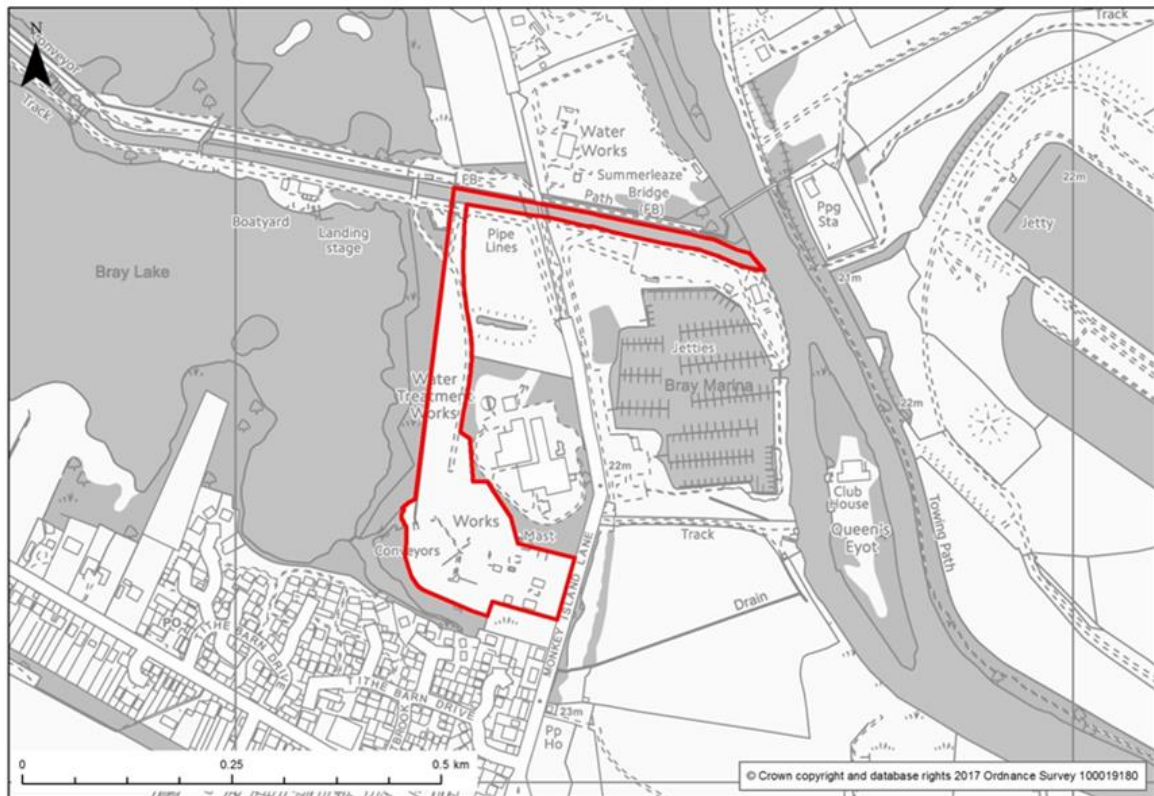
- A Flood Risk Assessment and Hydrological/Hydrogeological Assessment is required.

Utilities

- Statutory safety clearance of National Grid infrastructure.

¹¹³ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.

Monkey Island Lane Wharf, Bray (TA 1)



Local Planning Authority: The Royal Borough of Windsor & Maidenhead

Existing Use: No current use.

Proposal: Transport sand and gravel along the River Thames, through a 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.

Development Considerations:

Ecology

- Protection of Bray Pennyroyal field Site of Special Scientific Interest (SSSI) and Bray Meadows SSSI.
- Impacts to Greenway corridor Local Wildlife Site (LWS) within site, ensuring functionality as wildlife corridor is not compromised, and losses compensated.
- Impacts to Bray Pit Reserve LWS.
- Retention of semi-natural habitats within site to accommodate protected species.
- Consideration of pollution impacts to riverine habitats.

Landscape & Townscape

- Strengthen existing landscape structure with new tree and hedgerow planting to integrate new structures.

- Maintain and enhance the setting of the public access route to Bray Lake Recreation Area.

Historic Environment

- Archaeological issues would remain a material consideration and will need to be addressed during the determination of the planning application.

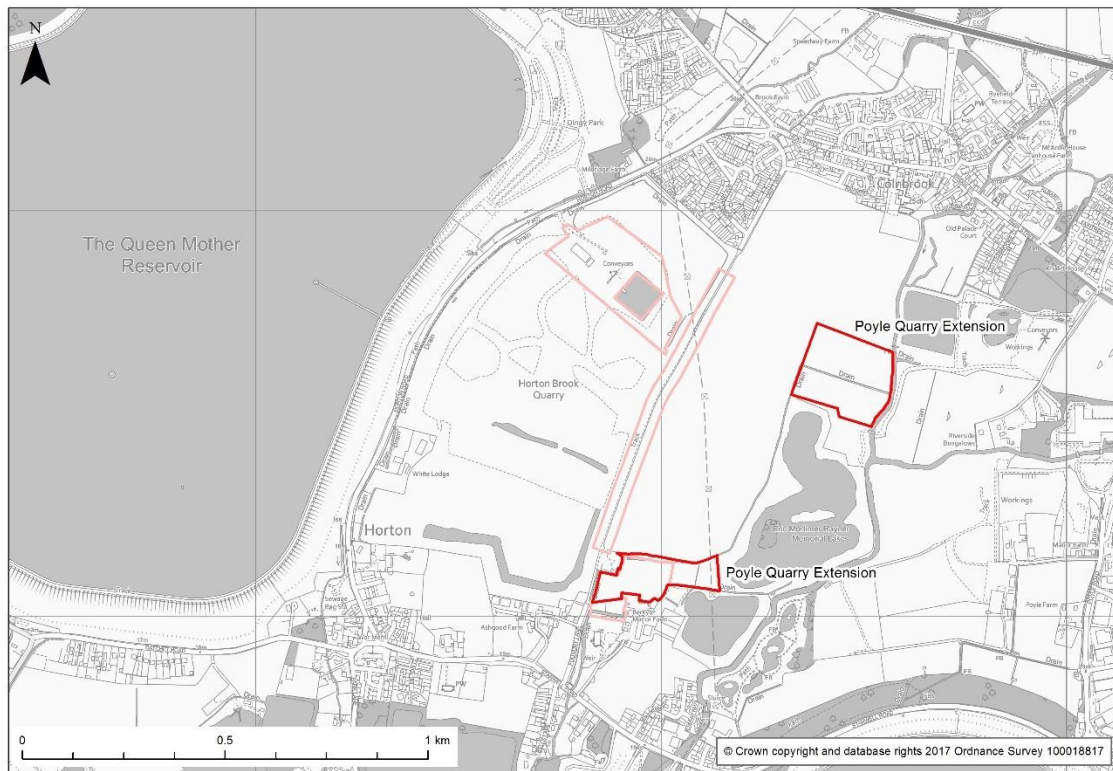
Transport:

- A Transport Assessment or Statement is required.
- An HGV and Barge Routeing Agreement will be required.

Flood Risk & Water Resources

- Site largely within Flood Zone 2/3 and Groundwater Source Protection Zone (1) – a Flood Risk Assessment and Hydrogeological Risk Assessment will be required.
- Proximity to major / minor aquifers, in addition to Source Protection Zones.
- Site will be accessed via the River Thames and the Cut – A Section 60 Accommodations License (which applies to mooring piles, slipways, landing stages and other private structural encroachments in the public river) will need to be secured. Consideration of The Cut, the River Thames and its river corridors.

Poyle Quarry (Extensions), Horton (MA 2)



Local Planning Authority: The Royal Borough of Windsor & Maidenhead

Existing Use: Arable fields

Proposal: Extension to Poyle Quarry extracting 250,000 tonnes of sand and gravel with no processing on site.

Area: 4 ha and 2 ha

Restoration: Agriculture at original ground levels.

Development Considerations:

Ecology

- Protection of South West London Waterbodies Special Protection Areas (SPA) and Ramsar*.
- Impacts on all roosting and foraging areas used by qualifying bird species of South West London Waterbodies SPA and Ramsar, in particular open grasslands within and adjacent to the site*.
- Impacts on Arthur Jacob Nature Reserve Local Wildlife Sites (LWS), Queen Mother Reservoir LWS, Colne Brook LWS and Horton and Kingsmead Lakes LWS.
- Consideration of indirect impacts such as air and noise pollution.

Landscape & Townscape

- Proposals should ensure adequate space is set aside for the establishment of a strong new landscape structure for this group of sites (Poyle Quarry and extensions, Berkyn Manor and Horton Brook) including large scale native species tree belts.
- Consideration needs to be given to the realignment of the Colne Valley Way, and the quality of its setting.
- Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area.

Historic Environment

- A Heritage Impact Assessment is required.
- The archaeological potential is high and will need to be addressed during the determination of the planning application.
- The setting of Grade II Listed Building to the south needs to be considered.

Transport

- Provision of a new access will be required, most likely onto Poyle Road.
- A Transport Assessment or Statement is required.
- An HGV Routing Agreement will be required.

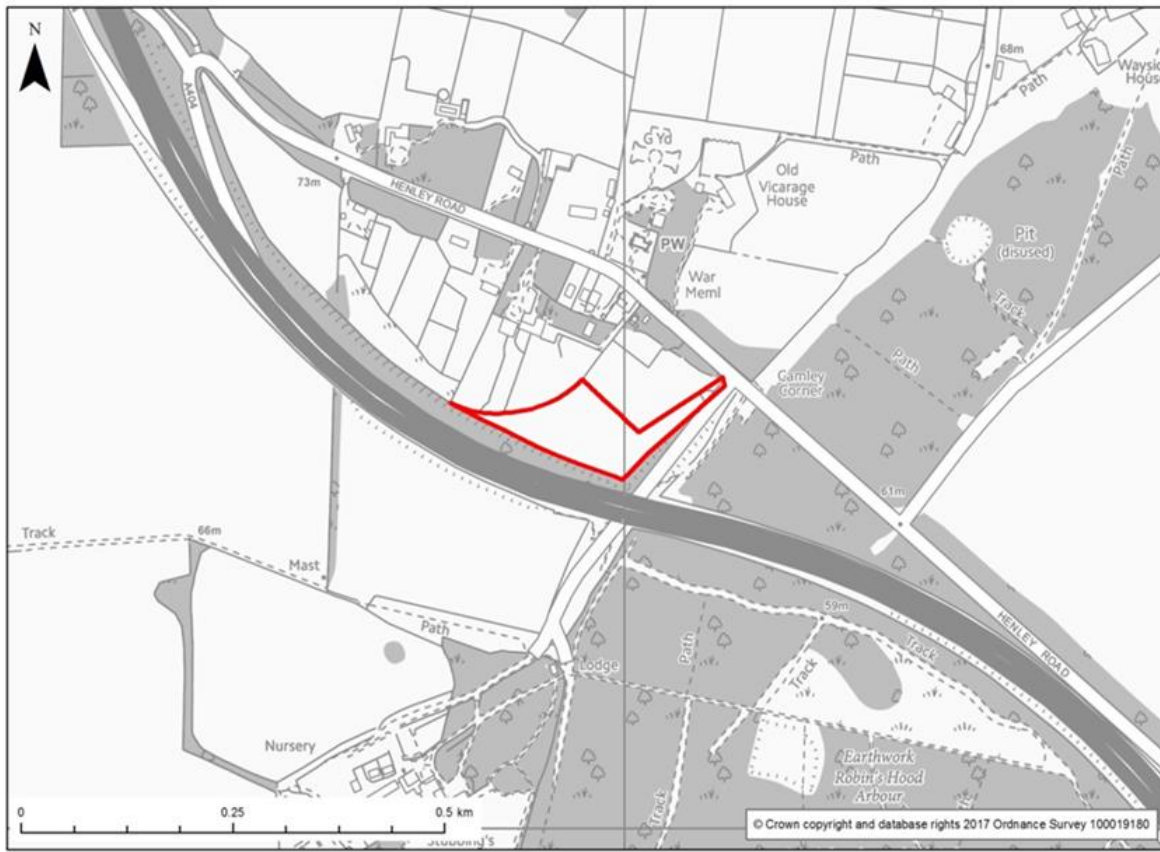
Flood Risk & Water Resources

- Both sites partly within Flood Zones 2 and/or 3
- The site is not located within a Source Protection Zone (SPZ) but the closest SPZ is located to the west of the site approximately under 1km away.
- Proximity to major / minor aquifers, in addition to Source Protection Zones. A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required.
- Consideration of the River Colne and its river corridor.

Utilities

- Statutory safety clearance of National Grid infrastructure.

Stubbings Compound, Pinkneys Green, Maidenhead (WA 3)



Local Planning Authority: The Royal Borough of Windsor & Maidenhead

Existing Use: Hardstanding with permission for agricultural barn.

Proposal: Green waste processing (excluding open windrow composting).

Waste activity categories:

Category	Activity
2	Mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment)
3	Enclosed industrial premises (small scale)

Area: 2 ha

Development Considerations:

Ecology

- Impacts and adequate buffering of Maidenhead Thicket Local Wildlife site (LWS).
- Impacts to Carpenters Wood, Dungrove Hill LWS, and Temple Golf Course LWS.
- Retention and buffer of mature boundaries.

- Consideration of surface water discharge to ground pollution.

Landscape & Townscape

- Enhanced screen planting is required for adjacent residential properties.

Transport:

- A Transport Assessment or Statement will be required – this would need to demonstrate sufficient splays from the existing access.
- An HGV Routeing Agreement will be required.

Flood Risk & Water Resources

- Site in Groundwater Source Protection Zone (3) – a Hydrogeological Risk Assessment will be required.
- Proximity to major / minor aquifers, in addition to Source Protection Zones.

Appendix B – Waste Facility Categories

1. A range of different waste management facilities have been classified based on the types of activities involved. These categories should be used to inform the suitability of the allocation sites for waste activities.

Category 1: Activities requiring open sites or ancillary open areas (possibly involving biological treatment)

Description / overview	<ul style="list-style-type: none"> • Activities requiring space for storage of waste and machinery (e.g. recycling crusher and screener; vehicle dismantlers). Open sites can accommodate processing equipment (e.g. storage containers/skips, loaders for shipment) • Activities similar to some agricultural practices require large open spaces (e.g. composting plants using open air windrows (elongated piles)). Large areas of land are converted to hard-standing areas for the running of machinery, and soil and ground water protection measures • Small proportion of the site may include building (e.g. for staff facilities)
Waste facilities	<ul style="list-style-type: none"> • Open windrow composting (composting sites typically require sites 2-3 hectares) • Aggregate recycling / construction and demolition waste processing (typically require 2 hectares or greater) • Processing incinerator bottom ash (IBA) • End of Life Vehicle (ELV) processing / scrap metal yard • Soil hospital (remediation of contaminated soils) • Household Waste Recycling Centre (HWRC) or Civic Amenity Site (typically approximately 0.8hectare site required)
Examples of waste streams handled	<ul style="list-style-type: none"> • Unsorted or segregated household waste • Construction waste (soils, rubble etc) • Incinerator bottom ash • Scrap vehicles • Biodegradable municipal solid wastes and industrial wastes converted to composted products (garden type waste collected separately or co-collected with kitchen waste that is suitable for open windrow composting)
Appropriate locations for these activities (including site requirements)	<ul style="list-style-type: none"> • Typically located in rural or urban fringe sites (where access is good). • Close proximity to development areas (markets) is preferable (it is often not viable to transport

	<p>materials such as recycled aggregate long distances).</p> <ul style="list-style-type: none"> • Larger scale centralised composting facilities can be located at selected composting sites, but smaller facilities can be located at landfill sites, sewage treatment works, industrial sites and transfer stations. • Small scale composting operations are also located on farms, due to their ability to exploit existing infrastructure, equipment, and labour associated with normal farm activities¹¹⁴. • Aggregate recycling sites and ELV sites can be located on industrial estates alongside heavier industrial uses (affordable sites of an adequate size can be very difficult to obtain for these uses however). • Aggregate recycling activities (usually temporary operations) can also be located at mineral workings and landfill sites and at demolition and construction sites where the spoil is to be used in the project itself. • Rail sidings can be used for activities whereby materials are loaded for shipment to market (transshipment of waste). • Household Waste Recycling Centres and Civic Amenity sites require good access from the primary road network and sufficient vehicle queuing space.
Locations where activities would be unsuitable	<ul style="list-style-type: none"> • Would not normally be compatible with a business park environment or an urban setting, or close to villages. • An appropriate distance of 'buffer' would be required between operations and sensitive receptors. • Should be located at appropriate distances from sensitive habitats (where there are potential dust and bioaerosol impacts).

¹¹⁴ Most on-farm facilities possess waste management exemptions, and all community-run sites are exempt and so are restricted in size

Category 2: Activities requiring a mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment)

<p>Description / overview</p>	<ul style="list-style-type: none"> • Activities which involve temporary storage of waste usually consist of buildings where vehicles deliver waste either onto the floor, into bays, or into compaction units. Inert wastes in particular may be transferred to such sites and stored in the open. • Facilities may require extensive plant and specialist machinery. • For instance, hard standing areas to site recycling bins, skips and possibly compactors which can be fully / partially enclosed or open. • Unsorted waste may be stored in open bunkers or skips, housed within a building. Facilities may be co-located on sites (e.g. storage alongside a Waste Transfer Station). • Sites usually require a minimum of 0.5 hectares (but size depends on throughput).
<p>Waste facilities</p>	<ul style="list-style-type: none"> • Outdoor Waste Transfer Station (where space required for open storage). • Anaerobic digestion (AD) plant (small scale) (agricultural / rural locations) (unsorted waste, segregated waste and residual waste may be stored in open bunkers, possibly outside). • Enclosed composting systems¹¹⁵. • MBT (Mechanical Biological Treatment) plant (including biological treatment e.g. AD)¹¹⁶. • Sites for aggregating waste wood (sorting and processing). • Biological treatment of liquid waste and leachate (can involve enclosed buildings and tanks in open areas). • Wastewater Treatment Works.
<p>Examples of waste streams handled</p>	<ul style="list-style-type: none"> • Unsorted or segregated household or commercial waste • Green waste • Specialist wastes (e.g. liquid waste and leachate)
<p>Appropriate locations for these</p>	<ul style="list-style-type: none"> • Enclosed composting facilities are suited to areas allocated for employment / industrial uses in urban areas and are compatible with the more

¹¹⁵ e.g. In-vessel composting (IVC) allows collected food waste to be composted on a large scale. IVC is not considered as environmentally beneficial as anaerobic digestion. For effective waste handling, a covered waste reception area, as well as hard standing for post composting and a covered storage area are needed.

¹¹⁶ The term 'mechanical and biological treatment' (MBT) is commonly used to describe a hybrid process which combines mechanical and biological techniques used to sort and separate mixed household waste.

<p>activities (including site requirements)</p>	<p>intensive B2 activities under the Use Classes Order.</p> <ul style="list-style-type: none"> • Small scale AD plants (throughput of circa 5000 tonnes per annum) can be located on sites less than 0.5 hectares (Wastewater Treatment Works in particular can provide suitable locations). • Facilities to recycle agricultural waste can be located on farms (digestate from AD plants may be used by neighbouring farms). • Options for locating wastewater treatment plant are very limited and are typically linked to existing infrastructure.
<p>Locations where activities would be unsuitable</p>	<ul style="list-style-type: none"> • An appropriate distance of 'buffer' would be required between operations producing bioaerosols / odours, and sensitive receptors. • Should be located at appropriate distances from sensitive habitats (where there are potential dust and bioaerosol impacts). • Facilities involving open-air activities with potential to generate noise would not normally be compatible with a business park environment, an urban setting, or close to villages.

Category 3: Activities requiring enclosed industrial premises (small scale)

Description / overview	<ul style="list-style-type: none"> • Waste developments are increasingly enclosed within new or existing structures, often sited on brownfield or industrial land; allowing for a large proportion of the perceived issues / problems to be mitigated for, i.e. dust and noise. • 'Small scale' enclosed premises are typically <1-2 hectares (throughput of approx. 50,000 tonnes per annum). • Usually located on industrial estates. • Enclosing activities helps to mitigate against many noise / odour issues.
Waste facilities	<ul style="list-style-type: none"> • Plant for Refused Derived Fuel production (small scale e.g. Mechanical Heat Treatment / Autoclaving)¹¹⁷. Autoclaving is a pressurised steam treatment process that can produce fuel pellets or pulp (by 'cooking' waste). • Dis-assembly and re-manufacturing plant (Waste Electronic & Electrical Equipment recycling). • Enclosed waste transfer station (designed to process dry, separated recyclables). • Small-scale recyclables processing facility.
Examples of waste streams handled	<ul style="list-style-type: none"> • All types of non-hazardous waste typically handled (e.g. dry mixed recyclables) • Inert waste may also be handled (e.g. sorting of construction waste, glass etc) • Clean waste wood can be handled for recycling • Waste Electronic & Electrical Equipment
Appropriate locations for these activities (including site requirements)	<ul style="list-style-type: none"> • As activities can be similar to other industrial activity, these facilities can be located on land previously used for general (B2) industrial activities or B1 uses (light industry appropriate in a residential area). • The requirement for good transport infrastructure is essential and therefore, where possible, should be located close to the primary road network or have potential access to rail. • Placement of sites near to the source of waste is increasingly important, by limiting movement of waste from source the impact of sites decreases.

¹¹⁷ Refuse-derived fuel, (RDF), is made by refining municipal solid waste in a series of mechanical sorting and shredding stages to separate the combustible portion of the waste. Either a loose fuel, known as fluff, floc or coarse RDF (c-RDF), or a densified pellet or briquette (d-RDF) is produced.

Locations where activities would be unsuitable	<ul style="list-style-type: none">• Sites with existing access issues should be avoided where possible.• Areas should be avoided where facilities seeking expansion of existing hardstanding would encroach into flood zones.
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Category 4: Activities requiring enclosed industrial premises (large scale)

<p>Description / overview</p>	<ul style="list-style-type: none"> • Large buildings required to process mixed waste primarily via mechanical and / or biological means. • Various physical separation and waste reduction techniques can be used either as standalone operations or in combination. Such activities are typically housed in an enclosed 'warehouse' type building. • 'Large scale' enclosed premises typically require site of 2-4 hectares (throughput can be up in excess of 100,000 tonnes per annum).
<p>Waste facilities</p>	<ul style="list-style-type: none"> • Materials Recovery Facility (MRF) (for dry recyclables). • Enclosed Anaerobic Digestion (AD) plant (large scale). • Enclosed MBT (Mechanical Biological Treatment) (large scale integrated plant)¹¹⁸.
<p>Examples of waste streams handled</p>	<ul style="list-style-type: none"> • Unsorted 'black bag' wastes (AD and MBT) • Residual household waste following doorstep separation of dry recyclables / green waste • Residual waste following separation of recyclables / organics at another facility.
<p>Appropriate locations for these activities (including site requirements)</p>	<ul style="list-style-type: none"> • Large scale processing operations can take place in a range of buildings and at different locations. Preference should be given to industrial or degraded sites or sites on or close to existing waste management facilities. • B1 / B2 and B8 use class designations may potentially be acceptable. • Sites need to be suitable for use by HGVs. • Consideration should be given to the potential for co-location with rail or barge transfer operations.
<p>Locations where activities would be unsuitable</p>	<ul style="list-style-type: none"> • Mixed household waste has the potential to cause additional nuisance from litter, odour and leachate. The planning and siting considerations will therefore be different to dry recyclables processing. • Locating sites close to residential development should be avoided. Some operations which involve mechanical processing and external loading and unloading of material may be

¹¹⁸ The term 'mechanical and biological treatment' (MBT) is commonly used to describe a hybrid process which combines mechanical and biological techniques used to sort and separate mixed household waste and produce a Refused Derived Fuel (RDF).

	<p>inherently noisy which will also affect the choice of site.</p> <ul style="list-style-type: none">• Sites with existing access issues should be avoided where possible.• Areas should be avoided where facilities seeking expansion of existing hardstanding would encroach into flood zones.
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Category 5: Activities requiring enclosed building with stack (small scale)

<p>Description / overview</p>	<ul style="list-style-type: none"> Plants with a throughput of approx. 50,000 tonnes per annum. Smaller scale thermal treatment facilities are often designed to receive a specific component of the waste stream. Can offer a waste management option which is more likely to be accepted by local residents. Energy is generated. Often combustion chambers are fired up according to the need to respond to fluctuations in the supply of waste. Gasification is a thermal process in which carbon is converted to a syngas leaving a solid residue. Pyrolysis takes place either in the complete absence of oxygen or with limited oxygen. Require site of <1-2 hectares.
<p>Waste facilities</p>	<ul style="list-style-type: none"> Pyrolysis and gasification technologies (advanced thermal treatment). Small scale incinerator. Small thermal plants (Combined Heat & Power (CHP) plant)¹¹⁹. Small thermal treatment plants (furnaces or kilns) are also used to treat clinical wastes at hospital sites.
<p>Examples of waste streams handled</p>	<ul style="list-style-type: none"> Capable of handling a wide range of waste materials. Can be specifically designed to take a pre-processed feedstock or refuse derived fuel (RDF) (see categories 3 and 4 above). Can be used to treat clinical wastes at hospital sites. Unburned residue (bottom ash) is produced after combustible material is burnt. There are three products of pyrolysis: gas, liquid and a solid known as char.
<p>Appropriate locations for these activities (including site requirements)</p>	<ul style="list-style-type: none"> Localities which are as close as possible to the source of waste arisings in order to minimise transport. Sites which offer the potential for CHP and export of energy to businesses which would otherwise use fossil fuel sources. May also be

¹¹⁹ The revised Waste Framework Directive sets a threshold above which energy efficient municipal waste incinerators can be classified as recovery facilities, and below which they continue to be classified as disposal facilities.

	<p>considered as part of large scale residential developments.</p> <ul style="list-style-type: none"> • Can be more suited to rural areas and areas of dispersed population centres than large-scale facilities. • Most small thermal plants have been designed to treat specific industrial waste streams as part of combined heat and power (CHP) arrangements. CHP may be connected to existing decentralised energy networks in town and city centres for instance. • Preference should be given to areas allocated for business use or in traditional commercial/industrial urban areas. • Existing waste sites should also be considered. Plants can be located alongside modern industrial buildings or as a part of business parks where CHP potential can be developed. • Pyrolysis and gasification- the scale of individual buildings and process components is likely to be compatible with most small / medium sized industrial activities.
<p>Locations where activities would be unsuitable</p>	<ul style="list-style-type: none"> • Should be located appropriate distances from sensitive habitats and other sensitive receptors (e.g. residential). • Safeguarding zones around aerodromes where building height is restricted should be avoided. • Pyrolysis and gasification facilities should avoid sites closer than 250m of housing etc where possible or demonstrate emission standards can be met where closer.

Category 6: Activities requiring enclosed building with stack (large scale)

Description / overview	<ul style="list-style-type: none"> Plants with a throughput of approx. 200,000 tonnes per annum. Plants typically designed to handle large volumes of mixed waste following the 'mass combustion' approach. Designed to burn waste as efficiently as possible, usually recovering energy. The volume of waste needing disposal following treatment is reduced by approximately 90%, reducing the need for landfill. The whole process is typically contained within a single building. Legislation requires that all new and existing plants operate to extremely high environmental standards. Require site of 2-5 hectares.
Waste facilities	<ul style="list-style-type: none"> Energy Recovery Facility ('mass burn' with energy generation)¹²⁰; Fluidised bed incinerators generally require some form of refuse derived fuel (RDF). Biomass plant (including proportion of waste biomass feedstock)
Examples of waste streams handled	<ul style="list-style-type: none"> Can receive between 90,000 and 600,000 tonnes of waste per year. Capable of handling a wide range of waste materials. Contaminated paper (e.g. with grease from food) can be more suited to energy recovery.
Appropriate locations for these activities (including site requirements)	<ul style="list-style-type: none"> Often located in or near urban areas. Compatible with the more intensive Class B2 activities under the Use Classes Order. Existing waste sites should also be considered. Should be located as close as possible to the source of waste arisings in order to minimise transport. Should be located on sites which offer the potential for combined heat and power (CHP) and export of energy to nearby businesses.
Locations where activities would be unsuitable	<ul style="list-style-type: none"> Not normally be compatible with a hi-tech business park environment or a rural/semi rural setting.

¹²⁰ The revised Waste Framework Directive sets a threshold above which energy efficient municipal waste incinerators can be classified as recovery facilities, and below which they continue to be classified as disposal facilities

	<ul style="list-style-type: none">• Should be located appropriate distances from sensitive habitats and other sensitive receptors (e.g. residential).• Safeguarding zones around aerodromes where building height is restricted should be avoided.
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Category 7: Landfilling

<p>Description / overview</p>	<ul style="list-style-type: none"> • Modern landfill practice requires a significant degree of engineering in order to contain tipped waste, control emissions and minimise potential environmental effects. • The majority of landfills are operated on a phased cell system whereby, as one cell is being filled, another is being prepared, and another is being completed / restored¹²¹.
<p>Waste facilities</p>	<ul style="list-style-type: none"> • Waste disposal mainly below ground level (infilling a void). Landraise, also generically referred to as landfill, refers to waste disposal mainly above pre-existing ground levels. • The primary by-products where biodegradable materials are disposed of are landfill gas and leachate (requiring ancillary operations including abstraction systems). • Inert waste can be used to restore minerals workings. • Sites may include a separate protective cell for hazardous materials.
<p>Examples of waste streams handled</p>	<ul style="list-style-type: none"> • Most types of non-hazardous waste may be disposed of via landfill although as disposal is increasingly discouraged, the future role of landfill is likely to be limited to the residues of other waste management operations such as incinerator ashes and materials recovery facility (MRF) rejects etc. • Hazardous wastes (although certain hazardous wastes are banned from landfill disposal). • Inert waste (non-biodegradable) is a restoration material and is not classed as landfilling.
<p>Appropriate locations for these activities (including site requirements)</p>	<ul style="list-style-type: none"> • Landfill sites sited where an existing void is available, such as in existing mineral workings. • The location of land-raise sites is less limited and may include derelict land, or extensions to existing landfills. • Landfill sites tend to be located in rural areas. • Range in size from just a few hectares (Ha) to over 100 Ha. The larger sites are more economically viable.
<p>Locations where activities would be unsuitable</p>	<ul style="list-style-type: none"> • Sites close to housing, commercial or recreational areas etc. should generally be avoided.

¹²¹ Cells are holes which are lined with a waterproof liner and contain systems to manage landfill gas and leachate/ liquids. When complete the cells are covered with clay to seal the waste.

	<ul style="list-style-type: none">• Areas overlying principal aquifers or close to potable waters should also be avoided.• Sensitive habitats should be avoided.• Bird strike' zones around aerodromes should be avoided.
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Appendix C – Preferred Waste Areas

- The following appendix provides information on the industrial estates and industrial land (listed alphabetically by Authority) that are Preferred Waste Areas within the Plan:

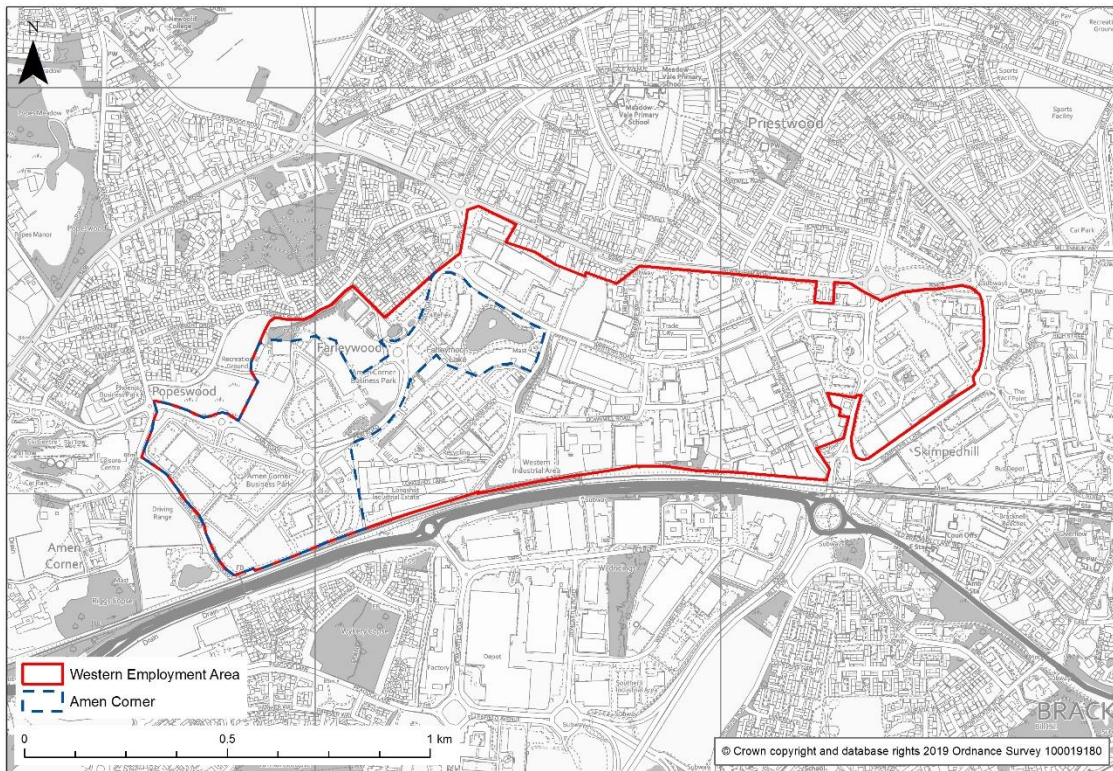
Preferred Waste Area	Local Planning Authority
Western Employment Area (parts), Bracknell	Bracknell Forest
Longshot Industrial Estate (within Western Employment Area), Binfield	Bracknell Forest
Eastern Employment Area, Bracknell	Bracknell Forest
Vulcan Way Employment Area, Sandhurst	Bracknell Forest
Bennet Road Area, Reading	Reading
North of Basingstoke Road, Reading	Reading
Elgar Road, Reading	Reading
Portman Road / Deacon Way Area, Reading	Reading
Richfield Avenue / Tessa Road Area, Reading	Reading
Paddock Road Industrial Estate, Reading	Reading
South of Basingstoke Road, Whitley	Reading
Wigmore Lane, Reading	Reading
Bridgewater Close, Reading	Reading
Island Road Major Opportunity Area, Reading	Reading
Newlands Farm, Crowthorne	Wokingham
Toutley Road Depot, Emmbrook	Wokingham
Molly Millars Lane Area (parts), Wokingham	Wokingham
Suttons Industrial Park, Earley	Wokingham
Hogwood Lane Business Area (parts), Wokingham	Wokingham
Headley Road Industrial Estate, Wokingham	Wokingham
Headley Park, Wokingham	Wokingham
Ruscombe Business Park (parts), Ruscombe	Wokingham
Nine Mile Ride Industrial Park, Wokingham	Wokingham
Brookside Business Park, Swallowfield	Wokingham
Cutbush Lane Business Area, Wokingham	Wokingham

- The delineation of the site is shown by the red boundary. The types of waste activity that are considered suitable are provided. More detail on these activities is provided in Appendix B.
- Development should be designed with appropriate mitigation measures, to avoid or mitigate its impacts on the environment and local communities. These will need to be addressed at the planning application stage, which should present the most appropriate responses, which are likely to include detailed site appraisals and Environmental Impact Assessment (EIA). These will identify what effects the development will have, and how to tackle them. All assessment information and suggested mitigation measures should be clearly

identified and form part of the pre-application discussions and consultation with communities.

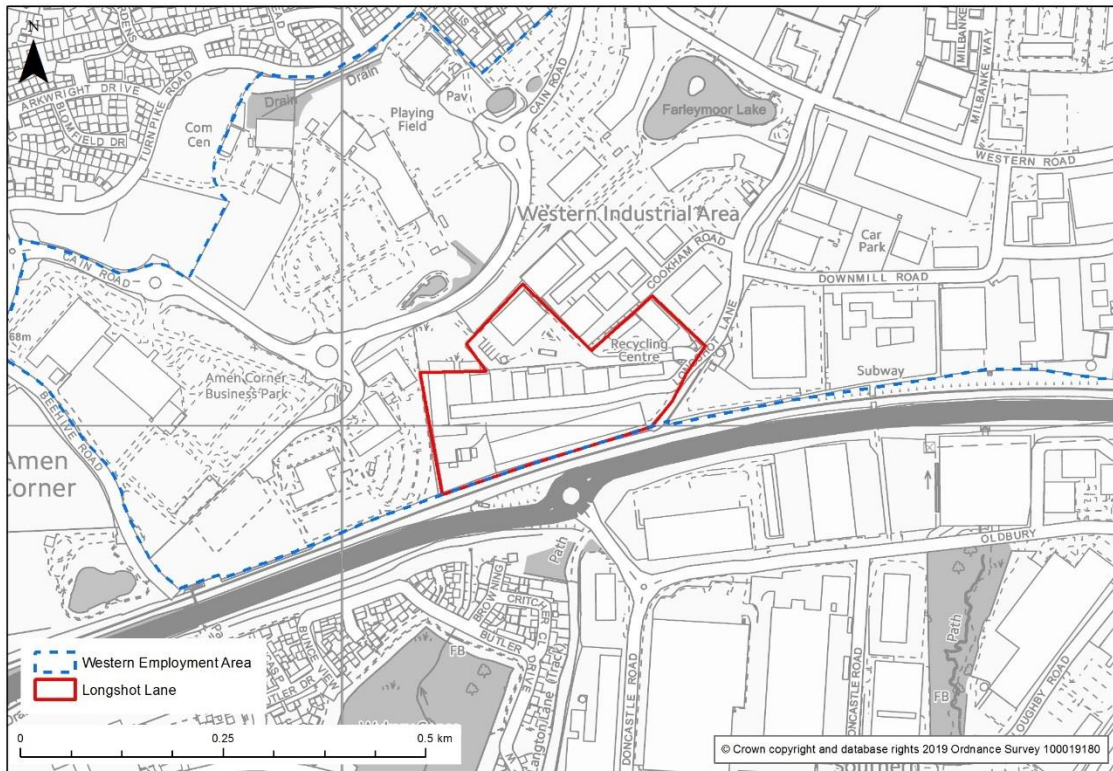
4. For any development proposal at the sites identified in the Plan, all elements of the Plan need to be considered as well as the wider Local Plans and development strategies for Central and Eastern Berkshire.

Site Name	Western Employment Area
Location	Western Road, Bracknell, RG12 1RE
Current use (specify class classification)	B1 / B8
Part of this industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) • Category 4: Activities requiring enclosed industrial premises (large scale). 	

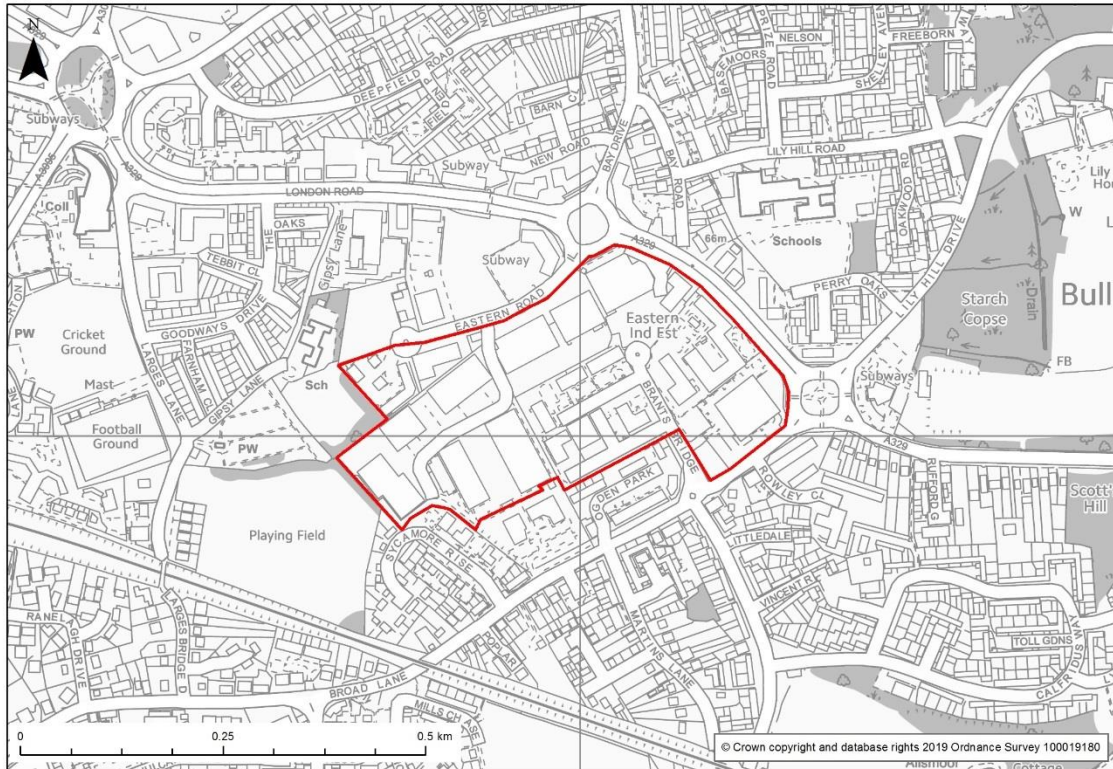


N.B. Amen Corner is an area within the Western Employment Area that is occupied by a number of large HQ style office buildings and is considered to be unlikely to be suitable as waste operations are not considered compatible with high value business parks.

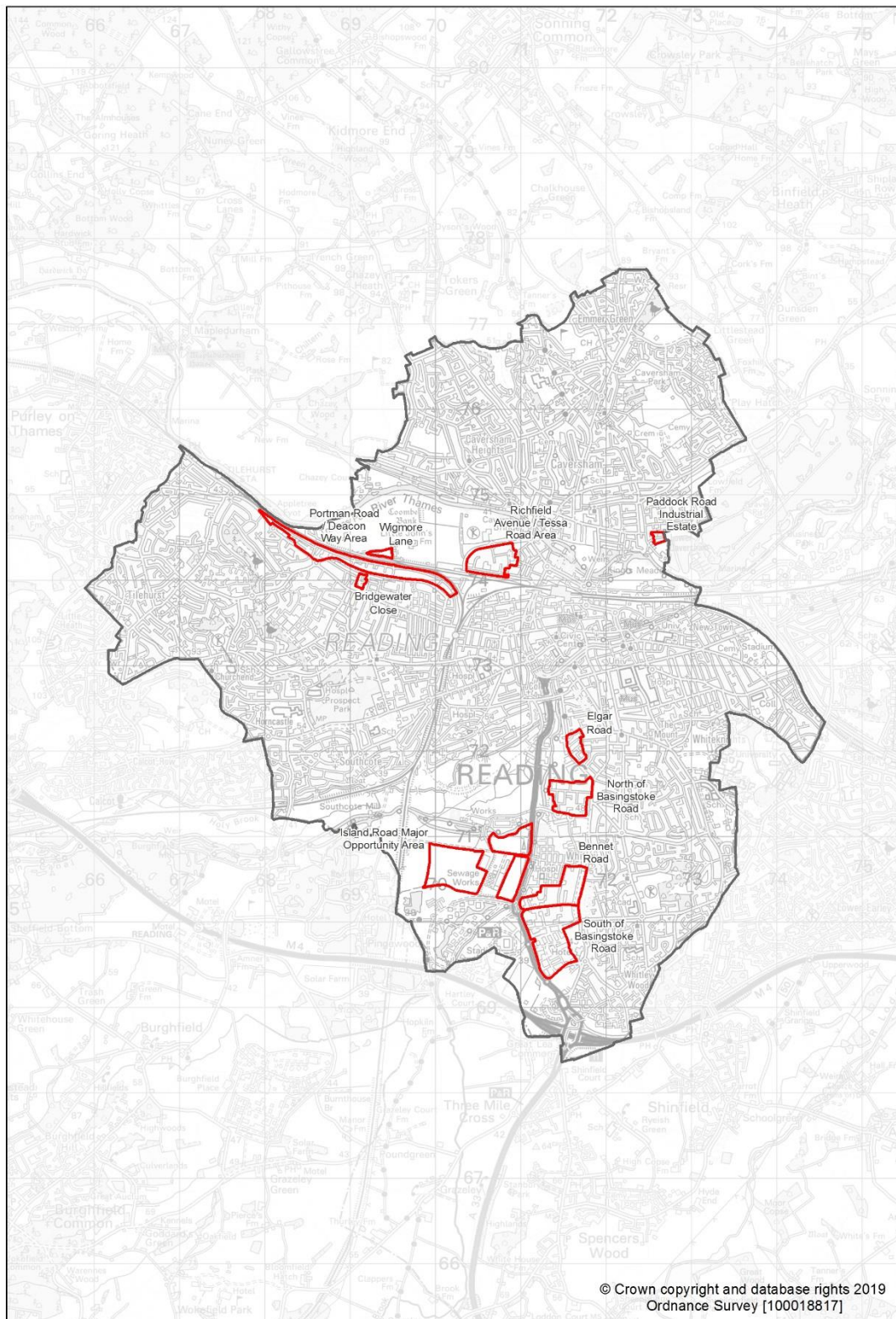
Site Name	Longshot Industrial Estate (within Western Employment Area)
Location	Longshot Lane, Binfield, Bracknell RG12 1RL
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



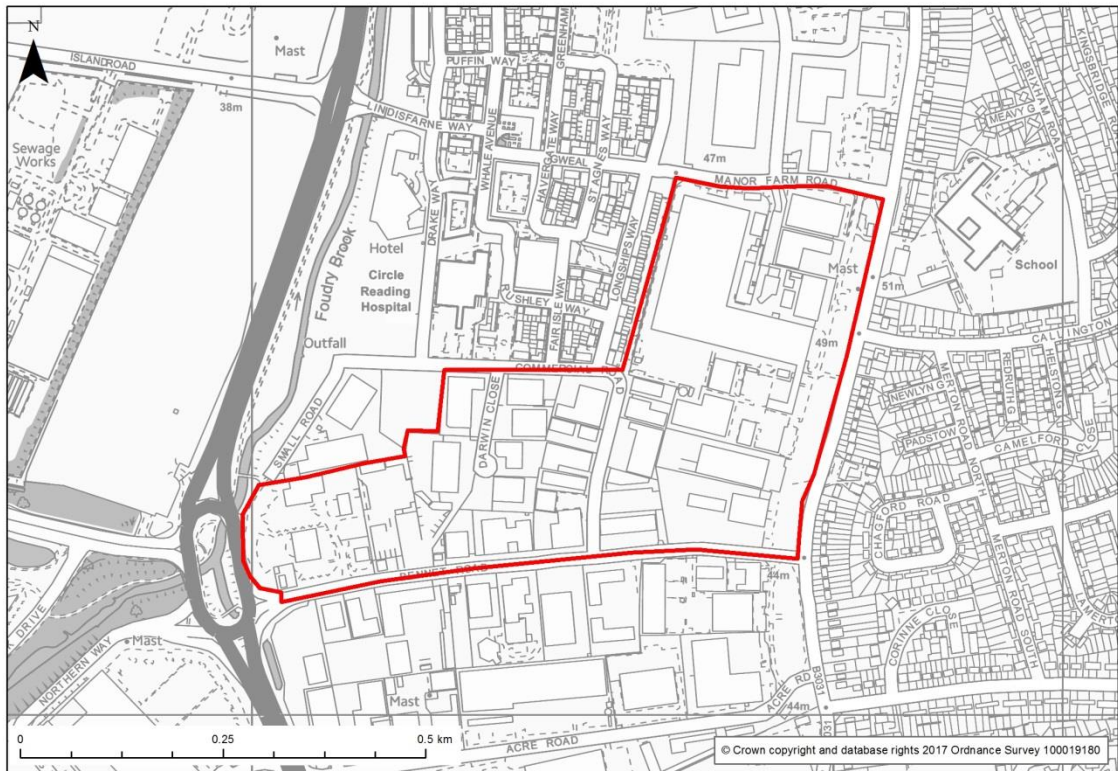
Site Name	Eastern Employment Area
Current use (specify class classification)	B1 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



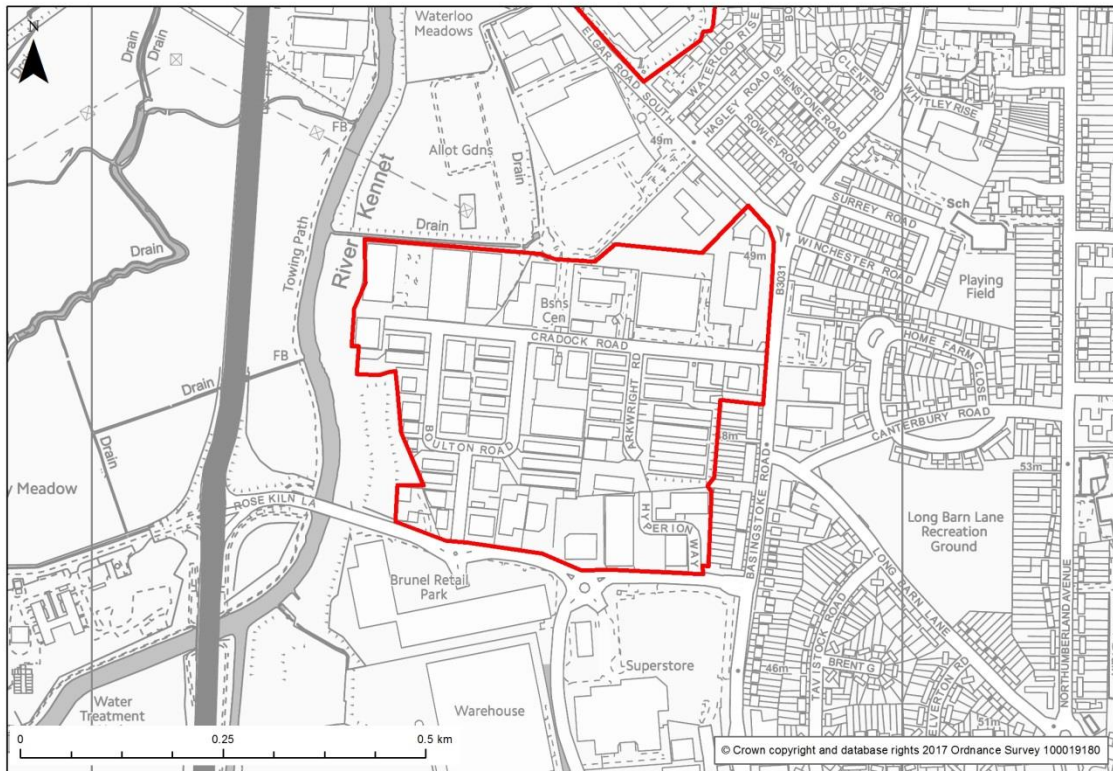
Reading



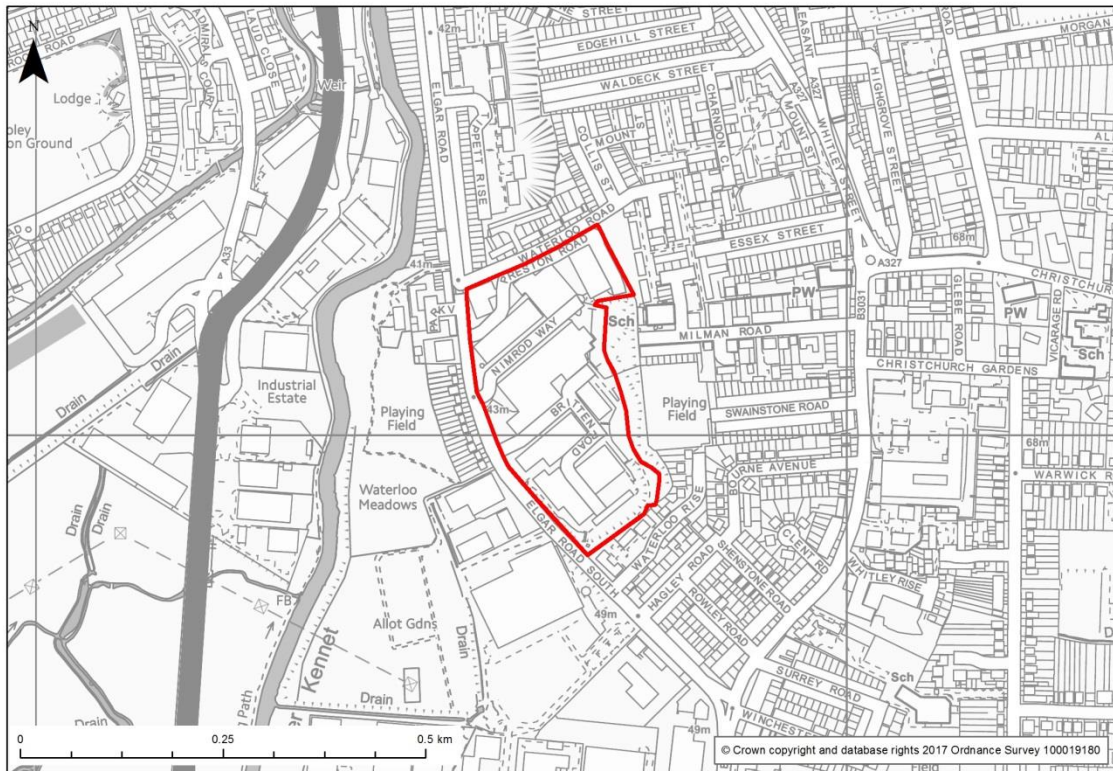
Site Name	Bennet Road Area
Location	Bennet Road, Reading, RG2 0QX
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



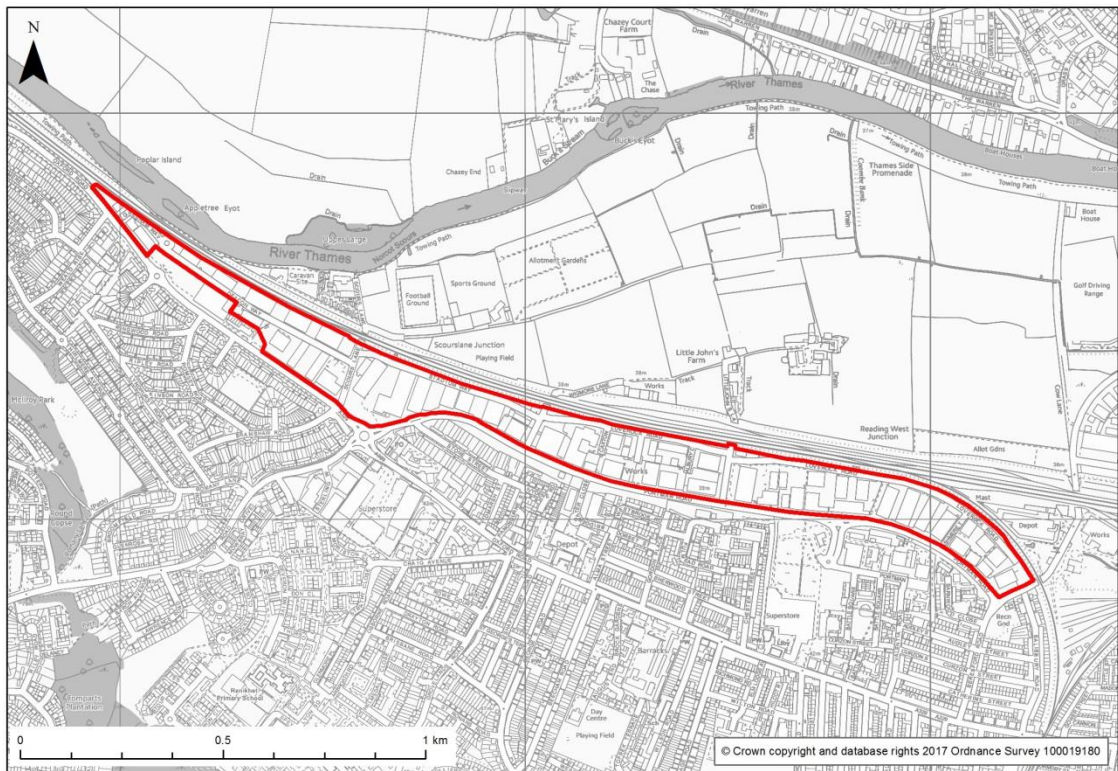
Site Name	North of Basingstoke Road
Current use (specify class classification)	B1(C) / B2 & B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



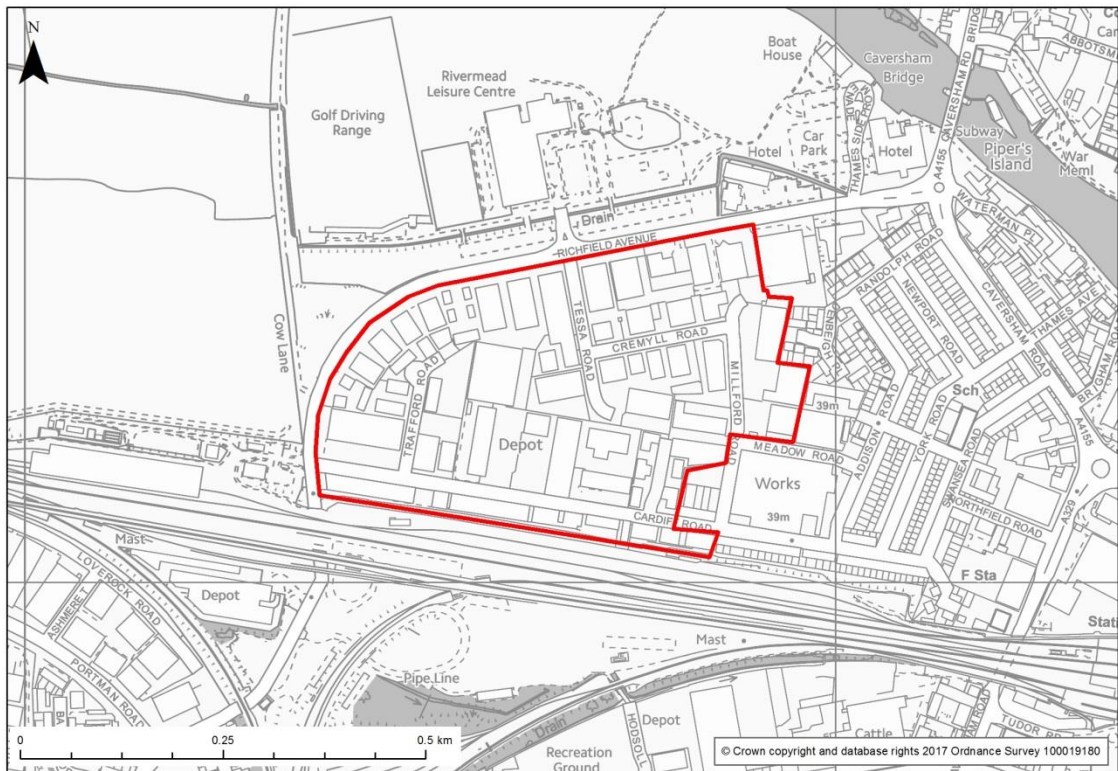
Site Name	Elgar Road
Current use (specify class classification)	B1(C) / B2 & B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



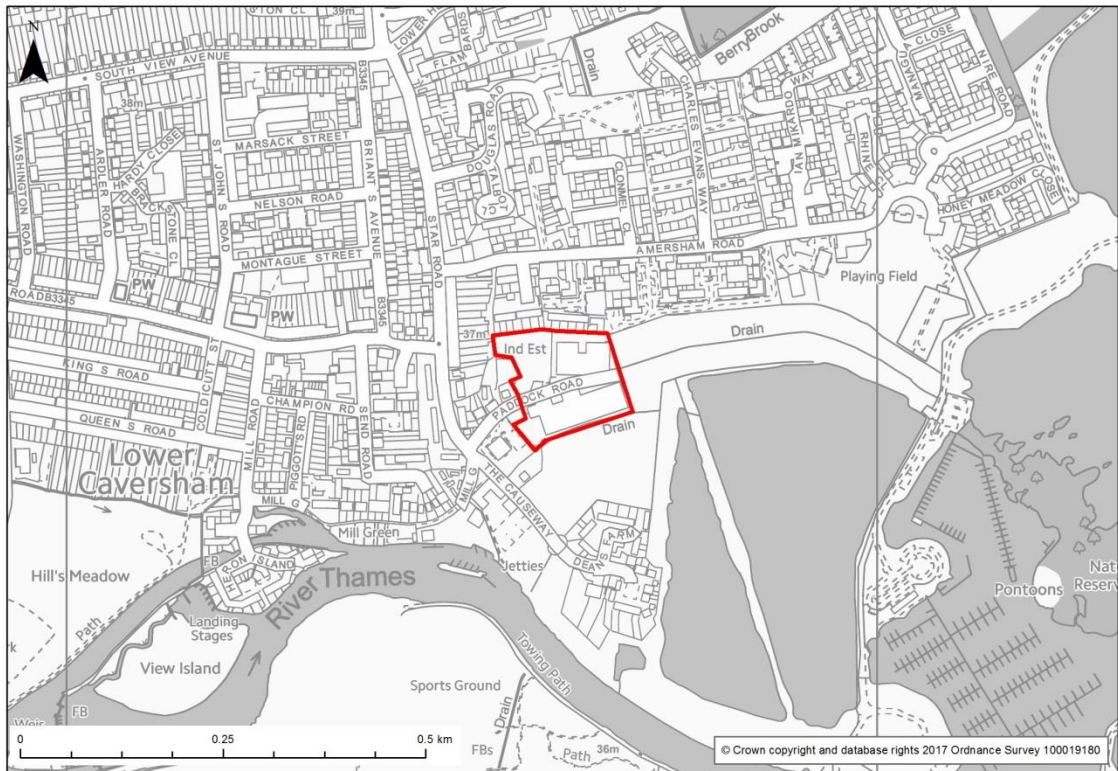
Site Name	Portman Road / Deacon Way Area
Location	Portman Road, Reading, RG30 1EA / Deacon Way, Reading, RG30 6AZ
Current use (specify class classification)	B1(C) & B2 & B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



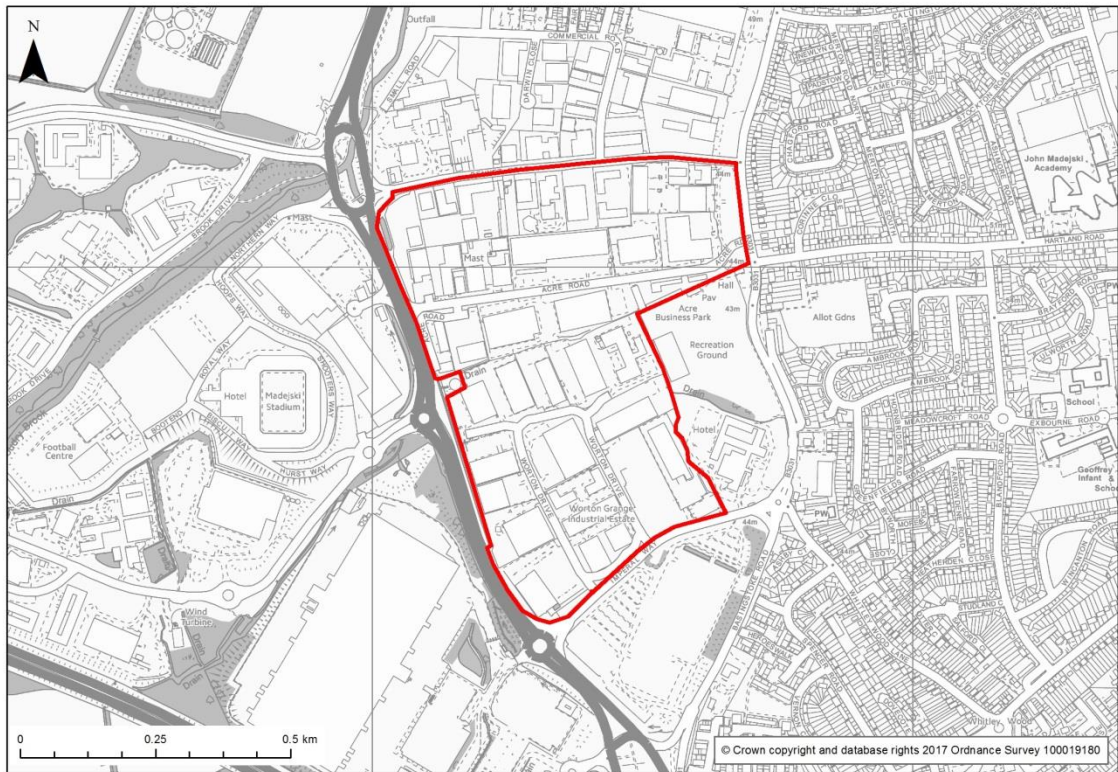
Site Name	Richfield Avenue / Tessa Road Area
Location	Richfield Ave, City Centre, Reading RG1 8EQ
Current use (specify class classification)	B1(C) / B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



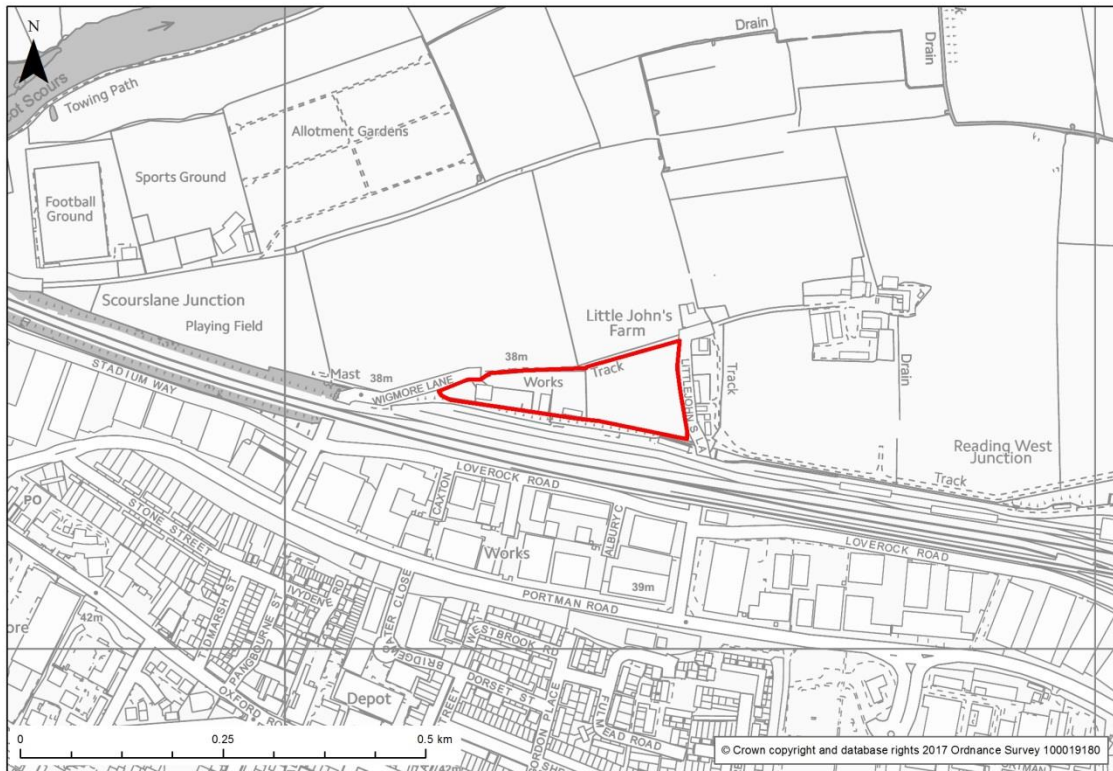
Site Name	Paddock Road Industrial Estate
Location	Paddock Road, Reading, RG4 5BY
Current use (specify class classification)	B1(C) & B2
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



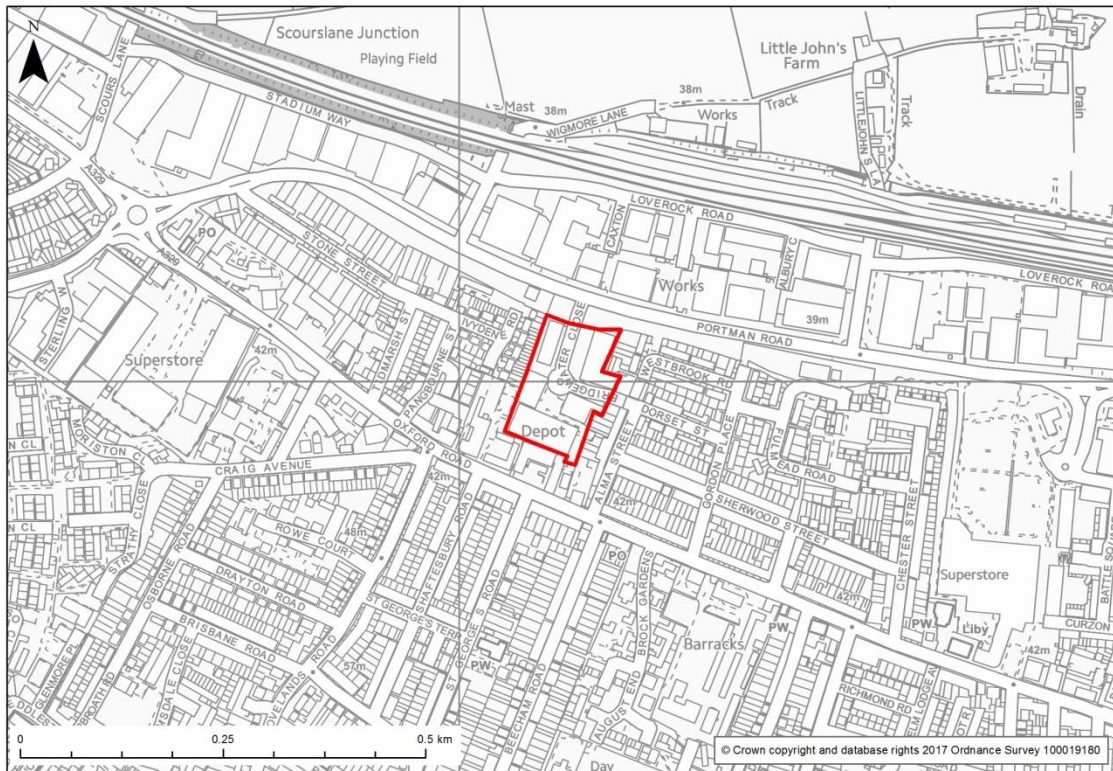
Site Name	South of Basingstoke Road
Location	Whitley
Current use (specify class classification)	B1(C) / B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



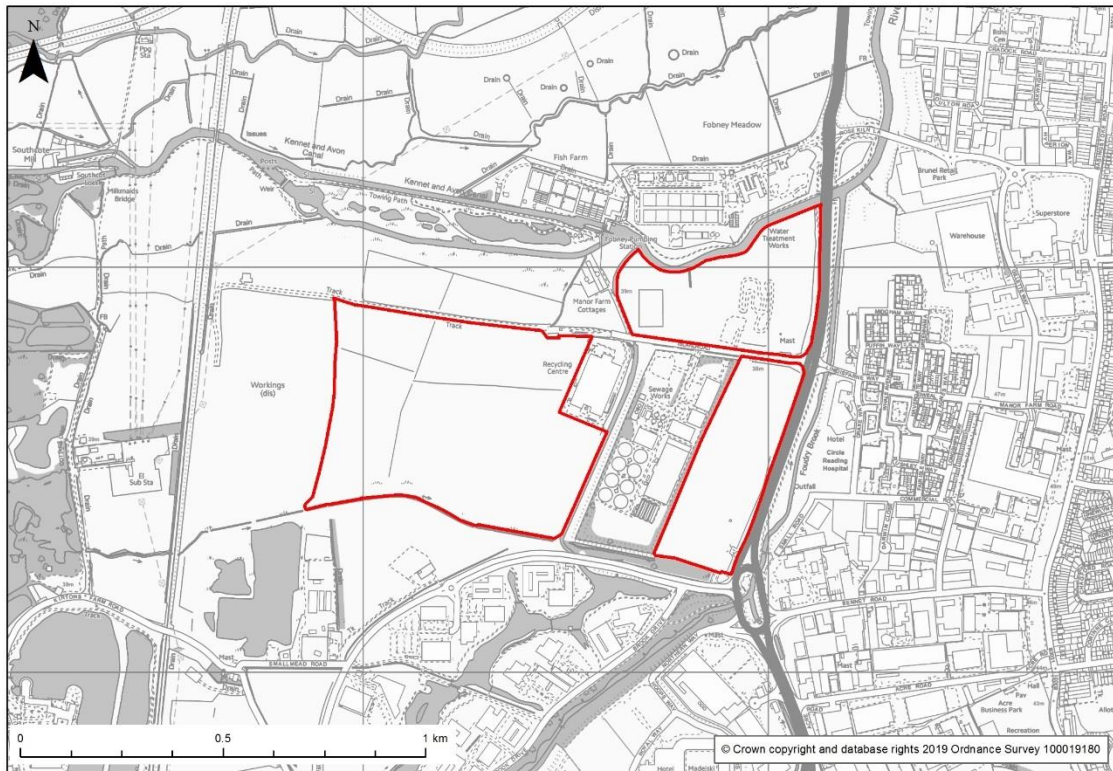
Site Name	Wigmore Lane
Current use (specify class classification)	B1(C) /B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



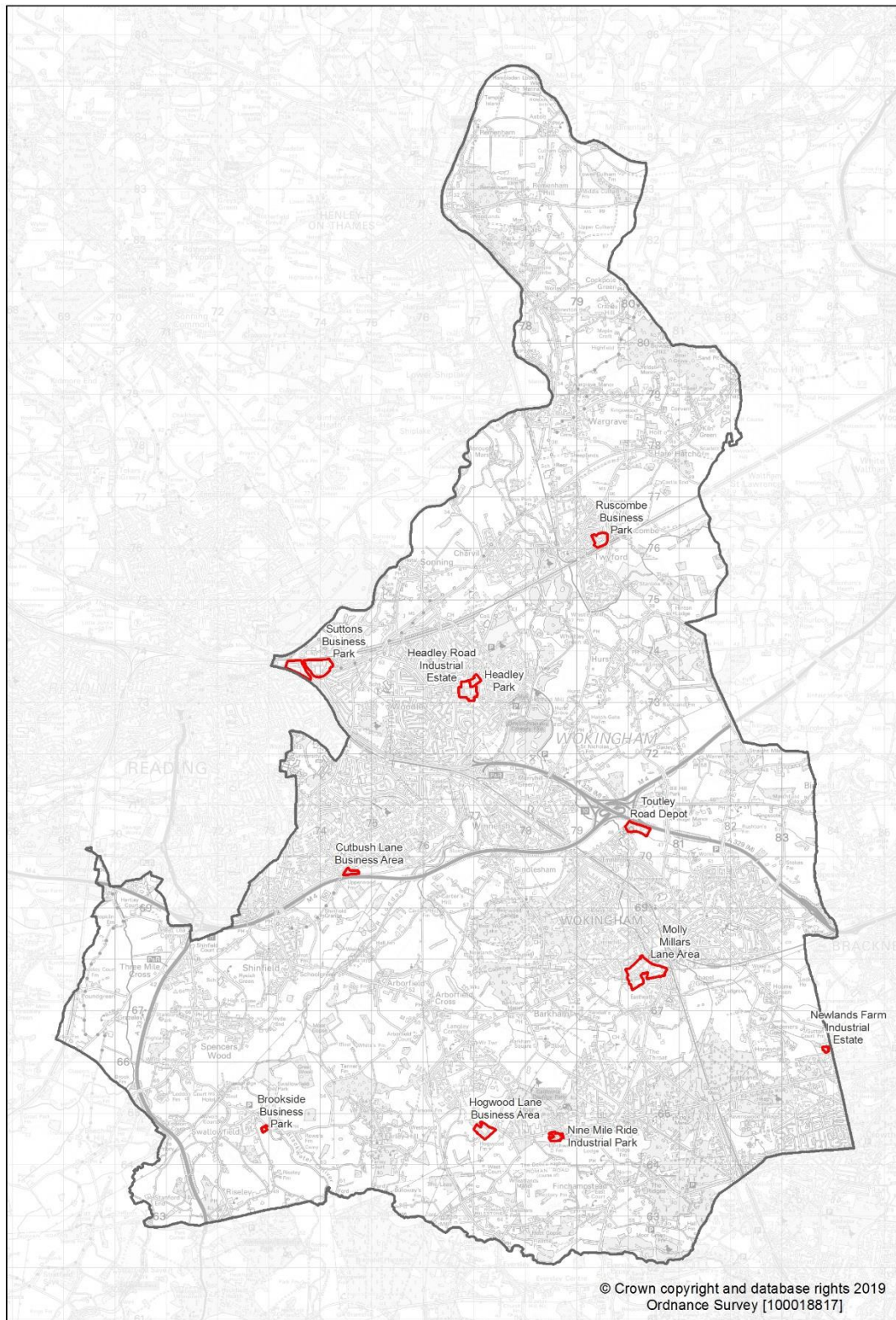
Site Name	Bridgewater Close
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



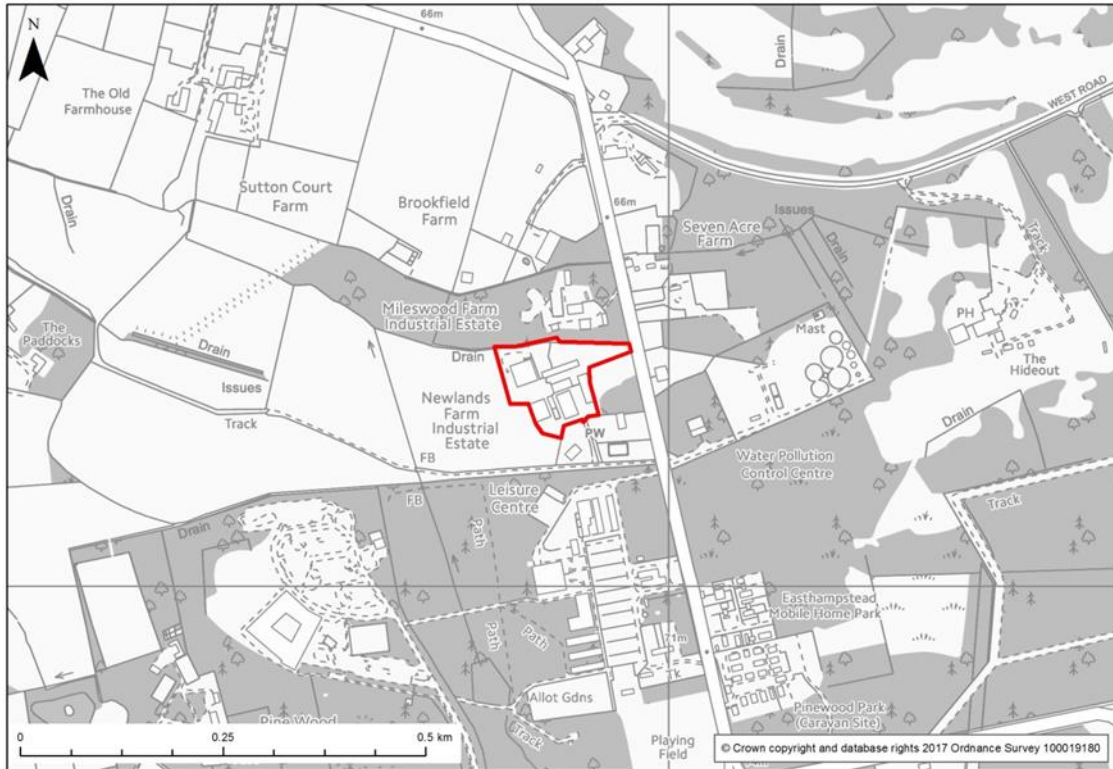
Site Name	Island Road Major Opportunity Area
Location	Reading
Current use (specify class classification)	B2 / B8 - The land is allocated in Reading Local Plan SR1: Island Road Major Opportunity Area.
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale). 	



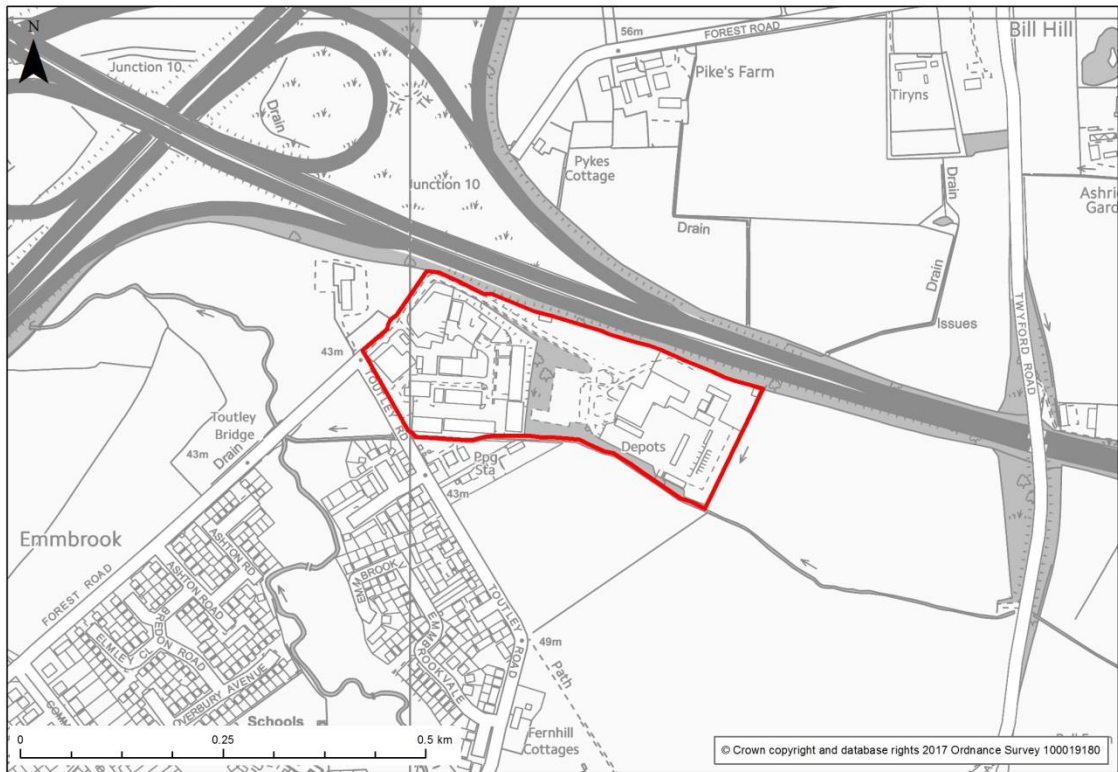
Wokingham



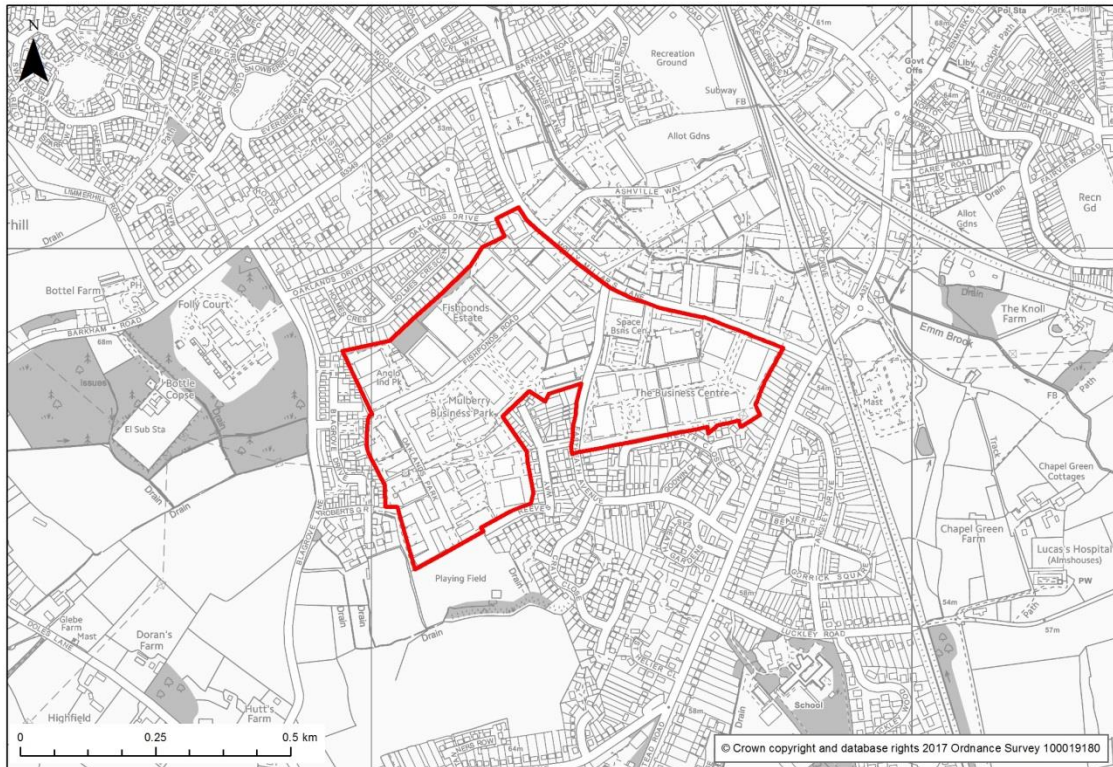
Site Name	Newlands Farm
Location	Crowthorne
Current use (specify class classification)	B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



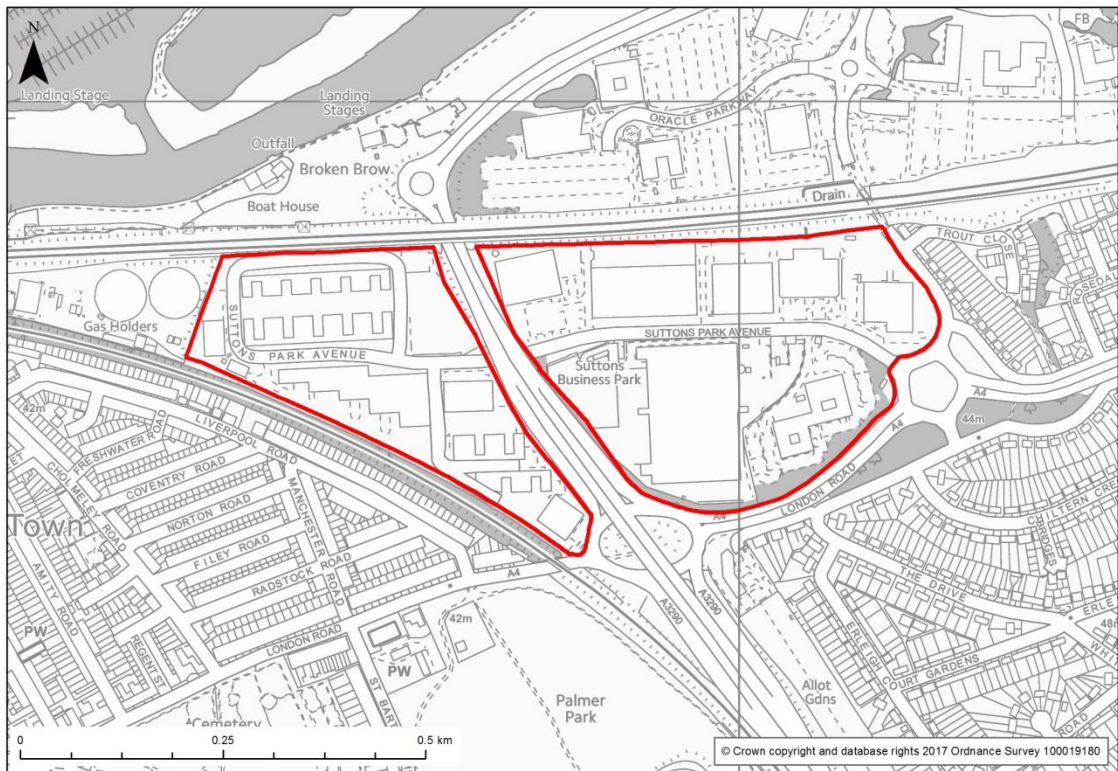
Site Name	Toutley Road Depot
Location	Emmbrook
Current use (specify class classification)	B2
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



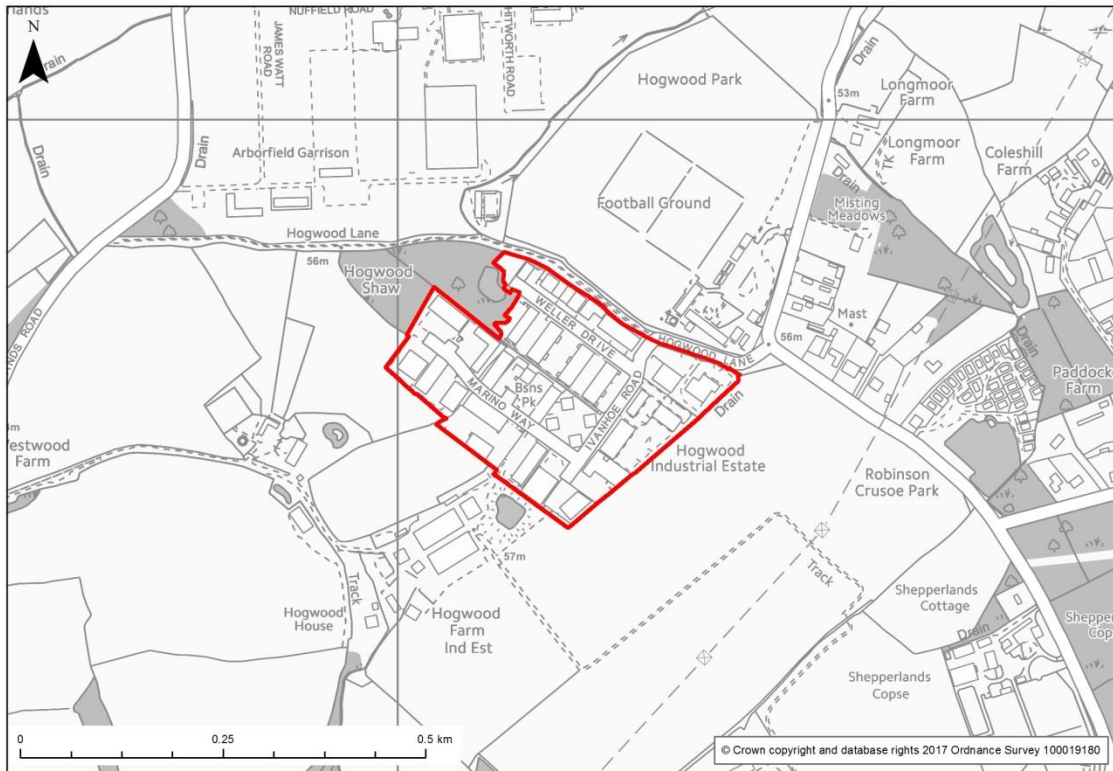
Site Name	Molly Millars Lane Area (excluding Fishponds Business Park and Mulberry Business Park)
Location	Molly Millars Lane, Wokingham, RG41 2RT
Current use (specify class classification)	B1 / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



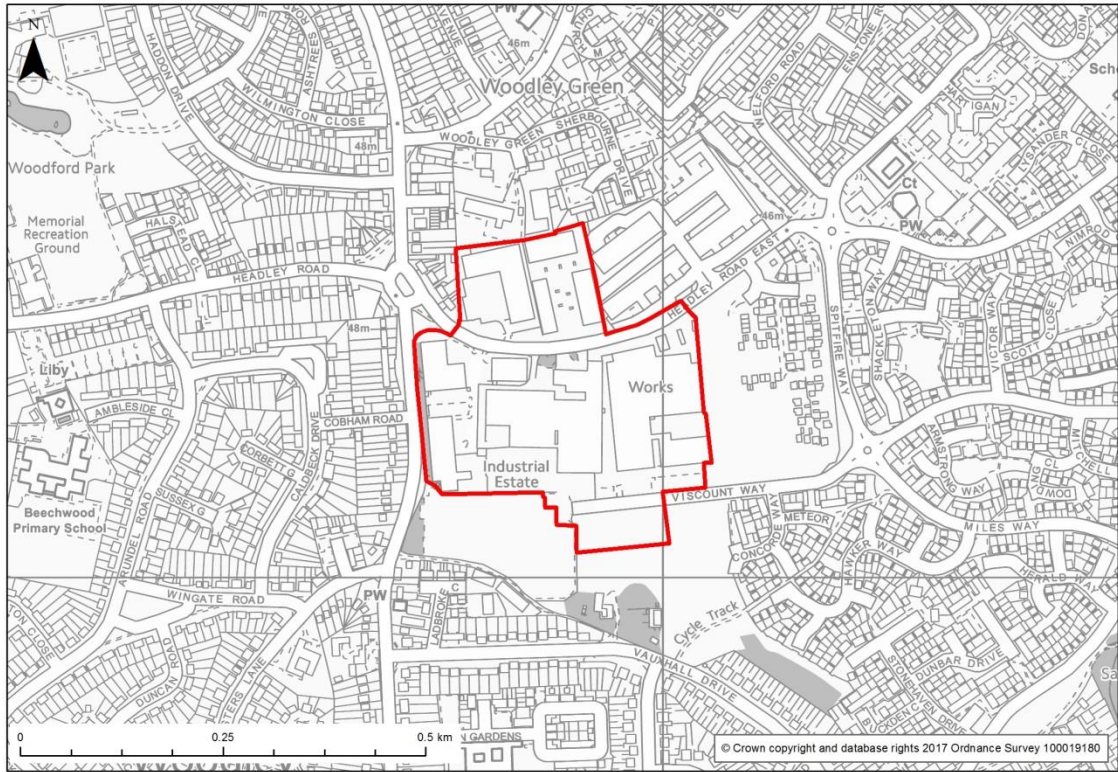
Site Name	Suttons Industrial Park
Location	Earley, Reading, RG6 1AZ
Current use (specify class classification)	B1 / B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale); and • Category 4: Activities requiring enclosed industrial premises (large scale) 	



Site Name	Hogwood Lane Business Area (parts)
Location	Wokingham
Current use (specify class classification)	B1c / B2
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



Site Name	Headley Road Industrial Estate
Current use (specify class classification)	B1 (C) / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



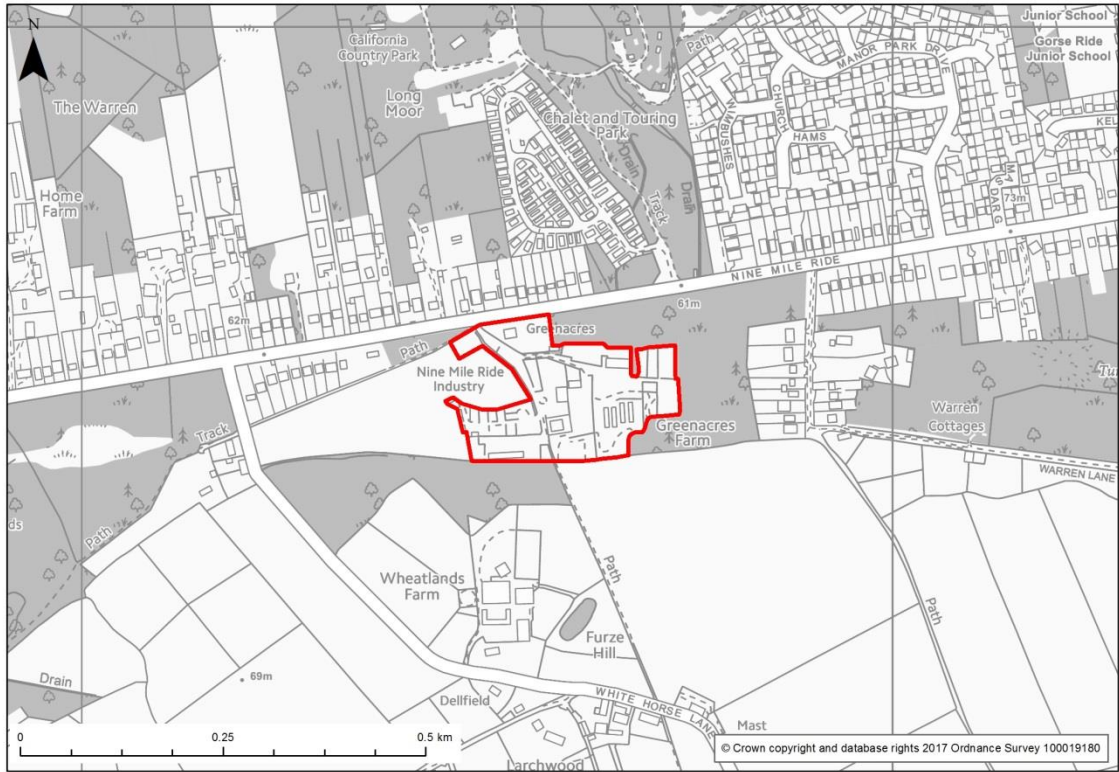
Site Name	Headley Park
Current use (specify class classification)	B1 (C) / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



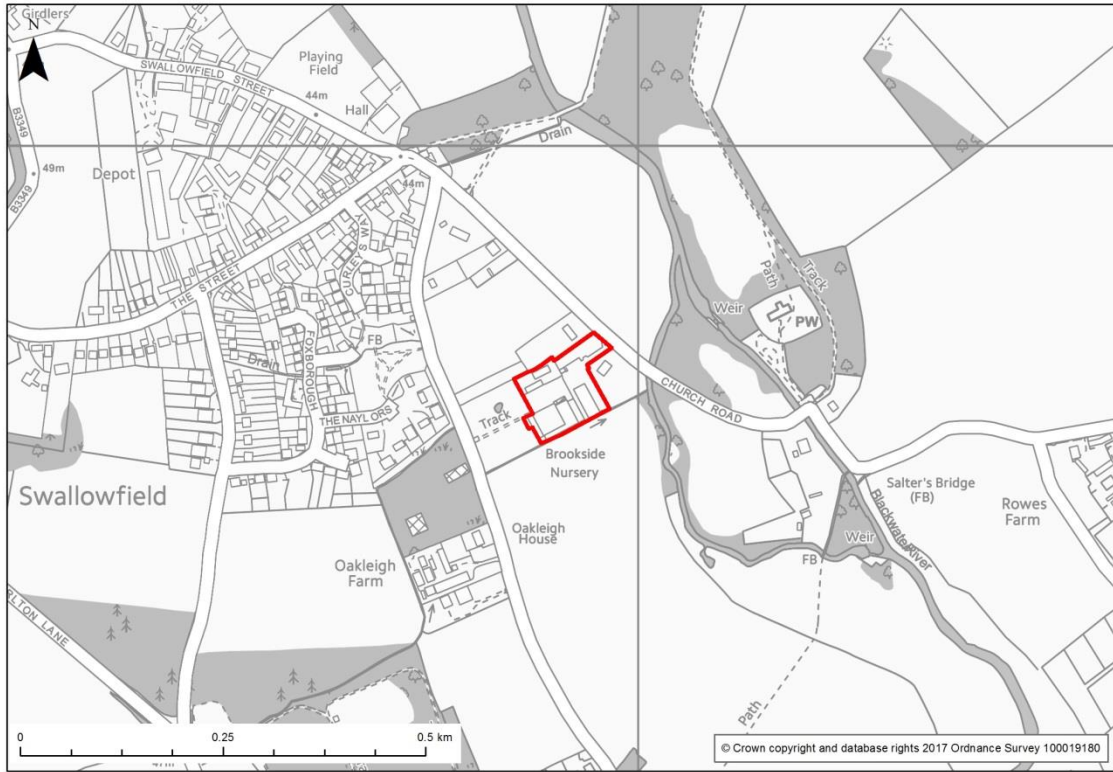
Site Name	Ruscombe Business Park (parts)
Current use (specify class classification)	B1c / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



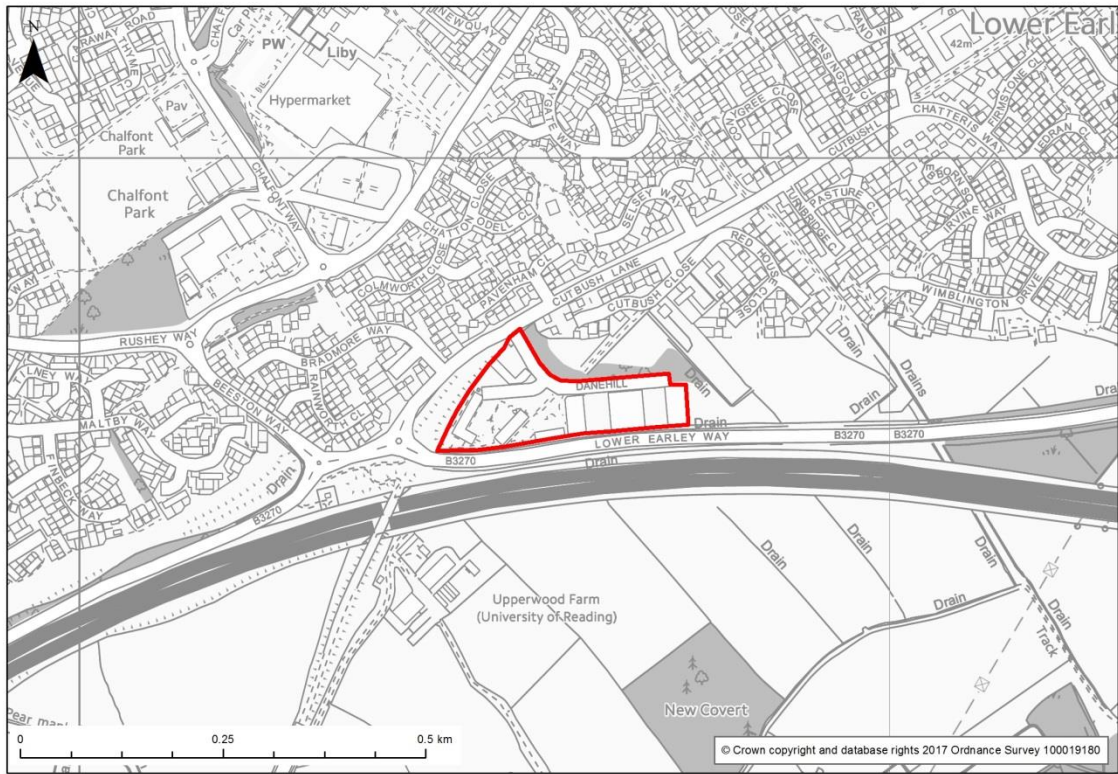
Site Name	Nine Mile Ride Industrial Park
Current use (specify class classification)	B1c / B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



Site Name	Brookside Business Park
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



Site Name	Cutbush Lane Business Area
Current use (specify class classification)	B1a / B1c / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



Appendix D - The Evidence Base

This Proposed Submission Plan 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: Background Study* – sets out the amounts and types of waste that need to be managed, how it is currently managed and what the future waste management may be.
- *Sustainability Appraisal (incorporating Strategic Environmental Assessment) Environmental Report* – sets out the findings of assessing the policies and sites to ensure the Plan will not have any significant impacts on the Central and Eastern Berkshire environment, communities and economy.
- *Habitats Regulations Assessment: Screening & Appropriate Assessment* – sets out the assessment of potential impacts of the policies and sites on European designated habitats.
- *Strategic Flood Risk Assessment* – a review of existing Strategic Flood Risk Assessments, any updates to data and a review of sites.
- *Strategic Traffic & Transport Assessment* – an assessment of the traffic impacts of the sites.
- *Landscape & Visual Impact Assessment* – an assessment of the landscape impacts of the sites.
- *Heritage Statement* – an assessment of the sites using the Historic Environment Record.
- *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.
- *Minerals: Proposal Study* – sets out the potential mineral sites and their suitability.
- *Waste: Proposal Study* – sets out potential waste sites and their suitability
- *Equalities Impact Assessment* – sets out whether the Plan will have an impact on particular sectors of Central & Eastern Berkshire's communities.
- *Duty to Cooperate Statement* – a report on cross boundary issues and how these have been addressed in cooperation with key stakeholders.
- *Climate Change Topic Paper* – sets out how minerals and waste development can contribute towards mitigating the causes of climate change and reducing the vulnerability of the effects of climate change.

Appendix E – Safeguarded sites

Site Name	Location	Primary Function/Use	Planning Permission / End Date	Site Operator
Quarries				
Horton Brook Quarry	Horton	Sharp Sand and Gravel Extraction	30/08/2022	Aggregate Industries/Jayflex Aggregates Ltd
Sheephouse Farm Quarry	Maidenhead	Sharp Sand and Gravel Extraction	App No: 98/32472/OBC M End Date: 21/02/2042	Summerleaze Ltd
Riding Court Farm	Datchett	Sharp Sand and Gravel Extraction	16/12/2027	CEMEX
Star Works	Knowl Hill	Soft Sand	Inactive	Grundons
Horton Brook and Poyle Quarry Extension (Allocation MA 1)	Horton	Sharp sand and Gravel Extraction		
Poyle Quarry	Horton	Sand and Gravel Extraction	Applications No: Application number 04/01716/FULL	Summerleaze Ltd
Poyle Quarry Extension (Allocation – MA 2)	Horton	Sand and Gravel Extraction		Summerleaze Ltd

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CDE Recycling Sites				
Bray Recycling Facility	Monkey Island Lane, Bray	Aggregate recycling		Summerleaze Ltd
Fleetwood Grab Services Ltd	Wigmore Lane, Reading	Aggregate recycling		Fleetwood Grab Services Ltd
Hindhay Quarry	Pinkneys Green, Maidenhead	Aggregate recycling		Summerleaze Ltd
Simple Skips Ltd	Ascot	Aggregate recycling		Simple Skips Limited
Hythe End Quarry	Wraysbury	Aggregate recycling		Fowles Crushed Concrete Limited
R Collard Limited	Reading	Aggregate recycling		R Collard Limited
Hythe End Farm	Hythe End Road, Wraysbury	Aggregate recycling		Charles Morris
Riding Court Farm	Datchett	Aggregate recycling	App No: 18/00839/FULL	CEMEX
Horton Brook Quarry (Allocation – WA 2)	Horton	Aggregate recycling		Aggregate Industries/Jayflex Aggregates Ltd
Aggregate Wharves				
Monkey Island Lane Wharf (Allocation – TA 1)	Bray	Aggregate Wharf		N/A

Metal Recycling Sites (MRS) & End of Life Vehicles (ELV)				
A1 Car Spares	Highland Avenue, Wokingham	ELV		A1 Wokingham Car Spares
Wraysbury Car Spares	Wraysbury	ELV		Bansals Hydraulic Ltd
R Collard Limited	Old Forest Road, Wokingham	MRS		R Collard Limited
Composting Sites / Green Waste				
Planners Farm	Bracknell Road, Brockhill	Composting		Gary Short
Berkyn Manor Farm (Allocation – WA 1)	Horton, Slough	Green Waste/Kitchen Waste		N/A
Stubbings Compound (Allocation – WA 3)	Pinkney's Green, Maidenhead	Green Waste		Stubbings Group
Household Waste Recycling Centre (HWRC)				
Braywick Civic Amenity Site	Maidenhead	HWRC		Veolia E S Cleanaway (UK) Ltd
Longshot Lane Household Waste Recycling Centre	Bracknell	HWRC		F C C Environment (Berkshire) Limited
R3 Environmental - Swallowfield	Wyvols Court Farm, Swallowfield	WEEE		R3 Environmental Solutions Ltd
Waste Transfer Station				
John Horwood	Maidenhead	Waste Transfer Station		John Horwood

Allwaste (Berkshire) Limited	Foundry Lane, Horton,	Waste Transfer Station		Allwaste (Berkshire) Limited
Reynolds Skip Hire	Reading	Waste Transfer Station		1st Reynolds Skip Hire Ltd
Darwin Close Ts2	Reading	Waste Transfer Station		Reading Borough Council
Horwoods Yard	Maidenhead	Waste Transfer Station		Dennis David Horwood & John Frederick Horwood
Maidenhead Transfer Station	Maidenhead	Waste Transfer Station		Veolia E S Cleanaway (UK) Ltd
Mini - Skips (Southern) Ltd	Maidenhead	Waste Transfer Station		Mini - Skips (Southern) Ltd
Toutley Depot, Wokingham	Wokingham	Waste Transfer Station		O C S Group U K Limited
Darwin Close Transfer Station	Reading	Waste Transfer Station		Reading Borough Council
Select Environmental Services	Reading	Waste Transfer Station		Select Environmental Services Ltd
Smallmead Waste Management Centre	Reading	Waste Transfer Station		F C C Environment (Berkshire) Limited
St. George's Lane	Ascot	Waste Transfer Station		Shorts Group Limited ¹²²
Sharpsmart	Reading	Waste Transfer Station		Daniels Corporation International Ltd

¹²² This site is currently subject to a planning application (18/00945/OUT) and a proposed housing allocation. The site will be safeguarded until/if the planning application is approved or the housing allocation is adopted.

Transfer Station, Recycling Centre & Civic Amenity Site	Reading	Waste Transfer Station		F C C Environment (Berkshire) Limited
Waste Water Treatment Works (WWTW)				
Bracknell Sewerage Treatment Works (STW)	Binfield	WWTW		Thames Water
Ascot STW	Whitmoor Bog, Bracknell	WWTW		Thames Water
Sandhurst STW (Swan Lane)	Sandhurst	WWTW		Thames Water
Easthampstead Park STW (Old Wokingham Road)	Crowthorne, Wokingham	WWTW		Thames Water
Windsor STW	Old Windsor, Windsor	WWTW		Thames Water
Maidenhead STW	Maidenhead	WWTW		Thames Water
Hurley STW	Hurley, Maidenhead	WWTW		Thames Water
White Waltham STW	White Waltham	WWTW		Thames Water
Reading STW	Reading	WWTW		Thames Water
Ashridge Farm STW	Wokingham	WWTW		Thames Water
Aborfield STW	Aborfield	WWTW		Thames Water
Sheeplands STW	Wargrave	WWTW		Thames Water

Glossary & Acronyms

Active (site): site where development relating to a planning permission is being carried out to a substantial extent.

Adaptation: In relation to Policy DM2 (Climate change - mitigation and adaptation) adaptation relates to ensuring that minerals and waste developments minimise their effect on climate change through reducing greenhouse gas emission, sustainable use of resources, developing energy recovery facilities, utilising low carbon technologies or avoiding areas vulnerable to the effects of climate change.

Aftercare: Action necessary to bring restored land up to the required standard for an agreed after-use such as agriculture, forestry or amenity.

Aggregate recycling site: Facilities where hard, inert materials are crushed and screened (filtered) to produce recycled/secondary aggregate of various grades. Aggregates may be produced from construction, demolition and excavation (CD&E) waste, or incinerator bottom ash (IBA) from energy recovery facilities.

Amenity: Something considered necessary to live comfortably.

Anaerobic Digestion (AD): A biological process making it possible to degrade organic matter by producing biogas, which is a renewable energy source and sludge, used as fertiliser.

Ancient Woodland: A statutory designation for woodland that is believed to have existed from at least 1600 AD.

Ancillary development: A group term encapsulating a variety of types of minor development that are associated with the primary permitted minerals and/or waste development that generally have minimal environmental impact

Appraisal: An assessment of a proposal for the purposes of determining its value, viability and deliverability taking into account the positive and negative impacts the development would have.

Appropriate location: A location which meets the criteria set out in Policy W4, M4 and/or M7 and complies with all other policies within the JMWP.

Area of Outstanding Natural Beauty (AONB): Areas of countryside considered to have significant landscape value and protected to preserve that value. Originally identified and designated by the Countryside Commission under Sections 87 and 88 of the National Parks and Access to the Countryside Act 1949. Natural England is

now responsible for designating AONBs and advising Government and other organisations on their management and upkeep.

Beneficial after-use: In relation to Policy DM8 (Restoration of minerals and waste developments), beneficial afteruses are when following minerals or waste development, the land is returned land back to a beneficial condition following the end of development through restoration.

Biodiversity Opportunity Area (BOA): Specific geographical areas with the best opportunity to restore and create habitats of regional importance. They are defined entirely on the basis of identifying those areas where conservation action is likely to have the most benefit for biodiversity interest and opportunities for enhancement. The purpose of BOAs is to guide support for land management as they represent those areas where assistance for land management and habitat restoration would have particular benefit.

Biodiversity net gain: In relation to development this means leaving biodiversity is a better state post-development than it was pre-development. Biodiversity net gain is one component of wider 'environmental net gain'.

Bird strike: Risk of aircraft collision with birds, which are often attracted to landfill sites containing organic waste or waterbodies.

Borrow pit: Where minerals are required for a particular major construction project, temporary borrow pits can sometimes be developed to obtain very local sources of sand, gravel, chalk or clay. Production from borrow pits is normally limited to use for a specific project, and usually has direct access from the pit to the construction site.

British Geological Survey (BGS): The BGS is part of the Natural Environment Research Council (NERC) and is a supplier of capability in geoscience through survey, monitoring and research.

Brownfield: See previously developed land.

Capacity: Is the maximum amount of waste a site can realistically manage, or in relation to minerals it is the amount of material that can be extracted from a site per annum, bearing in mind any restrictions (such as permits, traffic, space, hours of working etc.).

Chalk: A soft white rock primarily formed from the mineral calcite. One of the uses of this mineral is in agriculture.

Civic amenity site: A facility provided by the Local Authority which is accessible to the general public to deposit waste which cannot be collected with the normal household waste, such as bulky items, garden waste and engine oil.

Clay: A fine-grained, firm earthy material that is plastic when wet and hardens when heated, consisting primarily of hydrated silicates of aluminium and widely used in making bricks, tiles, and pottery.

Climate change: The significant and lasting change in the distribution of weather patterns over periods ranging from decades to millions of years and the implications on the environment and community.

Coal measures: The layers of rock specifically from a time that geologists call the Upper Carboniferous period. The Coal Measures were deposited about 310 million years ago, and these layers of rock contain many coal seams. Coal seams are a bed of coal usually thick enough to be profitably mined.

Co-location: The placement of several activities in a single location.

Combined Heat & Power (CHP): Heating technology which generates heat and electricity simultaneously, from the same energy source.

Commercial & Industrial Waste (C&I): Waste generated by business and industry.

Composting: Aerobic decomposition of organic matter to produce compost for use as a fertiliser or soil conditioner.

Concrete batching plant: Devices used to mix various materials, such as sand and gravel, to form concrete.

Construction, Demolition & Excavation Waste (CD&E): Waste generated by the construction, repair, maintenance and demolition of buildings and structures. It mostly comprises brick, concrete, hardcore, subsoil and topsoil but can also include timber, metals and plastics.

Conventional hydrocarbons (oil and gas): Oil and gas where the reservoir is sandstone or limestone.

Corridor of disturbance: An area located on land surrounding a specific construction project where aggregate is extracted as part of the development. The corridor of disturbance relates to 'borrow pits' and indicates the area which aggregate can be extracted for specific projects.

Countryside: Areas that are not urbanised.

Cumulative impact: Impacts that accumulate over time, from one or more sources.

Defra biodiversity metric: The metric is a habitat-based approach to determining a proxy biodiversity value. It is an improved version of the metric piloted by Defra in 2012 in the context of the biodiversity offsetting pilots and incorporates many of the changes since, made or requested by industry experts.

Department for Communities and Local Government (DCLG): The UK Government department for communities and local government in England (now referred to as the Ministry for Housing, Communities and Local Government).

Design and Access Statement: A supporting document submitted with a planning application, in which developers state how their proposal is appropriate for the site and accessible to people who may use it.

Development considerations: These are identified in Appendix A (Allocated Sites) of the Plan and are identified for each of the site allocations in the Plan. Development considerations are issues which need to be met /addressed alongside the other policies in the Plan in the event that a planning application is submitted for development.

Development Management (DM): Development Management is the end-to-end management of the delivery chain for sustainable development. DM includes a wide number of planning activities such as designing, analysing, influencing, promoting, engaging, negotiating, decision-making, co-ordinating, implementation, compliance and enforcement.

Development Plan Document (DPD): Spatial planning documents which are subject to independent examination.

Disposal: Any operation which is not recovery. This includes operations which have a secondary consequence such as the reclamation of substances or energy.

Dry Mixed Recyclables (DMR): Dry recyclables is the modern description of waste that is free from contaminants such as construction, food or garden waste. Leaving clean materials such as paper, cardboard, plastic bottles, drinks cans and glass bottles to be sorted and recycled.

Emissions: In the context of the minerals and waste, emissions are gases released into the atmosphere as a result of human activity. A prominent greenhouse gas is

carbon dioxide which arises from the combustion of fossil fuel and consequently contributes to climate change.

End of life vehicle (ELV): Vehicles which are no longer in use and are classified as waste.

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

Environment Agency (EA): A public organisation with the responsibility for protecting and improving the environment in England. 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 Impact Assessment (EIA): Systematic investigation and assessment of the likely effects of a proposed development, to be taken into account in the decision-making process under the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999. The process is undertaken for a proposed development that would significantly affect the environment because of its siting, design, size or scale.

Environmental net gain: Improving all aspects of environmental quality through a scheme or project. Achieving environmental net gain means achieving biodiversity net gain first and going further to achieve increases in the capacity of affected natural capital to deliver ecosystem services and make a scheme's wider impacts on natural capital positive.

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

Exception test: If, following a sequential test, it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Extension (minerals site): This involves either the lateral expansion or deepening of the quarry to extract additional resources.

Extension (waste site): To provide additional waste capacity in relation to increased throughput and/or footprint of the site. Landfills may be expanded to cover a larger area or may be surcharged – that is, extended vertically upwards.

Flood protection: Protection of land and/or infrastructure from the impacts of flooding through mitigation measures such as coastal and flood water defences.

Flood resilience: The management of land and the development of flood defences to ensure that the risk of flooding is managed in a sustainable way.

Flood risk: Areas which have a flood risk have the potential to flood under certain weather conditions. Flood risk zones are determined by the Environment Agency. Areas at risk of flooding are categorised as follows:

- Flood Risk Zone 1: Low Probability;
- Flood Risk Zone 2: Medium Probability;
- Flood Risk Zone 3a: High Probability; and
- Flood Risk Zone 3b: Functional Floodplain.

Flood Risk Assessment (FRA): An assessment of the risk of flooding from all flooding mechanisms, the identification of flood mitigation measures and should provide advice on actions to be taken before and during a flood. The FRA should also demonstrate that the development will be safe for its lifetime and will not increase flood risk elsewhere.

Flood Risk Zones (FRZ): Defined geographical areas with different levels of flood risk. Flood risk zones are defined by the Environment Agency.

Gas: Is a hydrocarbon (see 'Hydrocarbons'). Gas is a non-renewable resource.

Gasification: A waste-treatment process in which waste is heated to produce a gas that is burned to generate heat energy.

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

Green infrastructure: A network of high-quality green and blue spaces and other environmental features. It includes parks, open spaces, playing fields, woodlands, wetlands, grasslands, river and canal corridors allotments and private gardens. It can

provide many social, economic and environmental benefits close to where people live and work including:

- space and habitat for wildlife with access to nature for people;
- places for outdoor relaxation and play;
- climate change adaptation (for example flood alleviation and cooling urban heat islands);
- environmental education;
- local food production (in allotments, gardens and through agriculture); and
- improved health and well-being (lowering stress levels and providing opportunities for exercise).

Green waste: Compostable garden waste.

Groundwater Source Protection Zones (GPZ): Geographical areas, defined by the Environment Agency, used to protect sources of groundwater abstraction.

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 Habitats Regulations Assessment 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). SPAs are classified under the European Council Directive on the conservation of wild birds (79/409/EEC; Birds Directive) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).

Hazardous waste: 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 (EWC).

Health and Safety Executive (HSE): The national independent watchdog for work-related health, safety and illness.

Heavy goods vehicles (HGV): A vehicle that is over 3,500kg unladen weight and used for carrying goods.

Hectare (Ha): 10,000 square metres

Highways Authority: The organisation responsible for the administration of public roads.

Household waste: Waste arising from domestic property which has been produced solely from the purposes of living, plus waste collected as litter from roads and other public places.

Hydrocarbons: Hydrocarbon comprising petroleum (oil and gas natural liquids) and gas are fossil fuels that occur concentrated in nature as economic accumulations trapped in structures and reservoir rocks beneath the earth surface. They are principally valued as a source of energy.

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

Inert waste: Waste that does not under go any significant physical, chemical or biological changes.

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.

Landscape character: A combination of factors such as topography, vegetation pattern, land use and cultural associations that combine to create a distinct, recognisable character.

Land-won aggregates / minerals: Mineral/aggregate excavated from the land.

Landfill: The deposit of waste into voids in the ground.

Leachate: Water which seeps through a landfill site, extracting substances from the deposited waste to form a pollutant.

Listed Buildings and Sites: Buildings and sites protected under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Aggregate Assessment (LAA): The National Planning Policy Framework requires all Mineral Planning Authorities to prepare an annual LAA. LAAs are to be based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options. The LAA establishes the provision to be made for aggregate supply in Mineral Local Plans.

Local Enterprise Partnership (LEP): In England, local enterprise partnerships (LEPs) are voluntary partnerships between local authorities and businesses set up in 2011 by the Department for Business, Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within the local area. Central and Eastern Berkshire is located within the Thames Valley Berkshire Local Enterprise Partnership (LEP) area.

Local requirement: A requirement (for mineral) within the Plan area or within a neighbouring authority area.

Local Wildlife Site (LWS): LWSs are wildlife-rich sites selected for their local nature conservation value. They vary in shape and size and can contain important, distinctive and threatened habitats and species.

Low carbon technologies: These are a range of technologies developed to specifically reduce the amount of carbon dioxide (CO₂) released into the atmosphere.

Managed Aggregate Supply System (MASS): A system to ensure a steady and adequate supply of aggregate mineral, to handle the significant geographical imbalances in the occurrence of suitable natural aggregate resources, and the areas where they are most needed. It requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply, while giving due allowance for the need to control any environmental damage to an acceptable level. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need where that can be done sustainably.

Material considerations: A matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to); overlooking/loss of privacy, loss of light or overshadowing, parking, highway safety, etc. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

Materials recovery facility (MRF): A facility where elements of the waste stream are mechanically or manually separated before recycling and/or are bulked, crushed, baled and stored for reprocessing, either on the same site or at a material reprocessing plant.

Methane: The main constituent of natural gas (a fossil fuel). It is found in naturally occurring gas field deposits within the ground but can also be harvested as a by-product of anaerobic decomposition of organic materials by bacteria. Methane is

used as fuel to generate heat and power, and when released into the atmosphere acts as a powerful greenhouse gas and is much more potent than carbon dioxide.

Ministry for Housing, Communities and Local Government (MHCLG): The Ministry of Housing, Communities and Local Government's (formerly the Department for Communities and Local Government) job is to create great places to live and work, and to give more power to local people to shape what happens in their area.

Million tonnes (mt): Acronym.

Million tonnes per annum (mtpa): Acronym.

Mineral: Limited and finite natural resources which can only be extracted where they are found geologically.

Minerals and Waste Consultation Area (MWCA): An area identified to ensure consultation between the planning authorities before certain non-mineral or waste planning applications made within the area are determined.

Minerals and Waste Safeguarding Area (MWSA): A Minerals Safeguarding Area (see MSA) which also includes minerals and waste safeguarded sites.

Mineral resources: Mineral aggregates and hydrocarbons, which naturally occur in geological deposits in the earth.

Mineral Planning Authority: The local planning authorities responsible for minerals planning. In the Plan area, The Royal Borough of Windsor and Maidenhead, Bracknell Forest Council, Reading Borough Council, and Wokingham Borough Council are minerals planning authorities.

Mineral Safeguarding Area (MSA): The MSA is defined by minerals planning authorities. They include viable resources of aggregates and are defined so that proven resources of aggregates are not sterilised by non-mineral development. The MSA does not provide a presumption for these resources to be worked.

Migration: This is the process by which negative or harmful effects caused by a development are prevented or lessened by incorporating countermeasures into the design or operation.

Mitigation hierarchy: The principle that environmental harm resulting from a development should be avoided (through locating development where there will be less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Mitigation measures: Measures that reduce or minimise impacts.

Monitoring: Minerals and waste developments are monitored to ensure that they comply with the policies of the Plan and planning conditions attached to their permissions. The Plan will also be subject to monitoring.

Monitoring Indicator: This is the aspect of the development that will be monitored in order to detect any deviation from what is either expected of the development or acceptable.

Monitoring Trigger: The threshold that, once passed, signifies there is an issue with the relevant policy in its current form and may require review.

Municipal Solid Waste (MSW): Solid waste collected by waste collection authorities, predominantly household waste.

National Planning Policy Framework (NPPF): Published in March 2012 and subsequently updated in 2018 and 2019, the NPPF sets out the Government's planning policies for England and how these are expected to be applied.

Natural Capital: The world's stock of natural resources, which includes geology, soils, air, water and all living organisms. Some natural capital assets provide people with free goods and services, often referred to as ecosystem services.

Natural England: Public body tasked with the conservation and improvement of the natural environment. Natural England designates Areas of Outstanding Natural Beauty and National Parks, manages National Nature Reserves and notifies Sites of Special Scientific Interest.

Non-hazardous waste 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. It is not inert or hazardous and includes the majority of household and commercial wastes.

Oil: A hydrocarbon (see 'Hydrocarbons'). Oil is a non-renewable resource.

Oil and gas: A hydrocarbon (see 'Hydrocarbons'). Oil and gas are non-renewable resources.

Open windrow composting: Involves the raw material (usually green and/or garden waste and cardboard) being arranged outdoors in long narrow piles on a hard and preferably impermeable surface. The windrows are mixed and turned regularly for aeration, by hand or mechanically.

Other locally recognised assets: In relation to Policy DM7 (Conserving the Historic Environment) other locally recognised assets are non-designated assets which, although do not have any statutory protection, are recognised locally as making a significant and positive contribution to local historic knowledge, character and features.

Petroleum Exploration and Development Licence (PEDL): A PEDL allows a company to pursue a range of oil and gas exploration activities, subject to necessary drilling/development consents and planning permission.

Planning application: Operators proposing a new minerals or waste development need to apply for permission from the relevant planning authority in order to be allowed carry out their operations.

Planning permission: Once planning applications have been reviewed by the relevant planning authority, permission may be granted (i.e. consent for the proposed development is given). Permissions may have certain conditions or legal agreements attached which allow development as long as the operator adheres to these.

Policies Map: A map on an Ordnance Survey base showing spatial application of appropriate policies from the Development Plan.

Preparing for re-use: Checking, cleaning or repairing recovery operations, by which products or components of products that would have become waste are prepared so that they can be re-used without any other pre-processing. While re-use is a part of the waste hierarchy, re-use operations are not generally considered waste management and may not require a location appropriate for waste management facilities.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential

gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Pre-application discussions: Engagement / discussions between applicants (and their agents) with the relevant minerals and waste planning authority prior to the submission of a formal application.

Production: Obtaining useful end products from minerals or waste material which may include the extraction of sand and gravel, producing recycled and secondary aggregate, extraction of oil and gas and the generation of energy from waste.

Prior Extraction: The removal of a mineral before a development begins construction on the same site.

Pyrolysis: Thermal decomposition at high temperatures taking place in an inert atmosphere.

Quarry: These are open voids in the ground from which minerals resources are extracted.

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

Ramsar Sites (Wetlands of International Importance): Sites of international importance for waterfowl protected under the Ramsar Convention of the Conservation of Wetlands of International Importance, ratified by the UK Government in 1976.

Recyclate: A raw material that is sent to and processed in a waste recycling plant or materials recovery facility which will be used to form new products.

Re-use: Any operation by which products or components that are not waste are used again for either the same purpose for which they were conceived or other uses. While re-use is a part of the waste hierarchy, re-use operations are not generally considered waste management and may not require a location appropriate for waste management facilities.

Recovery: Any operation, the principal result of which, is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil

a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Recycled aggregates: Products manufactured from recyclables or the by-products of recovery and treatment processes, e.g. recycled concrete aggregates from CD&E waste.

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. Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

Regeneration: Investment in capital in the review of urban area by improving what is there or clearing it away and restoring.

Renewable energy: Energy which comes from natural resources such as sunlight, wind, rain, tides and geothermal heat, which are naturally replenished.

Residues: Material remaining after a process has been undertaken e.g. waste processing can involve incineration which leaves residues of bottom ash and fly ash. See 'Incinerator Bottom Ash'.

Restoration: The 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.

Reverse logistics: Involves reducing vehicle movements by load bulking when transferring minerals and waste, for example, ensuring a HGV always enters and exits a site with a full load.

Rights of Way (RoW): Paths which the public have a legally protected right to use.

Routing agreement: An agreement to require that vehicles be routed so as to avoid certain roads, possibly at all times or possibly at certain times of day e.g. to avoid conflict with peak hour traffic and/or arrivals and departures at school opening and closing times.

Safeguarding: The method of protecting needed facilities or mineral resources and of 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.

Safeguarded site: Safeguarding protects minerals and waste sites from development pressures and inappropriate encroachment from nearby developments, preventing the unnecessary sterilisation of their associated resources and infrastructure.

Sand and gravel sales: Sales of sand and gravel from sites (for the purposes of monitoring these are sales from sites within the Plan area).

Scheduled Ancient Monument: Nationally important archaeological sites included in the Schedule of Ancient Monuments maintained by the Secretary of State under the Ancient Monuments and Archaeological Areas Act 1979.

Secondary aggregate: Materials that do not meet primary aggregate (e.g. sand/gravel and crushed rock) specifications but which can be used instead of them. Secondary aggregates are by-products of other processes, including the production of primary aggregates.

South East England Aggregate Working Party (SEEAWP): Aggregate working parties provide technical advice about the supply and demand for aggregates (including sand, gravel and crushed rock) to the mineral planning authorities for the area and to inform the Secretary of State for Communities and Local Government. The SEEAWP is formed of the mineral planning authorities in the south east and relevant industry representatives.

Sensitive Human Receptors: Locations where people live, sleep, work or visit that may be sensitive to the impact of minerals and waste activity on health, well-being and quality of life. Examples include houses, hospitals and schools.

Sewage sludge: Once the liquid component of sewage has been treated, a residual semi-solid 'sludge' is left which requires further treatment. The sludge can be digested by anaerobic bacteria to produce fertiliser which can then be used in agriculture.

Sequential test: This is a test employed by the Planning Authority to ensure new development takes place in the areas with the lowest risk of flooding. This approach means that development will not be allowed or allocated in any areas where there is another area at a lower flood risk (and is appropriate for that development). As statutory consultees, the Environment Agency will inform any decisions on planning applications in relation to flooding.

Sharp sand and gravel: A coarse sand and gravel suitable for use in making concrete.

Site allocations: Specific sites identified for minerals and waste activities in the Plan where there are viable opportunities, have the support of landowners and are likely to be acceptable in planning terms.

Site of Special Scientific Interest (SSSI): A national designation for an area of special interest because of its flora, fauna, or geological or physiographical features, selected by Natural England and notified under Section 28 of the Wildlife and Countryside Act 1981.

Sludge: Sludge originates from the process of treatment of waste water.

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

Source Protection Zone (SPZ): Geographical areas defined by the Environment Agency and used to protect sources of groundwater abstraction.

South East Waste Planning Advisory Group (SEWPAG): SEWPAG is the grouping of waste planning officers and advisors which exists to help waste planning authorities in the area to effectively fulfil the Duty to Cooperate on strategic issues enshrined in the Localism Act, and specifically to give effect to the Government's stated intention to replace the responsibilities of the former Regional Technical Advisory Bodies.

Spatial Strategy: Outlines the approach that will be taken through the Central and Eastern Berkshire – Joint Minerals & Waste Plan to critical minerals and waste issues. It sets the context for the Plan's policies.

Special Area of Conservation (SAC): Areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

Special Protection Area (SPA): An area of importance for the habitats of certain rare or vulnerable categories of birds or for regularly occurring migratory bird species, required to be designated for protection by member states under the European Community Directive on the Conservation of Wild Birds.

Specific local requirement: In relation to Policy M4 (Locations for sand and gravel extraction) a specific local requirement relates to a minerals development which will be dedicated to serving a specific need, as opposed to contributing to strategic capacity. This may include for use in local projects which will involve mineral extraction and then its direct use in the construction phase of the project.

Statement of Community Involvement (SCI): A document which sets out the standards the Planning Authority intends to achieve when involving the community in preparing Local Development Documents, or when making a significant development control decision. It also sets out how the Authority intends to achieve these standards.

Statutory consultee: These are organisations and public bodies who are required to be consulted concerning specific issues relating to planning applications and help inform any decision made by the planning authority.

‘Stepping Stones’: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

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 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.

Strategic Flood Risk Assessment (SFRA): An assessment of the potential flood risk such as from groundwater and fluvial floods.

Strategic Road Network: The SRN is made up of motorways and trunk roads, the most significant ‘A’ roads. The SRN is managed by Highways England. All other roads in England are managed by local and regional authorities.

Subsidence: Subsidence is the motion of a surface as it shifts downward (in relation to Policy DM9 Protecting Health, Safety and Amenity). This may cause uneven settlement leading to subsidence at the surface.

Sustainability Appraisal (SA): In United Kingdom 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.

Sustainable development: Sustainable development refers to a mode of human development in which resource use aims to meet human needs while ensuring the sustainability of natural systems and the environment, so that these needs can be met not only in the present, but also for generations to come.

Sustainable Drainage Systems (SuDS): These are urban design concepts which are adopted to deal with increased surface water in urban areas by mimicking the normal water cycle in natural landscapes. This is opposed to more traditional methods which just involved re-routing surface water to watercourses. Techniques utilised in SuDS include facilitating increased water infiltration into the earth as well as increased evaporation of surface water and transpiration from vegetation (collectively called evapotranspiration) to decrease the amount of surface water run-off.

Thermal treatment: Incineration and other high-temperature waste-treatment systems.

Tonnes per annum (tpa): Acronym.

Townscape: The appearance of a town or city; an urban scene.

Treatment: This is a broad term which refers to recovery or disposal operations, including preparation prior to recovery or disposal. This includes the physical, thermal, chemical or biological processes, including sorting (e.g. waste transfer), that change the characteristics of the waste in order to reduce its volumes or hazardous nature, facilitate its handling or enhance recovery.

Urban areas: An area characterised by higher population density and vast human features in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.

Use Classes: The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as Use Classes. This includes B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution).

Visual impact: The perceived negative effect that the appearance of minerals and waste developments can have on nearby communities.

Void capacity: Available capacity for waste at a landfill/ land raising site.

Waste arisings: Waste generated within a specified area.

Waste Hierarchy: The aim of the waste hierarchy is to extract the maximum practical benefits from products and to generate the minimum amount of waste. The revised Waste Framework Directive introduces a changed hierarchy of options for managing waste. It gives top priority to preventing waste. When waste is created, it gives priority to preparing it for re-use, followed by recycling, then other recovery such as energy recovery, and finally disposal (for example landfill).

Waste Planning Authority (WPA): The local planning authorities responsible for waste planning. In the Plan area, The Royal Borough of Windsor and Maidenhead, Bracknell Forest Council, Reading Borough Council, and Wokingham Borough Council are waste planning authorities.

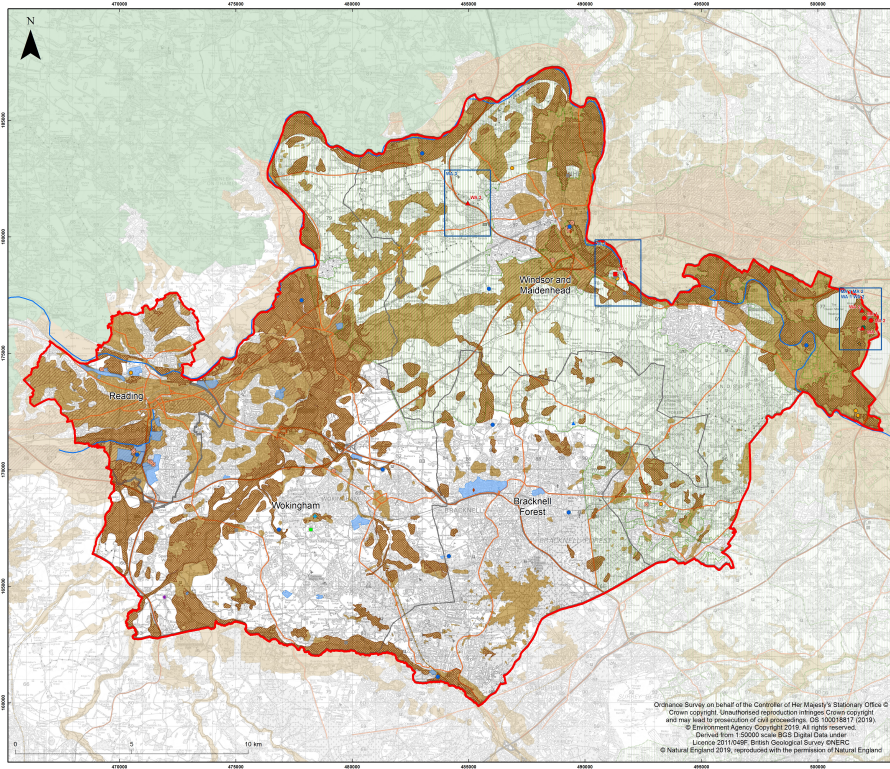
Waste Transfer Station (WTS): A location where waste can be temporarily stored, separated and bulked after being dropped off by domestic waste-collection lorries and before being carried off by larger vehicles for subsequent treatment or ultimate disposal.

Waste Water Treatment Works (WWTW): A facility where sewage volumes are reduced by de-watering and aerobic and anaerobic biological treatment.

Wharf: A landing place or pier where ships or barges may tie up and load or unload.

Zero waste: A term adopted to describe a culture in which all waste is seen as a resource having a value.

A summary of this document can be made available in large print, in Braille or audio cassette. Copies in other languages may also be obtained. Please contact Hampshire Services by email berks.consult@hants.gov.uk or by calling 0370 779 5634



Central & Eastern Berkshire - Joint Minerals & Waste Plan Draft Policies Map (June 2020)

- Proposed Allocations**
- Mineral allocation
 - Transport allocation
 - ▲ Waste allocation
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- Aggregate recycling
 - Clinical Waste
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 - Administrative Boundaries
 - Areas of Outstanding Natural Beauty
 - Railway Network
 - Strategic Road Network and Main A Roads
 - Green Belt
 - Clay (Lambeth Group) Safeguarded Resource
 - Sand and Gravel Safeguarded Resource
- Bracknell Forest Council
 Reading City Council
 Wokingham Borough Council
 Maidenhead Railway Station
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Central and Eastern Berkshire Authorities

Joint Minerals and Waste Plan

Environmental Report SA/SEA

Non-Technical Summary

July 2020



www.rbwm.gov.uk



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Hampshire County Council
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Non-Technical Summary

Introduction

This Non-Technical Summary provides an overview of the findings of the Sustainability Appraisal (including Strategic Environmental Assessment) undertaken for the Central and Eastern Berkshire Authorities - *Joint Minerals and Waste Plan* (JMWP). The document is referred to herein as the 'Environmental Report SA/SEA'.

What is the Central and Eastern Berkshire – Joint Minerals and Waste Plan?

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 (JMWP) which will guide minerals and waste decision-making in the Plan area for the period up to 2036. The JMWP is at Proposed Submission stage and provides a Vision, Objectives and Policies to guide minerals and waste planning decisions, as well as site allocations put forward to achieve the Plan's Vision:

JWMP Vision

In recognition of the importance of the area as a source of minerals, the Central & Eastern Berkshire Authorities will aim to ensure 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 and historic environment.

Waste will be managed in a sustainable way, in accordance with the waste hierarchy. The Authorities will work in collaboration with others to ensure the best environmental solutions to waste management are 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 Central and Eastern Berkshire's economic activity and enhancing the quality of life and living standards within the area. These benefits will be achieved, whilst minimising impacts on the natural and historic environment and positively contributing to climate change adaptation and mitigation.

What are Sustainability Appraisal and Strategic Environmental Assessment?

When preparing a minerals and waste local plan, authorities are legally required to undertake a Sustainability Appraisal (SA) and Strategic Environmental

Assessment (SEA) of the plan. These assessments are required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the EU Strategic Environmental Assessment Directive (2001/42/EC). These two processes have been combined into this SA/SEA Environmental. In order to ensure the baseline remains current through the process, it has been updated.

Sustainability Appraisal ensures that the social, economic and environmental effects are identified and appraised. The purpose of the SA/SEA is to provide a high-level consideration of the environment and ensure that environmental and sustainability considerations have been properly integrated into the plan. It aims to make the JWMP more sustainable and responsive to its environmental effects, by identifying the JMWP significant impacts and ways of minimising its negative effects.

The SA/SEA Methodology

The SA/SEA Process

Under the *Planning and Compulsory Purchase Act 2004*, the authorities are required to undertake a Sustainability Appraisal (SA) of this emerging Joint Minerals and Waste Plan. SA seeks to promote sustainable development by integrating sustainability considerations into the preparation and adoption of policies, plans and programmes. SA is required in order to deliver national sustainability objectives. This is also supported by provisions within National Planning Policy Framework and the Strategic Environmental Assessment (SEA) Directive. According to Government policy¹, SA should ‘demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)’.

SA/SEA is a staged process, which ensures that the potential environmental effects of a policy or plan are identified during the development of the plan. It provides a framework through which to consult upon the proposed environmental effects and to update or improve upon the plan before it is adopted. The stages of SA/SEA can be summarised as follows:

- Stage A: Setting the context, establishing the baseline and deciding on the scope of the assessment. A Scoping Report is produced at this stage;
- Stage B: Developing and refining options assessing effects;
- Stage C: Preparing the Environmental Report;

¹ National Planning Policy Framework (Para. 32) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

- Stage D: Consulting on the plan; and
- Stage E: Monitoring significant effects of implementing the plan.

The first stage of the SA/SEA (Stage A) involved preparation and circulation of a Scoping Report for consultation (April / May 2017). The Scoping Report identified key plans, policies, and programmes of relevance to the JMWP. It also set out the baseline environment, any existing sustainability issues, and the future baseline scenario without the Plan. The Scoping exercise identified some key themes across the Plan area that needed to be assessed in the SA/SEA and scoped out issues where significant effects were not anticipated.

Following the Scoping exercise, a process of developing and refining the options (taking into account Consultee comments) commenced (Stage B). The Interim SA/SEA Report was prepared as part of 'Stage C' and can also be referred to as the (draft) 'Environmental Report'. This was released for consultation alongside the Draft Plan during August/October 2018. Subsequently final revisions were made to the JMWP and to the final Environmental Report.

Developing the SA/SEA Framework

The SA/SEA framework is made up of a number of SA/SEA Objectives which are used to test the objectives, policies and options of the JMWP against. The SA/SEA Objectives have been developed based on the review of plans, programmes and the baseline information, and are as follows:

Table A: SA/SEA Objectives

SA/SEA Objective	
1) Biodiversity	To conserve and enhance the biodiversity, flora and fauna of the Plan Area including natural habitat and protected species.
2) Water quality	To maintain and improve ground and surface water quality in the Plan Area.
3) Landscape and heritage	Protect and enhance landscape character, local distinctiveness, and historic environment of the Plan Area.
4) Ground conditions	To maintain and protect soil quality and protect the best and most versatile agricultural land.
5) Quality of life	To improve the overall quality of life of the population.
6) Air quality	To maintain and protect air quality.
7) Emissions / Climate change	To reduce emissions of greenhouse gases associated with climate change.

8) Sustainable Materials	To support sustainable extraction, re-use and recycling of waste, mineral and aggregate resources.
9) Economic Growth	To improve the competitiveness, productivity and investment of local businesses to reduce disparities in poverty and deprivation.
10) Sustainable waste and minerals	To create and sustain high levels of access to waste and mineral services.
11) Flood risk	To alleviate flood risk and the impact of flooding.

The Appraisal Process

The appraisal involved systematically assessing the following parts of the JMWP against the SA/SEA Objectives (draft, revised and final):

- JMWP Objectives
- Development Management Policies
- Waste Policies
- Minerals Policies
- Site Options

The objective of this SA/SEA Environmental Report is to assess the impacts of the Plan of the JMWP in terms of its environmental, social, and economic effects, and to inform and influence the Plan as it develops. It also considers ‘cumulative effects’ which for the purpose of this assessment is defined as ‘those that result from additive (cumulative) impacts which are reasonably foreseeable actions together with the plan (inter plan effects) and synergistic (in combination effects) which arise from the interaction between impacts of a plan on different aspect of the environment. The appraisal process aims to concentrate on identifying ‘significant effects’ only, as defined by the SEA Directive.

The assessment of environmental effects was qualitative and informed by professional judgement and experience with other SA/SEAs, as well as an assessment of national, regional and local trends.

Geographic Information Systems (GIS) mapping has been used to determine a site’s distance from features such as environmental designations. With respect to the assessment of sites, performance categories have been developed which are linked to each objective, in order to provide a robust appraisal of the sites. Colour coding has been used to ensure the impacts are visually apparent at a glance, as shown below:

Table B: SA/SEA Objective Effects Scoring System

Symbol	Explanation of the Effect
+	Positive: will result in positive impact on the objective
0	Neutral: Neutral or negligible effect on the objective
-	Negative: Option will result on a negative impact on the objective
?	Unknown: The relationship is unknown, or there is not enough information to make an assessment

Assessment of Alternatives

The approach to assessing alternatives comprised the following stages:

- The alternatives to the draft objectives, development management, waste and minerals policies were assessed (refer to the Appendix E-G); and
- Potential waste and mineral sites were appraised (refer to Appendix I).

In accordance with the SEA Directive and Planning Practice Guidance all reasonable alternatives were assessed. With regard to the draft policies, reasonable alternatives were assessed where they had been identified and developed. Where only one policy option was under active consideration due to the lack of reasonable alternatives only this option is assessed.

Section 3 of this Report describes the process by which the proposed sites were identified; via an 'Call for Sites' and then subsequent stages of long-listing potential sites, appraisal of the long list (including consultation with the Central & Eastern Berkshire Authorities); then short-listing which underwent SA/SEA appraisal and the resulting final 6 sites. Appendix H outlines the reasons why some of the long-listed sites were not progressed.

Due to the limited number of options, the approach was taken to assess the sites on their own merit / constraints allowing the plan-makers to determine whether the site should be considered as an allocation taking all factors into consideration.

In addition to the allocated sites, an Area of Search is outlined which demonstrates where potential sand and gravel proposals may come forward in the future.

The Appraisal Findings

The Plan has 14 Objectives, as provided in Table C below:

Table C: JMWP Objectives

No.	JMWP Objective
1	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 natural and historic environment and local communities from negative impacts.
2	Protect community health, safety and amenity in particular by managing traffic impacts, minimising the risk from flooding, 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	Ensure minerals and waste development makes a positive contribution to the local and wider environment, and biodiversity, through the protection and creation of high quality, resilient habitats and ecological networks and landscapes that provide opportunities for enhanced biodiversity and geodiversity and contribute to the high quality of life for present and future generations.
4	Help mitigate the causes of, and adapt to, climate change by positive design of development; developing appropriate restoration of mineral workings; prioritising movement of waste up the waste hierarchy; reducing the reliance on landfill; maximising opportunities for the re-use and recycling of waste; and facilitating new technologies to maximise the renewable energy potential of waste as a resource.
5	Encourage engagement between developers, site operators and communities so there is an understanding of respective needs.
6	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.
7	Support continued economic growth in Central & Eastern Berkshire, as well as neighboring economies by helping to deliver a steady and adequate supply of environmentally acceptable primary minerals and mineral-related products to support new development and key infrastructure projects locally through safeguarding mineral resources and allocating key sites.
8	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	Safeguard facilities for the movement of minerals and waste by rail and encouraging the use of other non-road modes where these are available and more sustainable.
10	Ensure sufficient primary aggregate is supplied to the construction industry from appropriately located and environmentally acceptable sources achieving a net reduction in 'mineral miles'.
11	Encourage the production and use of good quality secondary and recycled aggregates, having regard to the principles of sustainable development.
12	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.
13	Encourage a zero waste economy whereby landfill is virtually eliminated (excluding inert materials) by providing for increased recycling and waste recovery facilities including energy recovery.
14	Achieve a net reduction in 'waste miles' by delivering adequate capacity for managing waste as near as possible to where it is produced.

The results of the SA/SEA appraisal of the 14 JMWP Objectives are below in Table D.

Table D: Total effects of JMWP Objectives

JMWP Objective	SA/SEA Objectives										
	1 Biodiversity	2 Water quality	3 Landscape and heritage	4 Ground conditions	5 Quality of life	6 Air Quality	7 Emissions / Climate change	8 Sustainable Materials	9 Economic Growth	10 Sustainable waste and minerals	11 Flood risk
1. 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.	?	0	0	?	?	?	0	?	0	+	?
2. Protect community health, safety and amenity in particular by managing traffic impacts, minimising the risk from flooding, 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. Protect and enhance landscape character, local distinctiveness and historic environment of the Plan Area	?	+	+	0	+	?	?	?	?	+	+
3. Ensure minerals and waste development makes a positive contribution to the local and wider environment, and biodiversity, through the protection and	+	?	+	?	?	?	?	?	?	+	0

JMWP Objective	SA/SEA Objectives										
	1 Biodiversity	2 Water quality	3 Landscape and heritage	4 Ground conditions	5 Quality of life	6 Air Quality	7 Emissions / Climate change	8 Sustainable Materials	9 Economic Growth	10 Sustainable waste and minerals	11 Flood risk
creation of high quality, resilient habitats and ecological networks and landscapes that provide opportunities for enhanced biodiversity and geodiversity and contribute to the high quality of life for present and future generations.											
4. Help mitigate the causes of, and adapt to, climate change by positive design of development; developing appropriate restoration of mineral workings; prioritising movement of waste up the waste hierarchy; reducing the reliance on landfill; maximising opportunities for the re-use and recycling of waste; and facilitating new technologies to maximise the renewable energy potential of waste as a resource.	0	0	0	0	0	?	+	?	?	+	?
5. Encourage engagement between developers, site operators and communities so there is an understanding of respective needs.	0	?	0	?	+	0	0	0	0	0	0
6. Ensure the restoration of mineral sites is suitably addressed 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.	+	?	?	0	+	0	0	0	0	0	0

JMWP Objective	SA/SEA Objectives										
	1 Biodiversity	2 Water quality	3 Landscape and heritage	4 Ground conditions	5 Quality of life	6 Air Quality	7 Emissions / Climate change	8 Sustainable Materials	9 Economic Growth	10 Sustainable waste and minerals	11 Flood risk
7. Support the continued economic growth in Central & Eastern Berkshire, as well as neighbouring economies by helping to deliver a steady and adequate supply of environmentally acceptable primary minerals and mineral-related products to enable new development and key infrastructure projects locally through safeguarding mineral resources and allocating key sites.	?	?	?	?	?	?	?	+	+	+	0
8. 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	?	0	?	0	0	0	0	+	+	+	0
9. Safeguard facilities for the movement of minerals and waste by rail and encouraging the use of other non-road modes where these are available and more sustainable.	?	0	0	0	?	+	+	+	0	0	0
10. Ensure sufficient primary aggregate is supplied to the construction industry from appropriately located and environmentally acceptable sources achieving a net reduction in mineral miles.	?	?	?	?	?	+	+	+	+	?	?

JMWP Objective	SA/SEA Objectives										
	1 Biodiversity	2 Water quality	3 Landscape and heritage	4 Ground conditions	5 Quality of life	6 Air Quality	7 Emissions / Climate change	8 Sustainable Materials	9 Economic Growth	10 Sustainable waste and minerals	11 Flood risk
11. Encourage the production and use of good secondary and recycled aggregates, having regard to the principles of sustainable development.	?	?	?	?	?	?	?	+	?	+	?
12. 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	?	?	0	0	?	+	+	+	0	+	0
13. Encourage a zero waste economy whereby landfill is virtually eliminated (excluding inert materials) by providing for increased recycling and waste recovery facilities including energy recovery.	?	0	0	0	0	?	+	+	0	+	?
14. Achieve a net reduction in 'waste miles' by delivering adequate capacity for managing waste as near as possible to where it is produced.	?	?	?	?	+	?	+	?	?	?	?

The assessment noted that in general, the JMWP Objectives have a neutral or positive effect when compared against the SA/SEA Objectives. There were no identified negative effects.

Key strengths identified in the Objectives include: good consideration of air quality / emissions / climate change impacts; focus on reducing waste; and the fact that numerous policies considered long term impacts beyond the plan period and site restoration.

Areas of potential improvement identified include: the inclusion of more measurable objectives, based on evidence gathering; and greater detail on how objectives can be achieved / met.

Development management policies

The Plan has 15 Development Management (DM) Policies, summarised as follows:

- DM1: Sustainable development
- DM2: Climate change, mitigation and adaptation
- DM3: Protection of habitats and species
- DM4: Protection of designated landscapes
- DM5: Protection of the countryside
- DM6: Green Belt
- DM7: Conserving the historic environment
- DM8: Restoration of minerals and waste development
- DM9: Protecting public health, safety and amenity
- DM10: Flood Risk
- DM11: Water Resources
- DM12: Sustainable Transport Movements
- DM13: High Quality Design of Minerals and Waste Development
- DM14: Ancillary Development
- DM15: Past Operators Performance

The full policy wording can be found in Appendix E. The results of the SA/SEA appraisal of the 15 DM policies is set out in Table E.

Table E: Total effects of Development Management Policies against SA/SEA Objectives

Development Management Policy	SA/SEA Objective										
	1. Biodiversity	2. Water quality	3. Landscape and heritage	4 Ground conditions	5 Quality of life	6 Air Quality	7 Emissions / Climate change	8 Sustainable Materials	9 Economic growth	10 Sustainable waste and minerals	11 Flood risk
DM1: Sustainable Development	?	?	?	?	?	?	?	+	?	+	?
DM2: Climate change, mitigation and adaptation	0	0	0	0	0	+	+	0	0	0	0
DM3: Protection of habitats and species	+	?	?	0	?	0	0	0	0	0	0
DM4: Protection of designated landscapes	0	0	+	0	0	0	0	0	0	0	0
DM5: Protection of the countryside	0	0	+	0	0	0	0	0	0	0	0
DM6: Green Belt	?	0	+	?	?	?	0	+	0	+	0
DM7: Conserving the historic environment	0	0	+	0	0	0	0	0	0	0	0
DM8: Restoration of minerals and waste development	+	+	+	0	0	0	0	0	0	0	0
DM9: Protecting health, safety and amenity	0	+	0	0	+	+	+	?	0	?	0
DM10: Flood risk	+	0	0	0	0	0	0	?	0	?	+
DM11: Water Resources	0	+	0	0	0	0	0	?	0	?	0
DM12: Sustainable transport movements	0	0	0	0	0	+	+	?	0	?	0

Development Management Policy	SA/SEA Objective										
	1. Biodiversity	2. Water quality	3. Landscape and heritage	4. Ground conditions	5. Quality of life	6. Air Quality	7. Emissions / Climate change	8. Sustainable Materials	9. Economic growth	10. Sustainable waste and minerals	11. Flood risk
DM13: High quality design of minerals and waste development	0	0	0	+	0	0	+	+	0	+	0
DM14: Ancillary minerals and waste development	?	?	?	?	?	?	?	?	?	+	?
DM15: Past operator performance	?	?	?	?	?	?	?	?	?	?	?

The appraisal showed that overall, the DM Policies had a neutral or positive effect on the SA/SEA Objectives.

Key strengths of the policies include: specific criteria describing when waste and minerals will and will not be supported; good protection for habitats and species, protected landscapes, Green Belt and countryside, and the historic environment. The policies also address restoration and aftercare, flood risk, and sustainable transport.

Potential areas of improvement include: the inclusion of more defining / qualifying terms, to make the policy's success more measurable and enforceable. There is also opportunity for the policies to positively impact on flood alleviation targets.

Waste Policies

The JMWP has five Waste (W) Policies, as follows:

- W1: Sustainable waste development strategy
- W2: Safeguarding waste and management facilities
- W3: Waste capacity requirements
- W4: Locations and sites for waste management
- W5: Reworking landfills

The full policy wording can be found in SA/SEA Appendix F. The results of the SA/SEA appraisal of the five Waste policies are set out in Table F.

Table F: Total effects of Waste Policies against SA/SEA Objectives

Waste Policy	SA/SEA Objective										
	1. Biodiversity	2. Water quality	3. Landscape and heritage	4. Ground conditions	5. Quality of life	6. Air Quality	7. Emissions / Climate change	8. Sustainable Materials	9. Economic Growth	10. Sustainable waste and minerals	11. Flood risk
W1 Sustainable waste development strategy	0	0	0	0	0	+	0	+	+	+	0
W2 Safeguarding waste management facilities	0	0	0	0	0	0	0	0	0	+	0
W3 Waste capacity requirements	0	0	0	0	0	0	0	+	+	+	0
W4 Locations and sites for waste management	0	0	0	+	0	+	0	0	0	+	0
W5 Reworking landfills	0	0	0	0	0	0	0	+	0	0	0

The appraisal showed that overall, the Waste Policies had a neutral or positive effect on the SA/SEA Objectives.

Key strengths of the policies include: a focus on delivering a sustainable waste strategy, making sure that waste sites are close to waste sources, which indirectly has a positive impact on air quality; explicit criteria by which waste sites will be approved, acknowledging that the sites may not adequately meet demand.

Potential areas of improvement included more explicit criteria by which waste sites would not be permitted, greater safeguarding of new, existing and allocated sites, and references to ‘outside the Plan area’ which does not support sustainable waste and mineral principles. Requirements for restoration/aftercare of waste sites could be strengthened.

Mineral Policies

The JWMP has eight Mineral (M) Policies, as follows.

- M1: Sustainable minerals development strategy

- M2: Safeguarding of sand and gravel resources
- M3: Sand and gravel supply
- M4: Locations for sand and gravel
- M5: Supply of recycled and secondary aggregates
- M6: Chalk, clay and other minerals
- M7: Aggregate wharves and rail depots
- M8: Safeguarding other mineral development infrastructure

The full policy wording can be found in SA/SEA Appendix G. The results of the SA/SEA appraisal of the eight Minerals Policies are set out in Table G.

Table G: Total effects of Mineral Policies against SA/SEA Objectives

Minerals Policy	SA/SEA Objective										
	1. Biodiversity	2. Water quality	3. Landscape and heritage	4. Ground conditions	5. Quality of life	6. Air Quality	7. Emissions / Climate change	8. Sustainable Materials	9. Economic Growth	10. Sustainable waste and minerals	11. Flood risk
M1 Sustainable minerals development strategy	0	0	0	0	0	0	0	+	+	+	0
M2 Safeguarding sand and gravel resources	0	0	0	0	0	0	0	+	+	+	0
M3 Sand and gravel supply	0	0	0	0	0	0	0	0	+	+	0
M4 Locations for sand and gravel	0	0	0	0	0	0	0	+	+	+	0
M5 Supply of recycled and secondary aggregate	0	0	0	0	0	0	0	+	+	+	0
M6 Chalk, clay and other minerals	0	0	0	0	0	0	0	0	0	+	0

M7 Aggregate wharves and rail depots	0	0	0	0	0	+	0	0	0	+	0
M8 Safeguarding other minerals development infrastructure	0	0	0	0	0	0	0	0	0	+	0

The appraisal showed that overall, the Mineral Policies had a neutral or positive effect on the SA/SEA Objectives.

Key strengths include: strong emphasis on mineral and mineral infrastructure safeguarding; an allowance for a steady and adequate supply of minerals, sand and gravel; measurable figures for annual recycling capacity, a focus on sustainable transport, and the need to minimise travel. The policies support the sustainable extraction, reuse and recycling of mineral and aggregate resources.

Potential areas of improvement include: provision of additional criteria to ensure that extraction would not cause environmental harm in designated sites; stronger emphasis on monitoring and remedial processes, and restoration and aftercare. However, it is recognised that these issues would be addressed by the DM policies.

Overall, it was noted that there may be potential for the policies to be enhanced to allow them to positively impact SA/SEA Objectives 1, 2, 3, 4, 5, 7 or 11.

Site Appraisal

All 6 shortlisted minerals and waste sites underwent an appraisal against the SA/SEA Objectives. It should be noted that the sites are not being assessed against each other, but rather appraised on their relative performance based on environmental indicators and performance categories (see Table H).

Industrial estates and employment were also reviewed as part of the background work to support the Plan². The purpose of this exercise was to establish the level of potential capacity of these locations to support waste management activities. As the sites are allocated for an existing land use, it is not necessary to assess these sites for waste management development as the site will have already been through an assessment in the relevant local plan to determine whether development of the site would lead to any significant impacts.

Constraints and considerations are described in detail in the Table 3.7, and are summarised in Table H.

² Waste Proposals Study (July 2020) – www.hants.gov.uk/berksconsult

Table H: Total effects of the Proposed Sites against SA/SEA Objectives

Sites	SA/SEA Objectives										
	1 Biodiversity	2 Water quality	3 Landscape and heritage	4 Ground conditions	5 Quality of life	6 Air quality	7 Emissions / climate change	8 Sustainable materials	9 Economic Growth	10 Sustainable waste and minerals	11 Flood risk
CEB18b Poyle Quarry Ext, Horton (RBWM)	0	+	+	0	+	0	0	+	0	+	0
CEB19 Horton Brook Quarry, Horton (RBWM)	0	0	+	-	0	+	0	+	0	+	0
CEB24 The Compound, Maidenhead (RBWM)	0	+	0	-	0	+	0	+	+	+	+
CEB25 Berkyn Manor, Horton (RBWM)	0	-	0	0	+	0	0	+	+	+	+
CEB26 Monkey Island Lane Wharf, Bray (RBWM)	0	-	+	+	-	+	0	+	0	+	-
CEB30 Area between Horton Brook and Poyle Quarry (RBWM)	0	0	-	0	0	0	0	+	0	+	0

The appraisal considered potential impacts of the sites upon SA/SEA Objectives (without mitigation). The appraisal showed that one site (CEB18b) was not considered to have a negative effect on any of the SA/SEA Objectives. The other sites had negative effects on one or more objective. CEB26 had negative effects on three SA/SEA Objectives (2, 5 and 11).

The site appraisals have shown that some of the proposed sites (without mitigation) have the potential to negatively impact the following environmental areas:

- Water quality;
- Landscape and ground conditions;
- Quality of Life; and
- Flood risk.

These issues would need to be addressed by mitigation and the DM policies to ensure there are no significant adverse impacts.

It was noted that a number of sites scored positively/neutral for the following environmental / sustainability areas:

- Sustainable extraction, re-use and recycling of waste; and
- Sustainable supply of minerals and waste.

Some sites scored positively for air quality. This was due to proposal encouraging a sustainable form of transport or that the site had good connectivity without impacting on an Air Quality Management Area.

Area of Search and Preferred Waste Areas

It is noted that the allocated sites alone will not provide sufficient resource for the Plan Area. To address this issue an 'Area of Search' has been outlined which demonstrates locations within the Plan Area which have the potential to be used for future sand and gravel proposals. The Area of Search has been established using high level environmental criteria which have been applied to the Plan Area to ensure that major environmental constraints (for example designated sites) have been excluded. It does not include a comprehensive and exhaustive environmental assessment of these areas and does not necessarily indicate that proposals coming forward within this area will not have the potential for significant environmental effects. The criteria have been derived from the National Planning Policy Framework which sets out designations which development should avoid. The criteria have not been subject to assessment³ but the approach has been assessed.

It has not been possible to assess the specific areas against the SA/SEA objectives. However, it is noted that proposals coming forward within the Area of Search have the potential to cause significant environmental impacts. It is recognised that this creates an uncertainty of impact and an assessment of cumulative assessment is not possible. However, all proposals which come forward within the 'Area of Search' must be accompanied by sufficient information regarding potential environmental impacts to enable the relevant planning application to be assessed against the policies within the Plan to ensure there are no significant environmental impacts in order for permission to be granted.

It is noted that the allocated sites will not be sufficient for the Plan Area to meet the future waste management requirements of Central and Eastern Berkshire up to the end of the Plan period and therefore, it is expected that further new sites will come forward through market-led delivery. To help address this issue 'Preferred Waste Areas' have been identified. These include industrial estates and industrial land within the Plan which have been allocated for industrial uses within other Local

³The National Planning Policy Framework will have been subject to assessment.

Plans. 25 sites (referred to as ‘Preferred Waste Areas’) are potentially suitable for waste uses ranging from ‘Activities requiring a mix of enclosed buildings/plant and open ancillary areas (possibly involving biological treatment)’ to ‘Activities requiring enclosed building with stack (small scale)’.

These sites have an established land use which has already been allocated for development in the individual relevant Local Plans and therefore have not been re assessed herein.

Summary and Conclusions

This JMWP shows many aspects of good planning. The JMWP is clearly driven by achieving goals of the JMWP whilst minimising the impacts to the environment and promoting sustainable development and this is reflected throughout the objectives and policies. The Plan has been developed and informed by sound evidence base and up to date baseline data.

In general, the JMWP is considered to be in line with other relevant international and local plans as outlined in Appendix A. However, consideration needs to be given to the outcome of the Habitats Regulations Assessment and Strategic Flood Risk Assessment due to the potential for impact.

It is imperative that when the JWMP is implemented by the planning authorities, the Plan is considered as a whole. Therefore, applications will need to consider not only the relevant minerals and/or waste policies, the DM policies as well as the Development Considerations which are set out for each specific site. Permission will not be granted if the Development Considerations are not adequately addressed.

Cumulative Effects (Intra Plan)

The SEA Directive requires information to be provided on the likely cumulative and synergistic (i.e. in combination effects) on the environment. For the purpose of this assessment cumulative effects are defined as those that result from additive (cumulative) impacts which are reasonably foreseeable actions together with the plan (inter plan effects) and synergistic (intra plan effects) which arise from the interaction between effects within the same plan on different aspects of the environment. The appraisal process aims to concentrate on identifying ‘significant effects’ only, as defined by the SEA Directive.

The majority of the SA/SEA objectives were well represented within the JMWP objectives however, it is notable that with the exception of Objectives 8 and 10 many of the other SA/SEA objectives were not particularly well represented within the waste and minerals policies themselves and Objective 9 was not represented within any policy. This is relevant as this may indicate that the policies alone may not achieve the JMWP objectives. This is particularly important when considering how the JWMP will be implemented by the planning authorities on the ground. However,

it is understood that the policies are not considered in isolation as the Plan (the sites, policies and supporting text) are considered as a whole.

It is noted that although the Objectives and policies did not result in any negative effects, the selected sites are considered to have a number of negative effects on the SA/SEA Objectives particularly with respect to SA/SEA Objectives 2, 3, 4 and 11. Should these sites be brought forward the DM policies will need to be rigorously applied to ensure any adverse effects are effectively mitigated.

For the purpose of establishing the intra plan synergistic cumulative effects only, the key SA/SEA Objectives where the Plan is most likely to have an effect have been considered, these include supporting sustainable extraction and re use of recycling or waste, minerals and aggregates (Objective 8), maintaining and protecting air quality (Objective 6) this has a secondary effect on emissions and climate change (Objective 7), protection of the water environment (Objective 2), to create and sustain high levels of mineral services (Objective 10).

With reference to the environmental baseline/environmental problems/ evolution without the Plan, the main areas in which the JMWP would have cumulative effect include:

- The Plan area will continue to produce more waste. The JMWP is considered to have a positive effect as it provides a framework for safeguarding existing sites and assessing proposed sites to ensure adequate waste capacity is secured for the Plan area as well as encouraging more sustainable waste management and application of the waste hierarchy.
- Aggregate requirements are likely to increase. The policies relating to safeguarding sites and infrastructure and preventing sterilisation are considered to have neutral cumulative effect.
- Waste and mineral sites have the potential to cause contamination and harm to the environment. The policies within the JMWP aim to protect the water environment however, a number of the potential sites report a negative effect on water quality. Should these sites be brought forward for development, the DM policies will need to be rigorously applied to minimise the impact.
- Reductions in CO₂ will be increasingly hard to realise. This is considered to have neutral effect as any increase in waste and mineral haulage will have an indirect effect on emissions however, the policies relating to climate change, sustainable transport and air quality aim to minimise the effect.
- Increase in flooding: The JMWP is considered to have a neutral effect on flooding as it aims to minimise inappropriate development within flood prone areas, however, it is noted that a number of the potential sites are located within flood zones and mitigation measures will be required.

The greatest challenge facing the Plan area is pressure on land⁴. Where applicable, the JMWP has addressed this issue, notably within the policies relating to safeguarding (waste / mineral sites and infrastructure) and reworking of landfills.

With respect to the cumulative effect of the 6 sites with each other. There is an obvious potential for cumulative impacts in the area of Horton Brook, Poyle Quarry (and extensions) and Berkyn Manor. These would be taken into account at the planning application stage and could result in phasing of the development or traffic management schemes potentially being a requirement of any consent.

Cumulative Effects (Inter Plan)

A high-level assessment of the 6 sites was undertaken to review the cumulative impact of the proposals with other minerals and waste operations within the zone of influence.

None of the 6 sites were found to have any other potentially operational (minerals or waste site) within the 5km zone of influence. However, it is noted that should any of the existing sites extend their permissions the cumulative impacts would need to be reassessed.

In order to assess the potential cumulative (inter plan) effects of the other types of development on the allocated site. A long list of potential sites was developed.

The long list was shortlisted using criteria (magnitude and distance from site).

A high-level assessment could only be undertaken based on available information which was limited to key considerations for each site as outlined in the emerging Royal Borough of Windsor and Maidenhead Local Plan as all the sites are located within the administrative boundary. Refer to Table 4.1 for high level cumulative assessment.

Table 1: High Level Cumulative Effects Assessment of Allocated Sites

Site ID	Short list of Sites with potential for cumulative effect*	Potential cumulative effect
CEB 26	<p>AL13: Desborough, Shoppenhangers and Harvest Hill Roads, South West Maidenhead</p> <p>AL26: Land between Windsor Road and Bray Lake, south of Maidenhead</p> <p>AL14: The Triangle Site (land south of the A308(M) west of</p>	<p>AL14 is a large proposed mixed-use development which could pose an adverse potential cumulative effect along the road network given the magnitude of the proposed development. The effects could be during construction if there was temporal overlap and these effects could extend into the operational</p>

⁴ Reference is made to the authorities' local plans (including those emerging)

	Ascot Road and north of the M4), Maidenhead	phases with respect to traffic and congestion.
CEB24	<p>AL13: Desborough, Shoppenhangers and Harvest Hill Roads, South West Maidenhead</p> <p>AL24: Land east of Woodlands Park Avenue and north of Woodlands Business Park, Maidenhead</p> <p>AL26: Land between Windsor Road and Bray Lake, south of Maidenhead</p> <p>AL25: Land known as Spencer's Farm, north of Lutman Lane, Maidenhead</p> <p>AL28: Land north of Lutman Lane, Spencer's Farm, Maidenhead</p>	<p>There are no sites with the potential for cumulative effects in the immediate vicinity of CEB24.</p> <p>There are number of sites to the south of CEB24 located on the strategic road network which are large in size and if construction was to overlap would potentially give rise to additive cumulative effects associated with traffic, congestion and indirectly air quality.</p> <p>Given the magnitude of the potential sites the possibly of cumulative effects associated with the road network and congestion during the operational phase cannot be discounted but are not considered to be significant due to the scale of the proposed development.</p>
CEB25 CEB18B CEB19 CEB30	<p>AL40: Land east of Queen Mother Reservoir, Horton</p> <p>AL39: Land at Riding Court Road and London Road Datchet</p>	<p>There is a potential site located in the immediate vicinity of CEB19 (AL40). Although the magnitude of development is not considered significant, given its proximity there is the potential for additive cumulative effects particular with respect to noise and air quality and traffic congestion on the minor roads.</p> <p>A further site (AL39) has been identified along the strategic road network which if there was temporal overlap may give rise to additive traffic and congestion on the network.</p> <p>Given the magnitude of the developments it is considered unlikely that there would be any significant cumulative effects</p>

		associated with the operational phases.
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*Site ID as presented Borough Local Plan (2013 - 2033) Submission Version Incorporating Proposed Changes (October 2019)⁵.

In addition to the allocations within the local plans the proposed Heathrow expansion plans in neighbouring Slough potentially represents a significant impact on the Plan area with respect to background noise, traffic, congestion and air quality, if and when this occurs (again insufficient evidence is available). Due to the high level of uncertainty, it is not possible to consider this impact in a meaningful way.

Proposed monitoring

This Environment Report SA/SEA provides some suggested monitoring measures in Section 4 of this report. Monitoring suggestions are provided for each SA/SEA Objective. Effort has been made to ensure these suggestions are simple, effective and measurable, and that monitoring is undertaken on an annual basis.

⁵ Borough Local Plan (2013 - 2033) Submission Version Incorporating Proposed Changes (October 2019): <http://consult.rbwm.gov.uk/portal/blp/blpsv-pc/blpsv-pc-oct19?tab=files>

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