

Public Document Pack

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's [web site](#) or contact **Head of Governance: Karen Shepherd: 07766 778286**

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting

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 in the **Council Chamber - Town Hall, Maidenhead** on **Tuesday, 22 November 2022 at 7.00 pm** for the purpose of transacting the business specified in the Agenda set out hereunder.

Dated this Monday, 14 November 2022



Tony Reeves
Interim Chief Executive

*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 27 September 2022.
(Pages 11 - 52)

3. DECLARATIONS OF INTEREST

To receive any declarations of interest
(Pages 53 - 54)

4. MAYOR'S COMMUNICATIONS

To receive such communications as the Mayor may desire to place before the Council
(Pages 55 - 56)

5. PUBLIC QUESTIONS

- a) David Buckley of Datchet ward will ask the following question of Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor**

Windsor being one of the largest tourist locations in the UK. I understand there is an ongoing shortage of hotel rooms for both the tourism and business sector. Have the Council considered restricting local hotel use to tourists, business visitors using any laws or regulations available. This would increase income for the local economy and support the growing tourism sector.

- b) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot:**

Why is the Council's medium term financial plan showing a need for £7M+ savings in 2023/24?

- c) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

Noting that Maidenhead now has a new £12m car park, what improvements are being made to existing car parks in the Royal Borough?

- d) Mohammed Ilyas of Belmont ward will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

Well done RBWM for listening to local residents and putting forward steps to improve safety of the highway in Ellington Park, Belmont. What Highways budget will be set aside for safety improvements such as this, over the next year? In particular addition of zebra crossings outside schools for example as the one already outside St Luke's School in Belmont.

- e) Mohammed Ilyas of Belmont ward will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

Will the Cabinet member for Highways and Transport indicate as to why a bus service route has not yet been approved nor is one in service now for the residents and Community groups in Holmanleaze following the removal of public parking in the area due the start of development on St Cloud Way?

- f) Hari Sharma of Furze Platt ward will ask the following question of Councillor Bhangra, Cabinet Member for Environmental Services, Parks and Countryside:**

Furze Platt Conservatives in 2014-2016 set up two play areas called Moffy Hill & Shifford Crescent in the ward. These play areas are very popular and well used by our children. It's been a while now since it was installed.

Can you assure residents these rides and furniture fitted in there have been inspected regularly and safety checks conducted recently?

g) Hari Sharma of Furze Platt ward will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:

Central Government is to provide £60m to help bus operators cap single adult fare at £2 / child at £1 per journey. As I understand, most cities outside London are bringing these fares in to help residents during this cost-of-living crisis. When will residents of the Royal Borough get a reduction of their bus fare and start paying £2?

h) Jack Douglas of Pinkneys Green ward will ask the following question of Councillor Bhangra, Cabinet Member for Environmental Services, Parks and Countryside:

Regarding the proposed agreement with the Lawn Tennis Association for investment in the hard courts at Kidwell's Park, and other parks in the borough, what is the current utilisation of courts by residents, what is the expected utilisation after the scheme is in place, and how is usage measured?

i) Sajid Khan of Furze Platt ward will ask the following question of Councillor Bhangra, Cabinet Member for Environmental Services, Parks and Countryside:

Could the Council inform as to whether the budget funds have been allocated for works for a path between the Christian and Muslim burial areas at Braywick Cemetery. If not, for what reason has this not been completed, as this had been discussed with the Council over the past year?

j) Question withdrawn.

k) Debbie Ludford of Oldfield ward will ask the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection:

Ozone is a gas which is damaging to human health and can trigger asthma attacks and inflammation of the respiratory tract, eyes, nose and throat. Ozone can also damage crops. RBWM doesn't currently measure Ozone, but at nearby Hillingdon and Harlington, ozone levels consistently exceeded the WHO limit during the July heatwave. Why isn't RBWM measuring ozone levels?

l) Michael Young of Oldfield ward will ask the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection:

CALA Homes Environmental Impact Assessment for the golf course refers to traffic volume monitoring. The M4 motorway now has 33% additional capacity since it was upgraded to be a 'Smart' motorway. Will this be taken into account when assessing the potential increases in air pollution in the borough?

m) Tara Crist of Riverside ward will ask the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection:

Recent studies have linked air pollution to dementia, irregular heartbeats in teenagers and toxic air pollution particles have been found in the lungs and brains of unborn babies. How is it possible for RBWM to achieve National Air Quality Objectives by 2025 when it doesn't measure 90 per cent of pollutants which have National Air Quality Objectives?

n) Tina Quadrino of Pinkneys Green ward will ask the following question of Councillor Carroll, Cabinet Member for Children's Services, Education, Health, Mental Health, & Transformation:

This council says it recognises air pollution as a major health risk, ranking alongside cancer, heart disease and obesity. It shortens lives and damages quality of life. How can this council take the appropriate steps to protect the health of residents if it doesn't monitor air pollution properly?

o) Will Scawn of Belmont ward will ask the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection:

Having spoken to residents in my local area of Belmont, I understand there may be increased levels of anti-social behaviour on the footpath/alleyways that connect roads in Belmont. What measures is the Council taking in order to tackle anti-social behaviour on these important paths and to ensure the safety of residents?

p) John Hudson of Oldfield ward will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:

RBWM's Environment & Climate Strategy states 'The role of the natural environment in creating great places is critical to the success of the borough economy & to our residents' health & wellbeing, therefore it is important we take steps to protect it.'

How is the proposed development of the golf course remotely compatible with your environmental and climate strategy statement?

q) Claire Huntley of Belmont ward will ask the following question of Councillor Carroll, Cabinet Member for Children's Services, Education, Health, Mental Health, & Transformation:

Particulate Matter is microscopic pieces of solids or liquids suspended in the air we breathe. Particulate air pollution is toxic and scientific research has consistently demonstrated adverse health effects including asthma, lung and throat cancers, and premature death. How will this council protect residents from the harmful effects of the extra particulates generated by the development planned for our greenbelt?

r) Hilary Su of Oldfield ward will ask the following question of

Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:

Please could we get an update on the footpath and cycle path in the Maidenhead Town Moor area? It's frustrating to residents so it would be great to know when it can be completed.

(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. PETITION FOR DEBATE - AIR POLLUTION MEASUREMENTS

The Constitution provides for a maximum time of 30 minutes for Members to debate petitions; this can be extended at the Mayor's discretion.

[Petition: Increase measurements of air polluting and health damaging particulates](#)

- a) The Mayor to invite the Lead Petitioner to address the meeting (5 minutes maximum)
- b) The Mayor to invite the relevant Cabinet Member to speak, including proposing any recommendation in the report (5 minutes maximum)
- c) The Mayor to ask for the motion to be seconded
- d) Motions without Notice (other than those detailed in Part 2 C13 of the constitution) will not be allowed.
- e) The Mayor to invite any relevant Ward Councillors to speak (5 minutes maximum each)
- f) The Mayor will invite all Members to debate the matter (Rules of Debate as per the Constitution apply)

(Pages 57 - 80)

7. PETITIONS

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

(Notice of the petition must be 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).

8. REFERRALS FROM OTHER BODIES

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

- 8.1 Interim Polling Place Review 2022
To consider the recommendation from the Polling District and Polling Places Review Working Group
(Pages 81 - 102)
- 8.2 Corporate Parenting Forum Annual Report and Strategy Progress Report
To consider the recommendation from the Corporate Parenting Forum
(To Follow)
- 8.3 Audit & Governance Committee Annual Report
To consider the recommendation from the Audit and Governance Committee
(Pages 103 - 104)
- 8.4 Constitutional Amendments
To consider the recommendation from the Constitution Working Group
(Pages 105 - 140)
9. CENTRAL AND EASTERN BERKS JOINT MINERALS AND WASTE PLAN

To consider the above report
(Pages 141 - 490)
10. MEMBERS' QUESTIONS

- a) **Councillor Singh will ask the following question of Councillor Bhangra, Cabinet Member for Environmental Services, Parks and Countryside:**

The pond, waterway cascade feature and wooden bridge in Kidwell's Park has been in a disgraceful state of disrepair over 2.5 years now. Previously I have been told that the money has run out to maintain these features, please can the lead member advise if and when these will be maintained, repaired and brought up to the previous high standard?

- b) **Councillor Singh will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:**

The upper floors of the Broadway car park still remain a no-go area for residents to park vehicles and continue to be closed off due to out of control ASB. Please can you explain in detail what the plan is to deal with this issue and when will the upper floors be deemed safe and reopen for public use?

- c) **Councillor Davey will ask the following question of Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor?**

What plans do you have to make the Windsor Town Forum engaging enough for residents to want to attend?

- d) **Councillor Price will ask the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and**

Public Protection:

Back in May there was a consultation with residents from the Community Safety Partnership on safety matters, asking for their concerns. The results have not been published. One of the Corporate Plan Values is “working openly and transparently, listening to our residents, communities and partners.” Why has this not been published?

e) Councillor Hill will ask the following question of Councillor Stimson, Cabinet Member for Climate Action & Sustainability:

Has the Lead Member for Climate Action & Sustainability applied to central government for grant money to install comprehensive air pollution monitoring throughout the Borough?

f) Councillor Price will ask the following question of Councillor McWilliams, Cabinet Member for Digital Connectivity, Housing Opportunity, & Sport & Leisure:

Please could you give an update on residents acting as hosts for Ukrainian Refugees in different parts of the Borough, including the current numbers hosted and having left hosts and the reasons why, plans to encourage hosts to continue beyond six months, and what happens to the Refugee family if a host cannot continue?

g) Councillor Larcombe will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:

The Datchet Neighbourhood Plan is approaching the finishing line. What are the target dates for referendum and adoption please?

h) Councillor Larcombe will ask the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport:

How many 5G masts have been erected within the Borough without ‘prior approval’ permission?

(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).

11. MOTIONS ON NOTICE

a) By Councillor Haseler

The RSPCA and a number of RBWM residents are very concerned for the welfare of animals given as prizes at fairgrounds and other public events, calling for a ban on this practice.

This Council:

- i) Agrees to ban outright the giving of live animals as prizes, in any form, on Royal Borough of Windsor & Maidenhead Council land.
- ii) Requests the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection to write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

b) By Councillor Tisi

The Education (Guidance about Cost of School Uniforms Act) 2021 requires schools, from September 2022 to ensure –

- Uniform policies are published online
- Supplier arrangements give the highest priority to cost/value for money
- Tendering is designed to avoid uncompetitive single supplier contracts
- A supply of second-hand uniforms

Given the cost-of-living crisis we must ensure the commitment of all borough schools.

This Council will:

- i) Require all schools governed by the Act to demonstrate evidence of its implementation
- ii) Create a mechanism to ensure continued compliance.

(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.

AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber - Town Hall, Maidenhead on Tuesday, 27th September, 2022

PRESENT: The Mayor (Councillor Christine Bateson), The Deputy Mayor (Councillor Gary Muir)

Councillors John Story, John Baldwin, Clive Baskerville, 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, Geoff Hill, David Hilton, Maureen Hunt, Andrew Johnson, Greg Jones, Ewan Larcombe, Sayonara Luxton, Ross McWilliams, Helen Price, Samantha Rayner, Joshua Reynolds, Shamsul Shelim, Gurch Singh, Donna Stimson, Chris Targowski, Amy Tisi, Leo Walters and Simon Werner

Officers: Emma Duncan, Duncan Sharkey, Adele Taylor, Oran Norris-Browne, Karen Shepherd, David White and Dean Graham.

86. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillors Haseler, L. Jones, Knowles and Sharp.

Councillor Taylor attended virtually and took no part in the vote on any item.

87. COUNCIL MINUTES

RESOLVED UNANIMOUSLY: That:

- i) **The minutes of the ordinary meeting of the Council held on 26 April 2022 be approved.**
- ii) **The minutes of the Annual meeting of the Council held on 24 May 2022 be approved.**

88. DECLARATIONS OF INTEREST

In relation to Motion on Notice h) the following Councillors declared that they were landlords in the private rented sector: Councillors Baldwin, Brar, Clark, Hill, Hunt, Rayner, Shelim, Singh. Councillors Singh and Brar also stated that they were licence holders. Councillor Shelim stated that he was also involved in the Windsor Homeless Project.

In relation to item 7v Capital Budget Additions, Councillor Shelim stated that he owned a property near Cavalry Crescent. He came to the meeting with an open mind. Councillor Bowden stated that his daughter had previously lived in Cavalry Crescent.

89. ORDER OF BUSINESS

Councillor Luxton proposed a motion to amend the order of business, to debate Motions on Notice h) and b) before all other Motions on Notice. She stated that the agenda was very full, and the issues contained in these two motions were related to the interests of residents. They had already been delayed from the July meeting and should not be delayed further.

COUNCIL - 27.09.22

Councillor Baldwin commented that he felt the case could be made that all the Motions on Notice were related to the interest of residents.

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

RESOLVED: That the order of business as detailed in the agenda be amended to enable Members to debate Motions on Notice h) and b) before all other Motions on Notice.

Order of Business (Motion)	
Councillor Christine Bateson	For
Councillor Gary Muir	For
Councillor John Story	For
Councillor John Baldwin	Against
Councillor Clive Baskerville	Against
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	Against
Councillor Karen Davies	Against
Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Ewan Larcombe	Abstain
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Helen Price	Against
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor Chris Targowski	For
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

90. 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. These were noted by Council.

On behalf of the Council the Mayor placed on record her sincere thanks to the large number of council officers, volunteers, and partner organisations who worked so hard to ensure that the arrangements for all the events and activities held in the Royal

Borough to mark the sad passing of Her Majesty Queen Elizabeth II went so smoothly. For Members in particular, the arrangements for the announcement of the King and on the day of the funeral were exemplary, and were the result of many hours of hard work and planning. Although under sad circumstances, due to the hard work and dedication of those involved in the planning and delivery of the funeral plans, residents, visitors to Windsor and those watching across the world had a positive experience of a truly unique and historical event.

The Mayor then explained that this would be the last meeting attended by Duncan Sharkey as Chief Executive. He had been in the role since early 2019. The Mayor thanked him, on behalf of Members and residents, for his dedicated service to the borough over the last 3 and a half years, and wished him well in his new role, initially at Somerset County Council and from next year leading the new Somerset Council.

The Mayor invited Group Leaders to speak.

Councillor Johnson stated on behalf of the council and the administration his sincere thanks for Duncan's hard work, dedication and loyalty to the borough. He had ably steered the council through the pandemic and had worked to change the culture of the organisation for the better. Councillor Johnson commented that he had been taken aback by the feedback from staff since news of Duncan's departure; he was clearly held in very high esteem. It was with deep regret that Duncan was leaving, but he understood that it was a fantastic opportunity at Somerset that could not be turned down.

Councillor Werner echoed the comments, stating that Duncan had been an outstanding chief executive, and he would particularly like to pick out his work on reforming the governance and culture. It was Duncan who had called in CIPFA when he felt there was something not quite right. It was a brave decision and the right one. On culture he had certainly created the right environment for officers to feel they could say no to councillors when they felt something was not right. Councillor Werner recalled the interviews at which Duncan had been head and shoulders above the other candidates. Councillor Werner was deeply saddened by the move, as he had been looking forward to working with Duncan after May 2023, however he could see the clear opportunity of setting up a council from scratch that Somerset presented.

Councillor Hill spoke on behalf of Councillor L. Jones. Councillor L. Jones had asked him to say it had been a pleasure and a privilege to work alongside Duncan and to thank him for all his support and encouragement over the last three years. He had been a fair and practical Chief Executive who considered everyone's point of view. Discussions had been lively but always positive. Duncan's perseverance in changing the organisational culture had put the borough in a better place to face future challenges.

Councillor W. Da Costa thanked officers for their hard work on the Jubilee, Proclamation and state funeral. During his time at the borough, Duncan had dealt with the CIPFA report, pandemic, the death of Prince Phillip, the Proclamation and the state funeral. He would therefore be going to Somerset for a rest. Councillor W. Da Costa thanked him for all his efforts on behalf of the residents of Windsor; and also thanked his family who had borne a great burden.

a) Hari Sharma of Furze Platt ward asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways and Transport:

If you have a pure electric car and live in the borough you can get a free parking permit, which is a hugely popular scheme. Can I ask the Cabinet Member how many residents have taken advantage of this and what action this council is taking to create more charging points?

Written Response: At the end of June 2022, there were 76 permits issued for use within resident parking zones and 393 permits issued for off-street car parks. As set out in our Corporate Plan we will be developing an Electric Vehicle Implementation Plan, which we expect to consult on later this year. This will set out the plans to deliver more electric vehicle charging points to meet growing demand and our commitments to take action to tackle climate change. This will build on the pilot project of 29 new chargers delivered in Windsor and Maidenhead as well as new charging facilities being delivered within the new Vicus Way Car Park.

Note: Vicus Way Car Park is a long stay contract parking car park that is only open from 6am to 8pm. A parking permit will not enable you to use these charging points.

By way of a supplementary question, Hari Sharma commented that only half a million electric cars were on the road; just 1.2% of 45million cars in the UK. He asked what measures and initiatives were being considered for carbon dioxide and nitrous oxide to improve air quality in the borough.

As Councillor Haseler was not present at the meeting, the Mayor advised that a written response would be provided.

b) Hari Sharma of Furze Platt ward asked the following question of Councillor McWilliams, Cabinet Member for Digital Connectivity, Housing Opportunity, and Sport & Leisure:

As I see cranes and diggers everywhere in the borough, building more homes for our children and grandchildren which is wonderful news for our residents and their children who can live close to their elderly parents, how many developments have agreed to build 30% social and affordable homes to buy or rent, or are paying Council Infrastructure Levy?

Written Response: The Borough Local Plan was adopted on the 8th February 2022 and updated the development plan for the Borough. The objective of policy HO3 is to secure 30% affordable homes on most major residential developments (those containing more than 10 or more units). 40% is sought in some circumstances such as on greenfield sites up to 500 dwellings. The definition of affordable homes includes social rented, affordable rented and intermediate tenures (such as shared ownership or low cost home ownership). The evidence in the Strategic Housing Market Assessment shows that there is a high need (45%) for social rented homes and all qualifying schemes since February will need to provide this. The Housing Strategy 2021-26 outlines our clear ambition to give more local people the opportunity to stay in the area they grew up in.

Since the 8th February the Council has received major planning applications proposing a total of 817 private market homes and 429 affordable homes. On average 34.4% of all housing applied for since the adoption of the Borough Local Plan is affordable. (figures correct on 14th July 2022).

Prior to the 8th February applications were determined under a different policy context. The amount of affordable housing completed and secured in previous years is reported within the Authority Monitoring Reports which are available on the Council's website at: [Monitoring | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](#)

The Community Infrastructure Levy (CIL) is a levy which is applied to all developments specified within the Council's Charging Schedule unless the development qualified for an exemption under the Council's exemption policies. All eligible development must pay the levy. The Council reports annually on the collection and expenditure of these funds and the annual reports are available on the Council's website at: [Community Infrastructure Levy | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](#). CIL collections are reported through the citizen's portal: [Amount \(£\) of CIL receipted for the reported year \(inphase.com\)](#)

The CIL Charging Schedule was examined by an independent examiner before being approved. The Council keeps its Charging Schedule, which is subject to indexation each year, under constant review.

By way of a supplementary question, Hari Sharma commented that it was excellent news that the council was increasing the supply of affordable housing. The housing strategy clearly outlined the vision of giving more people the opportunity to stay in the area. He asked what tenure of affordable housing did the council want to see prioritised.

Councillor McWilliams responded that over the time he had been in the role, it had become abundantly clear that with over 1000 people on the housing register it was critical that the borough started to increase the amount of social rented homes. He referred to a consultation in his ward that would start at the end of the week, He had been very clear with the developer that he expected them to prioritise social rented homes. It was also important to bring forward a new generation of council owned housing to right the historic wrongs of the past that saw housing stock sold off.

c) Lars Swann of Clewer and Dedworth East ward will ask the following question of Councillor Johnson, Leader of the Council:

Given the state of the high street in Windsor and the fact that there are now too many hospitality businesses in Windsor Town Centre, what plans do the council have to improve the town centre in particularly the area around the Windsor Yards Area in their own right, or in partnership with 3rd parties?

Written Response: A paper was approved by RBWM Cabinet in March 2022 to bring forward a Vision for Windsor. The project, in partnership with the Princes Foundation, will bring together the views of communities, stakeholders and businesses to shape future investment. This will provide a unique opportunity to shape a compelling vision for the town. We encourage as many people as possible to engage in the project which will include a series of workshops to further understand and explore Windsor's

current and emerging opportunities, strengths and constraints, alongside people's priorities and aspirations for the place.

The pandemic has had a significant impact on the economy and town centres across the country but by working closely with our businesses through partnership such as the Windsor and Eton Town Partnership and Visit Windsor Board we have been able to support the local economy, create jobs and drive investment in the Borough. This approach has led to the recovery of visitor numbers and footfall in the town back to pre-pandemic levels and vacancy rates are at 13.7%, which is below the national average.

In relation to Windsor Yards, there has been a recent consultation on proposals with a recent two-day consultation in the town on 7th and 9th July with further information being provided online (<https://windsorconsultation.co.uk/>) as well as being promoted across social media. The council is investing in a number of projects across the town through its capital programme, as well as considering potential future projects in developing its investment plan for the UK Shared Prosperity Fund.

Lars Swann was not in attendance, therefore the Mayor read out his supplementary question:

What is the council doing to revive the High Street in Windsor to ensure the town does not become one big food court?

Councillor Johnson responded that the council was working with the Princes Foundation to produce a 20-year vision. Work was being undertaken through the economic and business development team to continue to attract a broad range of businesses to the town centres. The administration fundamentally believed in competition and a market economy, and all would agree a business was better than no business on the high street. He understood the concerns about saturation of certain businesses, but he was sure that through the stakeholder engagement work a satisfactory conclusion would be reached. The difficult economic times meant businesses were struggling and he did not wish to impose additional bureaucracy which would undermine viability.

d) Ed Wilson of Clewer and Dedworth West ward will ask the following question of Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot:

Can you advise if Royal Borough made a bid for funding via the UK Community Renewal Fund and what was the outcome of the bid?

Written response: The Government set out the prioritisation of the Top 100 Places (see link below) and it was felt that across Berkshire there was limited chance of success. RBWM was not in the Top 100 places likely to receive funding. A bid was therefore not made – we decided that with limited resource we target those funds we are most likely to be successful in securing.

[UK Community Renewal Fund: prioritisation of places methodology note - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614422/UK_Community_Renewal_Fund_prioritisation_of_places_methodology_note.pdf)
www.gov.uk

By way of a supplementary question, Ed Wilson commented that last time he had asked about the treescape fund, and the response had been that the council had not

applied. This time he had asked about the community renewal fund and again the response was that the council had not made any application. He therefore asked for details of the government schemes the council had applied for and what were the outcomes of those applications.

Councillor Hilton responded that it was an appropriate question, and he would write to Ed Wilson with the details.

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

Can you explain the value generated by the Council's development of its former properties in St Ives Rd, Maidenhead?

Written response: The matter remains subject to the confidentiality clause on the Development Agreement (per Propco).

By way of a supplementary question, Ed Wilson explained that he was not just interested in the commercial value, the purpose of the question was to ask about the wider value such as social and environmental benefits that could be ascribed to such a development.

Councillor Johnson responded agreed that there was more to development than simply money. There was a great deal of social value in the joint venture including new market homes, affordable homes managed by Housing Solutions, the unlocking of new business opportunities, and significant beneficial environmental improvements along the Maidenhead waterways. The social value of creating a vibrant dynamic town centre was not to be underestimated.

f) Mohammed Ilyas of Belmont ward asked the following question of Councillor Carroll, Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation:

As a teacher by profession, I have some awareness of the effect of Covid and the lockdowns on children's education over the last 2 years in particular. May I ask the Lead Member for Children's Services to share what initiatives RBWM have taken and investments made to support the life chances of our young citizens following the pandemic to date.

Written Response: Thank you for your question Mr Ilyas. The pandemic has impacted many areas of our resident's lives and the disruption to education has been significant. The first response from schools has been fantastic. They have adapted to flexible ways of teaching, including remote learning, and stayed open for children of key workers or otherwise vulnerable children and continue to focus on helping every pupil learn. The council have supported schools with a number of interventions which are detailed below, including early years outreach for social, emotional and mental health support; support with emotionally related school avoidance (ERSA); and access to resources like Fantastic Fred.

We also recognise that some young people need additional support outside of school so we have increased the capacity of the early help team to provide both small group and one to one support.

I would be happy to provide more information should you need it.

School Led Tutoring

School-Led Tutoring is part of the National Tutoring Programme (NTP) in 2021/22. Eligible state-funded schools receive a ring-fenced grant to source their own tutoring provision for disadvantaged and vulnerable pupils who have missed the most education due to COVID-19.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069886/Updated_School-Led_Tutoring_Guidance_.pdf#

Early Years SEMH Outreach.

With the evidence that the pandemic has impacted significantly on children in the formative stages of life resulting in schools and nurseries reporting that there are witnessing issues around;

Speech and Language development, Toileting, Sharing and playing, independence, turn taking, dexterity and mark making as well as Social emotional and mental health issues relating to self-regulation and aggressive outbursts. RBWM and AfC have joined with Manor Green School to develop an Early Years SEMH Outreach service for 2022/2023 to provide support for the most vulnerable children at this key stage and increased capacity for the setting that the children are in prior to an SEMH Hub facility being available through Capital Funding later in the year.

ELSA - Emotional Literacy Support Assistants

ELSA is an evidence based school intervention programme which strengthens school capacity to support CYP with mild to moderate social, emotional and behavioural difficulties. As part of the quality assurance process, all new ELSAs attend the annual training programme (RBWM EPS) and are subsequently supervised by RBWM Educational Psychologists on a half termly basis. Approximately 60 schools in and just outside the borough have an ELSA/s who have been trained and receive continued supervision facilitated by RBWM EPS.

Mental Health Support Teams (MHSTs) became fully operational in RBWM in September 2021.

The teams support children and young people in 14 RBWM schools (and the virtual school) who have emerging, mild or moderate mental health difficulties which may be affecting their day to day life. Depending on the age of the child or young person, The team either work directly with them or with their parents. They also work with school staff and offer support on different levels, with the aim of developing and supporting a whole school approach to mental health.

The Attachment Aware Schools Award Through whole school CPD and coaching delivered by Educational Psychologists for Designated Teachers in all RBWM schools, the programme aims to increase the academic progress and wellbeing of young people in care and c/yp with attachment needs. Attachment and trauma aware schools report less behaviour incidents and improved outcomes for vulnerable children. This programme enhances relational practice in educational settings and attachment and trauma awareness across the school to facilitate wellbeing and inclusion for all.

RBWM Emotionally Related School Avoidance (ERSA) toolkit. ERSA has doubled during the pandemic; this was preempted by the Educational Psychology and

Wellbeing teams. A graduated and multi-agency pathway and toolkit guidance produced by RBWM Achieving for Children has been sent to school Attendance Officers. The guidance and webinar includes information on definitions and causal factors, a universal and intervention levels 1-3 pathway and school-based strategies. We have appointed an ERSA co-ordinator from September to consult with schools and further embed the use of the audit and toolkit to ensure early intervention and support.

The Link Programme *In January 2022 RBWM education settings and partners were invited to engage in The Link Programme (in collaboration with The Anna Freud Centre). This programme improves joint working in mental health and wellbeing between NHS mental health services, Local Authorities including Public Health, and VCSE services. This consisted of an introductory session and three further targeted meetings with education leads, health professionals, early help teams in RBWM and voluntary sector organisations. An action plan has been collated as a result based upon local considerations for further enhancement of policy and practice within the health and wellbeing remit.*

Fantastic Fred

A free preventative and educational mental health resource for primary aged children delivered by a team of actors. It is specifically designed to inform, equip and build resilience. It delivers simple, practical and memorable ways in which children can look after their mental health and provides links to physical health. The performance is based on the acronym FRED - Food, Rest, Exercise and Devices. It includes follow up resources for parents and teaching staff. This programme was developed as part of the Good Health Matters Campaign and has been offered free of charge to all schools (including independent) in RBWM. A secondary programme will also be developed which will be offered on the same basis.

Area SENCo/Specialist Teacher Service

- *Continuing to support SENCos through training, clusters and networking*
- *Support school leaders with SEND reviews and Inclusion Quality Mark awards*
- *EAL cluster formed*
- *1:1 and small group SEND and EAL support*

By way of a supplementary question, Mohammed Ilyas commented that closely connected to the effects of the pandemic on education was mental health support for young people. He asked what additional provision would be in the budget for next year and ongoing for school children needing support with their mental health and would the Cabinet Member be happy to meet him to discuss the issue further.

Councillor Carroll responded that the council had placed significant priority on the issue in the last few years and work continued with the schools to identify what was needed in terms of health, especially mental health. School nurses had been introduced with NHS partners. It was key to have a strategic partnership between health and education. He would be happy to meet with Mohammed Ilyas to discuss the issue further.

92. PETITIONS

The Mayor submitted a petition. She explained that the petition had been arranged by Amelie Orlando, aged 7, an active member of the Sunningdale community. The petition raised the

concern of an abandoned residential property in Sunningdale. Amelie set out to speak with local residents about her concerns regarding the 30 plus year's derelict building being both an eyesore in the village she lived in and also an opportunity for community action as a nature conservation area with managed access for the local community to learn more about local flora and fauna.

Amelie met with over 150 local residents, door to door, and secured almost 170 signatures with the support of some local businesses. She would like to gather further support in a plan of action from the council to transform the derelict land and dilapidated house into a community project.

The Mayor agreed the petition would be submitted to the relevant Head of Service.

93. REFERRALS FROM OTHER BODIES

2021/22 ANNUAL REPORTS FROM THE OVERVIEW AND SCRUTINY PANELS

Members considered the 2021/22 annual reports from the Overview and Scrutiny Panels.

Councillor Clark, Chairman of the Corporate O&S Panel, introduced the item. The Panels were required to submit an annual report on their workings and to make recommendations for future work programmes.

Councillor Price commented that she accepted that different Chairmen would have different styles to running the panels but if the substance was looked at, as revealed in the reports, there was a wide range of what had been achieved and the work capacity. Councillor Price was concerned that the reports were noted every year but in most cases nothing changed. She asked how the learnings from the recommendations could be taken forward. She hoped this would happen under the new structure, but she felt it all depended on the style of the Chairman. She encouraged training to be provided where relevant to improve the quality of output from the panels.

Councillor Werner commented there was another year of scrutiny failing. In his view it all came down to chairmanship. At the last Corporate scrutiny meeting, one of the Conservative councillors made accusations about the origin of a leak; he was allowed to say it again and again and again and yet he was not even a member of the scrutiny panel. This demonstrated weak chairmanship. Councillor Werner commented that at most meetings of Corporate scrutiny he asked the question on an item if the panel could spend time working out what could be learnt from the mistake so it would not be repeated. Each time there was an excuse why this could not be done. Councillor Werner felt this was another example of weak chairmanship. The worst example was when the chairman forgot their role and defended the administration. There was also a situation that four months into the year the People Overview and Scrutiny Panel still did not have a work programme. Councillor Werner concluded that until Opposition councillors chaired scrutiny, or at least administration councillors who believed in scrutiny, there would not be any improvement

Councillor Davey commented that the Infrastructure report showed very little had been achieved in the last year. He hoped whoever was the chair for Place Overview and Scrutiny came with a desire to question decisions made by Cabinet. Essentially waving things through by failing to question them was not a good policy position but one that seemed favoured by the administration. It was definitely not appreciated by

residents, as had been demonstrated at Audit and Governance Committee the previous week.

Councillor Clark commented that he was sure all councillors took overview and scrutiny seriously. He felt that Councillor Werner's comments had not been related to the recommendation under consideration. It was correct that Members had the right to fully express their opinions at Overview and Scrutiny. If debate was dogmatically or swiftly closed down, he felt that the processes would be damaged. He reminded Members of the powers set out in the constitution to have issues examined and to challenge decisions of the executive. If the panels were not working, it was because the issues had not been properly considered or presented at the Panel to elicit positive outcomes.

Councillor Hunt commented that she was disappointed at some of the comments, in particular about Chairman forgetting their role. She had chaired the former Adult, Children's and Health panel and had found it went extremely well. All Members put every effort into the meeting to bring forward the best council could do on the remit.

Councillor Werner requested a personal explanation. He stated that the problem in the meeting was that sometimes the chairman forgot they were chairing and defended the administration and were therefore not being a true scrutiny chair. It was not that they forgot they were the chairman, but they were not using their role to provide proper scrutiny. He felt this was a bad way to act and anyone doing so should be dismissed from their role.

It was proposed by Councillor Clark, seconded by Councillor Hunt, and:

RESOLVED UNANIMOUSLY: That full Council notes the 2021-22 annual reports of the Overview and Scrutiny Panels

CONSTITUTIONAL AMENDMENTS

Members considered a recommendation from the Member Standards Panel to amend the Members' Code of Conduct.

Councillor Rayner introduced the report. She thanked the participants in the Member Standards Panel, who had looked at recommendations in the LGA model code. The constitution was a live document and updates were always welcome to ensure the Code of Conduct was current and clear on the disclosure of interests.

Councillor Johnson fully endorsed the recommendation. The council took standards very seriously and it was only right to continually strengthen the position.

Councillor Price commented that she supported the proposal but asked why data had been included in the EQIA that did not seem relevant.

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

RESOLVED UNANIMOUSLY: That full Council notes the report and agrees the recommendation from the Member Standards Panel to amend the Members' Code of Conduct as detailed in Appendix B.

(Councillors C. Da Costa and Price abstained)

MEMBERS' ALLOWANCES SCHEME

Members considered the recommendations of the Independent Remuneration Panel (IRP) in relation to the Members' Allowances Scheme.

Councillor Johnson introduced the report. He thanked the Members of the IRP for their time and dedication in undertaking research and interviews and in completing the report. It was not a report that in anyway sought to increase Members' allowances. It was a tidy up exercise and provided much needed clarity. Council staff had been given a pay award in 2020/21 and in 2021/22; Members Allowances were index-linked. The report clarified how, if Members did not wish to accept the increase in any year, they could choose to forgo it. The IRP had also provided a useful recommendation to remove the Chairman allowance for the now defunct Boroughwide Development Management Panel.

Councillor Rayner stated that she supported the recommendations which gave clarity as to how Members could decline the indexation.

Councillor Bond commented that the intention of the allowance scheme was to ensure people were not discouraged from standing for election because there would be a hit to their family finances. Full Council had considered a report from the IRP in October 2020. Members had decided that in an environment of austerity an increase in Member allowances would be inappropriate. This new proposal was to allow people to make the decision individually. He felt it was odd that people had to say if they wanted the increase or not. He felt the report did not explain why a collective decision could not be made and he therefore felt it was a backwards step. If all Members decided to forgo the increase, but no-one was aware of this, there was no transparency. If all said publicly they did not wish to take the increase, there could be a race to the bottom for those with independent financial means. This led to working-age people being discouraged to put themselves forward. This was against a backdrop of both residents and businesses struggling with the impact of increased interest rates.

Councillor C. Da Costa commented that she supported the proposal providing councillors could continue to have the right to give a proportion of their allowances to charity or another area of council services.

Councillor Stimson commented that it was more complicated than all deciding together, but was fairer. Those who may need the extra finances could receive them; those who did not need the increase could return it or give it to charity.

Councillor Hilton commented that he had been interviewed by the IRP. He had made the point that when he had first been a candidate, he had not been aware there were any allowances. It was not on the minds of most of the people he had talked to about becoming a councillor.

Councillor Tisi commented that the number of private landlords in the room reflected the level of privilege and wealth amongst councillors and did not reflect what was going on outside. Councillor Hilton's experience was not the same as hers had been when speaking to people who were thinking of becoming a councillor. She was concerned that there would be a race to the bottom and it could be used as a political weapon for those who decided to take the full allowance to which they were entitled.

Councillor Price asked how people with disabilities would be encouraged to stand for election.

Councillor W. Da Costa commented that the allowance scheme needed to be designed to improve democracy. It would be important to encourage younger people who were the generation who fully understood the problems they would face in the future. There was a need in future to look to increase the base level to bring in those who may be time poor or financially poor, to enable them to participate in democracy.

Councillor Johnson stated that he would not be using the subject of Member allowances for political gain. All were entitled to the allowances and it was down to individuals to consider whether to take an increase or not. This was far more palatable than trying to collectively agree, and by default naming and shaming those who disagreed. Given the financial climate, Councillor Johnson made a commitment to include a pay award in the budget for 2023/24.

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

RESOLVED: That full Council notes the report and:

- i) Agrees the recommendations of the Independent Remuneration Panel set out in paragraph 2.3 and detailed in Appendix B**
- ii) Where changes to the Members' Allowance Scheme are approved, delegates authority to the Monitoring Officer to amend the scheme in the council's constitution.**

The vote was taken by a show of hands. 23 Councillors voted for the motion. No councillors voted against the motion. 12 Councillors abstained.

MEDIUM TERM FINANCIAL STRATEGY AND PLAN 2023/24 – 2027/28

Members considered the recommendation of Cabinet in relation to the Medium Term Financial Strategy and Plan.

Councillor Hilton introduced the report, which was an update on the MTFs and MTFP published with the budget in February 2022 with the update approved by Cabinet in July 2022. The most important change was that it now reflected the priorities included in the Corporate Plan 2021-2026 which guided resource allocation decisions and took into account increases in energy costs and levels of inflation.

The council had a number of risks, outlined in the report. These included low reserves although they had been strengthened in the past two years, low levels of income, growing pressure on children's and adult services and others, including the unknown longer-term impact of the pandemic. Government funding had ceased but the full economic and health effects were yet to be revealed.

The pension deficit was an issue but Members would be pleased to learn that in their annual report the Pensions & Investment Research Consultants Ltd. advised that the Royal County of Berkshire Pension Fund was ranked 5th out of approximately 100 Local Government Pensions funds with a return of 12.5% in 2021/22, which had helped to increase the funding level from 78% to 86%.

The MTFs was about delivering a sustainable budget in line with the Corporate Plan Objectives, and six of those objectives were highlighted in the report. The MTFs showed the council needed to save £7.3m to deliver a balance budget next year, an increase of £2.4m from February but after then the numbers had little changed. Over the 4-year period 2023/24 to 2026/27 savings of £15.27m would be required rather than £12.7m reported in the 2022/23 budget papers.

Councillor Hilton referenced some of the assumptions used in developing the Medium-Term Financial Plan. Utilities were shown separately because of increased energy costs with assumed inflation of 10%. Any further increases would be mitigated by the Government's Energy Relief scheme. Contract inflation was generally linked to RPI or CPI which were set at 5.5% and 4.5% in the model for next year. Fees and charges would be brought broadly in line with RPI. It was made clear that the remaining Covid budgets would be used in 2023/24. Interest payments would decrease significantly over the plan period which meant the council would be paying down its debt. In line with the improvement in the funding level of the Royal County of Berkshire Pension Fund, pensions deficit payments did not increase from 2024/25.

Business rates or NNDR would decline over the plan period. This was as a consequence of the regeneration of Maidenhead and roughly accounted for £7m of the total savings requirement over the first four years of the plan period.

Councillor Hilton advised that Members should be aware of the potential risks around Adult Social care changes and particularly a cap on social care costs which could add £3m to Adult Social Care costs. He concluded that the revised MTFs provided the basis for developing the 2023/24 budget. That process had started and would be completed by December.

Councillor Werner commented that it was difficult at the meeting to undertake a detailed critique of such an important document, so he would focus on a few overarching comments. Firstly he found it absolutely shocking that yet again the administration had decided to ignore not only himself but also many successful councils from across the country. He saw very little focus on the four strands of the council's financial programme which would stop the continued salami slicing of the budget and actually get ahead:

- Taxing developers in Maidenhead town centre. There was a CIL rating across the borough except in Maidenhead Town centre where most of the development was. He had seen a calculation of £40 million lost to the council.
- Insourcing – Research over the last few years had demonstrated that insourcing nowadays actually both saved money and improved services. The procurement plan still contained the bias to out-sourcing.
- Selling expertise to other councils and organisations. The CCTV control room used to rent out its services, earning a good income. The Customer Service Centre received a good income doing something similar.
- Making the most of council assets, and not selling them off cheap

The council's financial performance matched that of the national government, with the pound collapsing, inflation rampant, and interest rates on the up. The three factors would devastate the council's finances and the report did not fully account for them. Paragraph 5.3 attempted to, but in no way did it reflect the new damage being done to the economy by the government.

Councillor Werner referenced paragraph 4.10: 'Making the most effective use of resources – delivering the best value for money' is included as an underpinning principle of our approach'. He questioned if it was value for money to pay more for less of a waste collection, or, according to the MA be selling land cheap to developers. Councillor Werner felt that the borough was looking at maximum increases to council tax and constant efficiency savings over the next five years. £7m savings were needed next year. The Lead Member knew that without a change in approach, there would be an insurmountable budget gap. He felt it was time for a new approach, a new broom sweeping through the corridors, saving the council from effective bankruptcy and the slow slice to services.

Councillor Price asked for assurance that the efficiency savings detailed in the report were actually viable. She also asked if the Cabinet Member was confident that the figure of £7m required savings was the right figure and would remain for next year. She commended officers for the inclusion of the helpful scenarios in Appendix B. She commented that a double negative in relation to the New Homes bonus on page 138 gave the wrong meaning.

Councillor W. Da Costa likened RBM to a ship; the departing First Engineer had managed to stabilise the finances despite pressure on reserves and the pension fund being in deficit. The council had substantial levels of borrowing when the pound was crashing and interest rates were soaring. There were huge pressures on adult and children's services with an ageing population. The long-term effects of the pandemic had not really been dealt with. The leadership was going in the wrong direction as detailed in the Corporate Plan, heading to a volcano worse than Krakatoa with no preparation for climate change including resilience in buildings and the impact on health.

Councillor Johnson thanked the Cabinet Member and officers for their tireless work in challenging circumstances, including a global pandemic, a war in Europe and the significant effect of cost shocks to the council. However, financial stability and rigidity had been brought back and the council had worked with CIPFA to resolve a number of issues. A balanced budget had been delivered for the last three years with a modest underspend each time. Councillor Johnson commented that no credible plan had been put forward by the opposition in the last three budgets. There was also no clarity on how their spending commitments would be funded. In relation to insourcing, he referred to the return of Project Centre. Thanks to the adoption of the Borough Local Plan, the council was in a position to review CIL. The council had no plans to sell off land or other assets cheaply. The council had a clear plan but was in the same position as all other local authorities in needing to take difficult decisions.

Councillor Hilton concluded by commenting that over the last three years the council's finances had been put on an even keel. The delivery of a small surplus each year had been used to increase reserves. In terms of the cost of both adult and children's services, the borough was a low-cost council.

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

RESOLVED: That Full Council approves:

- i) **the proposed key themes of the Medium-Term Financial Strategy set out in the report; and**

ii) the Medium-Term Financial Plan set out in Appendix A.

The vote was taken by a show of hands. 22 Councillors voted in favour of the motion. 15 Councillors voted against the motion. 1 Councillor abstained.

CAPITAL BUDGET ADDITIONS 2022/23

Members considered recommendations from Cabinet in relation to capital budget additions for two projects.

Councillor Hilton introduced the report, which sought approval from Council to add two projects to the capital programme and budget. The first was the tennis court improvement project which was a fully externally funded capital scheme and represented a great partnership with the Lawn Tennis Association (LTA). In August Cabinet had approved the tennis court improvement scheme which would lead to the investment of approximately £110,000 in tennis courts at Maidenhead's Kidwells Park, Desborough Park, Oaken Grove and Goswell's Park and Alexandra Gardens in Windsor.

The funding was part of the UK Government and the LTA's joint investment of more than £30m to refurbish public tennis courts across Britain and support a new generation of players to get into the sport. Subject to finalising the funding agreement with the LTA, work was scheduled to start in autumn 2022. Specific works at each site would depend on the improvements that were needed and would include surface reconditioning, new nets, posts and fencing. The scheme included access-controlled entry gates with an online booking system, now standard at many other venues, which would ensure residents and groups could reserve their slots online before they turned up to play. This would benefit players at peak times, maximise court usage, increase participation and enable a simple low fee charging system which would assist in the maintenance of courts to a high standard.

Importantly, as part of the partnership with the LTA, there would also be an enhanced local tennis programme, including some free sessions.

The government and LTA investment was designed to open up the sport to people of all backgrounds, support the government's commitment to levelling up sports provision across the nation, and provide greater opportunities for children and adults to be active. In parallel the borough was re-tendering the leisure facilities contract and also developing a sport and leisure strategy with the primary objective of 'more residents, more active, more often and more healthy', which would support and inform the future role of the leisure facilities as a key strand to the overall sport and leisure delivery in RBWM.

Councillor Hilton explained that the second project was the freehold acquisition from Annington Property Limited of the fully refurbished existing 53 houses and the completed new build flats at Cavalry Crescent in Windsor. The scheme was originally considered by Cabinet on 21 July 2022 and approval was now requested for a capital expenditure budget of £22,550,202 which included interest and fees. Cavalry Crescent was a former Defence Estates property owned by Annington Property Limited, a residential asset management business. The site had been declared surplus to requirement, was vacant and Annington Homes would sell the freehold site on the open market.

The report to July 2022 Cabinet had provided an update on the discussion and negotiations with Annington Property Limited regarding the purchase of the site. The site would provide 53 houses and 10 new apartments to rent. As an investment this would contribute to the proposed Asset Portfolio set out in the Prop Co's business plan. The strategy was to purchase the freehold of the 53 houses and two infill sites via a Purchase and Development Agreement. The contract would require Annington Property Limited to fully refurbish the properties to an agreed specification to market habitation standards and to obtain planning permission and build the 10 new residential apartments on the infill sites.

Managed by the Prop Co, the 53-market rent and 10 at affordable rent properties provided, in collaboration with the borough's housing department, the opportunity to meet a range of housing need in the borough including moving residents from temporary accommodation into permanent homes. To inform discussions with Annington Property Limited and assess the potential purchase values, independent market valuation advice had been provided. The valuation advice formed part of the wider due diligence that informed the site values, potential income values, and financing requirement.

Councillor Davey commented that the LTA would agree circa £110,000 based on a 15-year license. He believed that RBWM would be responsible for future fixes to the courts, after the cosmetic works, and asked where the budget would come from. The administration had demonstrated that they had no ability to save for a rainy day and constantly relied on handouts. He had asked for greater clarity around the finances but they were still vague, with no agreed pricing or clarity on revenue split.

In relation to Cavalry Crescent Windsor, Councillor Davey asked when would the £22m be paid over? Would this be before the agreed works were completed or before planning permission was agreed to build apartments on what appeared to be the car park areas. He questioned if planning rules would permit that in 2022. The properties had been boarded up for years probably because they were a danger to anyone in them. He asked why the council would waste money on doing them up. He suggested it would be better to just buy the land, demolish and rebuild. The land would come in at around £5m using the current formula and planning could be secured by following the rules and creating quality homes for local workers.

Councillor Price commented that she did not feel the title of the report provided residents with sufficient information as to the detail of the report. Councillor Price had concerns about the Cavalry Crescent proposal as the MOD held the freehold on the properties. She considered this to be a potential high risk if the MOD changed the rules of the games. Locals had said the quality of the existing properties was poor therefore the refurbishment costs could be high. She asked what would happen if the costs came in higher than predicted. Councillor Price did not feel there was sufficient information on costs in the report.

Councillor C. Da Costa commented that she had been inside some of the properties which were cold and draughty and not fit for purpose. She agreed that knocking them down and starting again would be a better option particularly if the council wanted to ensure that any housing it was involved in was resilient to climate change in the future.

Councillor Hill commented that the report lacked detailed information, there was no surveyor's report, and Members had not undertaken a site visit. He suggested the

council should take heed from the response of the markets to the government's mini budget. It was a risk to take on a development project that would probably fail given the rising interest rates. He felt the proposal was too big a capital risk.

Councillor Bowden commented that his daughter had previously lived in a property in Cavalry Crescent. The properties were not unfit for purpose. He had been the ward councillor for the ward where the site was located; the majority of occupants had been army staff. The properties would be fully refurbished subject to a survey before any money was handed over. The properties were necessary to enhance the opportunities for residents on the housing waiting list.

Councillor W. Da Costa commented that houses were needed but whether the proposal would deliver truly affordable housing was a different matter. He questioned whether the proposal would ensure retrofitting to deal with climate change. The Cabinet report had contained virtually no details on the financial risks.

Councillor Singh commented that if the borough was unable to progress discussions on the tennis courts proposal, there would be further deterioration of the sites. He asked why there was no budget in place to maintain the courts. The courts were well used by residents of his ward, which included one of the most deprived areas in the borough. He highlighted that the council had switched off the floodlights during the evening which was dangerous. People also used the courts to play football and basketball which would not be possible under the new proposals.

In relation to Cavalry Crescent, Councillor Singh commented that as a local authority, councillors were not property developers. He had seen the deal for a house in Windsor that had cost £1.6m; he was unsure how much would be lost on that deal. The council had paid £1.2m for a house in Rushington Avenue that was worth £500,000. A plot of land in his ward had planning consent for 434 flats; he suggested the council keep the land and the £22m, say goodbye to the developers and build the properties itself to ensure affordable homes.

Councillor Tisi stated that she was ward councillor for Clewer East. When she had first moved to Windsor she had visited the hairdressers and had overheard some army wives moaning about the state of their accommodation. The Liberal Democrats had undertaken surveys of army housing, and in 2009 ran a campaign asking for minimum standards to be adopted. There were two different types of property on the site: older brick-built houses and 1960s properties that were the draughty ones and may not be worth saving.

Councillor Johnson commented that at the budget debate earlier in the year the opposition had suggested the council should explore every single opportunity for greater commercialisation of assets. He explained that Cavalry Crescent was a freehold acquisition. The council would not be purchasing the properties unless it was absolutely satisfied. The properties would be refurbished to a minimum EPCC standard. He understood the concern that £22m was a large amount but it would simply allow a revolving credit. If the business case did not stack up the properties would not be purchased. However, if the council did not pursue it, another developer would pick up the site and the opportunity for affordable housing would be lost. The proposal would also deliver a long-term revenue stream and provide certainty that those people nominated would go into decent, safe properties.

Councillor Baldwin commented that he did not feel that the case being made took into account it was still a competitive process and was subject to market forces.

Councillor McWilliams commented that the LTA funding was not a done deal. Members had the choice to refuse the funding before a financing structure was developed. However, he felt it was a good opportunity to improve the quality and accessibility of the courts for residents. The 15-year licence meant the council was not selling off the courts. The lease was to ensure the courts were maintained to a certain standard. The proposal would support the objectives in the emerging Sport and Leisure strategy. He would look into the issue of floodlights that had been raised.

In relation to Cavalry Crescent, he felt it was commendable that the borough was following through on its adopted housing strategy to be more muscular in the local housing market. He was disappointed that when the opportunity was presented to deliver large scale new affordable housing on council owned stock, Members did not vote unanimously on the Borough Local Plan.

It was noted that if Members wished, the two issues could be voted on separately. The reason they were included together was that as they had been debated separately at Cabinet, the decision for full Council was whether or not to add them to the capital programme and therefore the title was accurate.

Councillor Davey requested a personal explanation. It was clear that the figure of £110,000 was based on a 15-year licence for them to run the courts, there was however no clarity about how any revenue would be split and there was no financial modelling to allow a clear decision.

Councillor Hilton concluded the debate. He felt the tennis courts proposal offered a great deal and would improve facilities for residents. In relation to Cavalry Crescent, he highlighted that there was a shortage of rented accommodation in the borough and that shortage caused problems in putting people into temporary accommodation, including the need to house people outside the borough. The Prop Co business Plan had been debated some time ago, Members would recall it included either developing or acquiring 200 homes to fill that gap. Cavalry Crescent represented 63 dwellings. The proposal would allow a credit facility that could be used only if all due diligence was undertaken and the business case stacked up. No money would change hands until all financial details were clear. The Part II documents at Cabinet had included details of the return on investment and pay-back period.

It was proposed by Councillor Hilton, seconded by Councillor McWilliams, and in separate votes:

RESOLVED: That full Council:

- i) Approves the tennis court improvement project as a fully externally funded capital scheme.**
- ii) Approves the capital expenditure budget of £22,550,202 (inclusive of interest and fees) to acquire from Annington Homes Limited the freehold acquisition of the fully refurbished existing 53 houses and the 10 new build flats at Cavalry Crescent, Windsor**

Capital Budget Additions - Tennis Courts (Motion)	
Councillor Christine Bateson	For

COUNCIL - 27.09.22

Councillor Gary Muir	For
Councillor John Story	For
Councillor John Baldwin	Abstain
Councillor Clive Baskerville	Abstain
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Abstain
Councillor John Bowden	For
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	Abstain
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Abstain
Councillor Karen Davies	For
Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Ewan Larcombe	Abstain
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Helen Price	Abstain
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Abstain
Councillor Donna Stimson	For
Councillor Chris Targowski	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Councillor Simon Werner	For
Carried	
Capital Budget Additions - Cavalry Crescent (Motion)	
Councillor Christine Bateson	For
Councillor Gary Muir	For
Councillor John Story	For
Councillor John Baldwin	Against
Councillor Clive Baskerville	Abstain
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	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	Against

COUNCIL - 27.09.22

Councillor Karen Davies	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Ewan Larcombe	Abstain
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Helen Price	For
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Against
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Against
Councillor Donna Stimson	For
Councillor Chris Targowski	For
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	

94. CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A 23.1 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. Upon being put to the vote, those present voted in favour of the meeting continuing.

The meeting adjourned for 5 minutes, restarting at 9.47pm.

95. VIREMENT OF CAPITAL WITHIN THE APPROVED CAPITAL PROGRAMME

Members considered Capital expenditure required to pay an overage sum that was due to the vendor of the land at Thriftwood, Ockwells Road, Cox Green, which the Council purchased in 2016 and formed part of the contractual agreement of sale.

Councillor Hilton introduced the report. He explained that in 2016 the council purchased at auction Thriftwood Farm, Ockwells Road, Cox Green. The total cost of the project was £813,500 comprising:

- Purchase price £725,000 which was a modest £8,700 an acre
- Auction Fee £750
- Stamp Duty £25,750
- Legal / agent fees £12,000
- Initial Site Works £50,000

The agreement for sale included an overage clause that would be triggered by any planning application relating to the land. The land was designated as agricultural land, but it was purchased by the council to be added to Ockwells Park as Public Open Space. To achieve the Public Open Space status, an application for change of use was required which meant that at the time of purchase the council was aware that the overage clause would be triggered and further payments required, however, this was not included in the report to Council in August 2016.

At that time the council could have reached an amicable agreement on the overage with the vendor and paid it up front, or it could have registered the liability in the contracts directory which was periodically reviewed. In this pre- CIPFA financial governance era, neither option had been adopted. Councillor Hilton had been informed that an application for a change of use was made in 2017 but at the time neither the vendor nor the council recognised the significance.

However, in 2021, the vendor approached the council to seek payment and an independent expert valuer was jointly appointed to complete the revised valuation and overage calculation. Throughout this process advice was sought from Legal Services to ensure the council met its contractual obligations. To avoid any further interest payments the balances due were paid as soon as the valuation work was completed, and the overage and interest payments were confirmed.

Councillor Hilton explained that urgency powers were used as it was not practicable to convene a full meeting of the Council and as there was no elected Chairman of the Place Overview and Scrutiny Panel, the Mayor was asked to give consent in accordance with the requirements of the constitution.

The purchase of the 86 hectares of land at Thriftwood matched the published shortfall in natural and semi-natural greenspace of 85 hectares in Maidenhead. Councillor Hilton emphasised that it was at the time and remained a sound strategic decision which at the time had been welcomed by all.

A sensible decision had been taken to move Part II of the report into Part I. This disclosed the value of the virement of capital funds within the approved capital programme from CC60 Hostile Vehicle Mitigations Measures to CX36 Purchase of land at Thriftwood. To cover the overall payment, interest and the council's share of the expert surveyor's fee the virement was £223,100. The issue had been raised by the Chairman of the Audit and Governance Committee and Councillor Hilton had supported an investigation into the decision making, not as a witch hunt but to confirm that the much-improved governance arrangements would have provided the safety net to prompt more appropriate action.

Councillor Davey commented that more capital funding had been agreed in a contract but not put aside based on the principle that the administration believed they could just keep borrowing forever and pick up the mere £250,000 later. He suggested, while undertaking the virement, the shortfall on the Windsor Coach Park bridge refurbishment quotes be picked up before they too were found to have doubled or trebled in cost and the work did not get commissioned. He also questioned what was happening about the Castle Hill transformation, which must now have passed its funding date.

Councillor Baldwin commented that it was a 'curate's egg' recommendation as it was good in parts. He was not against the basic proposition but was very concerned about the details. He apologised as he had had considerable discussions with officers that afternoon and had given an undertaking that he would not raise the concerns that he had, and would give them an opportunity to explain some of the holes in the paper at a later date. However, unfortunately Councillor Hilton had made a couple of comments that left him extremely concerned. Firstly, he had mentioned that back in 2017 such a matter would not have even been brought before Council. Councillor Baldwin felt this was a terrible statement given Councillor Hilton had been a Member, perhaps even a Cabinet Member, at the time. Councillor Hilton had also stated that he had been informed that an application for a change of use had been made in 2017. Councillor

Baldwin questioned who had told him that because there was no such application on the portal. If there had been no application for a change of use, then the clause in the contract would not have been triggered. If it was known at the time that the clause existed and the land was specifically bought to be transferred from agricultural land to public open space, he questioned who would have agreed the clause in the contract. Councillor Baldwin was also concerned about where the money was coming from as CC60 was about protecting the safety of residents in Windsor.

Councillor Walters commented that 86 acres of land for public open space had been bought at a reasonable price for the benefit of residents. Overage clauses were common practice in such agreements. He saw no reason not to agree the proposal; the council had kept to its contractual obligations.

The Monitoring Officer confirmed that the change of use application had been made under the reference Ockwells Park 16/03461/Full. It had been received in October 2016 and determined in March 2017.

Councillor Hilton thanked the Monitoring Officer for the clarification. He explained that the use of CC60 was appropriate as the Hostile Vehicle Mitigation measures had already been put in place in Windsor. Councillor Hilton apologised for the omission of the overage detail from the 2016 report, although he had not been Cabinet Member at the time.

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

RESOLVED: That Council notes the report and:

- i) Approves the virement of capital funds from the approved scheme CC60 Hostile Vehicle Mitigations Measures to CX36 Purchase of land at Thriftwood as set out in Appendix 3.**
- ii) Notes the decision taken under the Urgent Powers within the Constitution to make the payment to seek to stop further interest payments**

The vote was taken by a show of hands. 32 Councillors voted for the motion. No councillors voted against the motion. 1 Councillor abstained.

Councillor Baldwin requested to speak to apologise to Councillor Hilton. The Mayor advised this could be undertaken outside the meeting.

96. POLITICAL BALANCE

Members considered an updated political balance for the council.

Councillor Johnson proposed the motion as detailed in the report.

Councillor Larcombe highlighted that he had submitted a Motion on Notice at item 13a in relation to political balance. As an independent councillor he had been prevented by legislation from sitting on any committee for the last three years. The borough website under 'how to be a councillor' stated that most councillors were nominated to a political party, but that individuals were welcome to stand in their own right. Councillor Larcombe felt this meant independent councillors were only welcome until they won

their seat. He felt excluded and disenfranchised and a victim of discriminatory legislation.

Councillor Davey commented that the logic said to him that if the West Windsor Residents' Association (WWRA) with two members was given two seats then a grouping of one member should be given at least one seat.

The Monitoring Officer suggested that Councillor Larcombe's motion could be proposed as an amendment to the current motion being debated, to allocate him seats within the political proportionality calculations. She advised that in order for such a motion to succeed, no Member could vote against it. Abstentions did not count as voting against a proposal.

Councillor Larcombe proposed an amendment to allocate him two seats under the political proportionality calculations.

Councillor Werner seconded the amendment.

Councillor W. Da Costa stated that he supported the proposal to allocate seats to Councillor Larcombe to enable him to represent his residents.

Councillor Werner confirmed that he had spoken to the Monitoring Officer to say he would be prepared to offer two Liberal Democrat seats as part of the arrangement. Just because someone had been elected as an individual, it did not mean they should not have the right to represent their residents on committees.

Councillor Baldwin commented that he felt the current situation was an inequity for Councillor Larcombe. He questioned why a report had been produced for this meeting when Councillor Larcombe's motion had originally been on the agenda for the cancelled July meeting.

The Monitoring Officer explained that in early September 2022 a new group had been formed (the WWRA) which had triggered a review of political balance by the council, requiring a report to the September full Council meeting. The order of business for a full Council meeting was set out in the constitution, meaning Councillor Larcombe's Motion on Notice came later in the agenda.

Councillor Reynolds commented that the discussion was about formalising an arrangement; Opposition councillors already shared seats. Common sense told him it was the right thing to do. It would have no impact on Conservative seats on any panel and Councillor Werner had made an offer of two seats already. The only reason anyone would vote against the proposal would be if they wanted to silence Councillor Larcombe.

Councillor Johnson commented it was a generous offer that had been made by Councillor Werner, but it was a shame it had not been made some time ago. His own perception was that Councillor Larcombe deserved representation.

Councillor Larcombe concluded that the legislation was discriminatory and had been used by the council very discretely to keep him off committees.

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

RESOLVED UNANIMOUSLY: That full Council notes the report and:

- i) **Approves the amended political balance for the council as detailed in Tables 2 and 3, subject to the allocation of two seats to Councillor Larcombe from the Liberal Democrat Group.**

The vote was taken by a show of hands. 30 councillors voted for the motion. No Councillors voted against the motion. Four councillors abstained.

97. APPOINTMENT OF STATUTORY SCRUTINY OFFICER

Members considered the appointment of the statutory Scrutiny Officer.

Councillor Johnson introduced the report. He commented that all Members valued scrutiny and it was important that the council complied with related legislative requirements.

Councillor Price welcome the proposed appointment and commented that it was important that the officer was given support, training and time to undertake the role properly.

Councillor Werner stated that he supported the proposal. He felt it was important the officer be able to focus on scrutiny only and not be dragged into other things. It was important that the role was not downgraded.

Councillor W. Da Costa commented that he hoped the officer would have the freedom to report issues to councillors.

Councillor Rayner commented that the proposed nominee was an excellent officer, and she was proud that the council gave staff the opportunity to progress through the organisation.

Councillor Baldwin welcomed the idea of promoting from within. He echoed concerns that it was not best practice to combine the Scrutiny Officer role with Democratic Services.

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

RESOLVED UNANIMOUSLY: That full Council notes the report and appoints Mark Beeley – Democratic Services Officer, as the council’s Statutory Scrutiny Officer.

98. APPOINTMENT OF INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Members considered the appointment of an Interim Chief Executive and Head of Paid Services.

Councillor Johnson introduced the report. He explained that the recommendation was the culmination of a detailed recruitment process. He thanked the cross-party panel of Members that had reached a unanimous decision to recommend the appointment of Tony Reeves to full Council. He had been the strongest candidate and had a solid background in local government.

Councillor Werner commented that Tony Reeves had been an outstanding candidate. He had faith that he would carry on the cultural changes started by the former Chief Executive.

Councillor Price commented that she had not been on the Appointment Committee so had little detail on the candidates. She felt it would have been useful for both Members and residents to have received some biographical details.

Councillor Baldwin highlighted that the day rate was inclusive of fees to the recruitment agency. He asked if there was any merit in them being settled in whole rather than as part of a daily rate.

It was confirmed that because of the way both the interim and permanent Chief Executive recruitment had been procured, there had already been a significant reduction in fees.

Councillor Rayner supported the appointment and celebrated the fact that the borough could attract high quality applicants.

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

RESOLVED UNANIMOUSLY: That Council notes the report and approves the recommendation from Appointment Committee that:

- i) Tony Reeves be appointed to the position of Interim Chief Executive and Head of Paid Service**
- ii) The appointment to commence from 3 October 2022 for three days per week**
- iii) The appointment be at a day rate of £1,392 per day including fees**

99. MEMBERS' QUESTIONS

- a) Councillor Larcombe asked the following question of Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection:**

Apparently a further £13k of public money has recently been spent on maintaining a riparian owned ancient ordinary watercourse in Wraysbury. Can you please confirm that this money has been or will be recovered from the riparian owner?

Written Response:

The works at the Wraysbury Drain were undertaken upstream of the Wraysbury Dive Centre in order restore some flow of water to the watercourse. This was done by removing woody debris such as tree branches and other vegetation and fallen trees which were causing an obstruction to the flow of water. RBWM is a Lead Local Flood Authority (LLFA) pursuant to Section 6(7) of The Flood and Water Management Act 2010.

As a Lead Local Flood Authority, the Council is given powers through the Land Drainage Act 1991 and the works at the Wraysbury Drain were undertaken using our powers under the section 6(7) of the Land Drainage Act 1991, allowing us to carry out works to manage local flood risk in the borough. As a result of this work, a small flow

of water has been re-established in the channel where there previously had not been any flow.

The Council has additional powers under sections 24 and 25 of the Land Drainage Act 1991 where it can enforce removal of unconsented structures and enforcement of maintenance work by landowners. Further tasks at the Wraysbury Drain are being planned over the next year which will include enforcement where landowners have deliberately obstructed the watercourse. This programme of work will be compiled over the next couple of months.

By way of a supplementary question, Councillor Larcombe commented that he imagined that the long-term failure of RBWM to ensure maintenance of the land drainage infrastructure was simply due to legislative shortcomings. After the 2007 floods, the Pitt Review, and the Floods and Water Management Act 2010, which clearly identified the newly created Lead Local Flood Authority (LLFA) as the body responsible for ordinary watercourse and groundwater and appropriate permissive and enforcement powers, he had looked forward to improvement. Unfortunately, there was no legal duty on the authority to monitor the condition of ordinary watercourses or to use the available powers. An ancient watercourse, 220 years old, had ceased to flow properly. The borough had failed for years despite hundreds of thousands of pounds. It was still not fixed. He therefore asked when it would be fit for purpose.

Councillor Cannon responded that the answer had been given in the original response which explained that the Wraysbury Drain was subject to a scheme of works and would be progressed as officers had already advised.

b) Councillor Larcombe asked the following question of Councillor Carroll, Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation:

What percentage of RBWM primary school children are taught to swim at school?

Written Response:

Thank you for your question Councillor Larcombe. All primary schools offer swimming or water safety lessons at some point in the years 1-6 of school. However we cannot confirm the number of children who have taken up the offer. The teaching is designed to enable a pupil to: swim competently, confidently and proficiently over a distance of at least 25 metres and perform safe self-rescue in different water based situations. The full guidance for schools can be found at:

<https://www.gov.uk/government/publications/national-curriculum-in-england-physical-education-programmes-of-study/national-curriculum-in-england-physical-education-programmes-of-study>

Councillor Larcombe stated he did not wish to ask a supplementary question given it was a sensitive issue at the moment in Datchet.

b) Councillor Brar asked the following question of Councillor Haseler, Cabinet Member for Planning, Parking, Highways and Transport:

Despite a petition, signed by over 2000 residents, and two years of engagement with officers and lead members we have still taken no action to provide a pedestrian refuge

at the site of a fatality. Why has this obvious and necessary measure not been approved?

Written Response:

I recognise and understand the strength of feeling in the community demonstrated by the support for the petition. The tragic loss of life was caused by the driver of the vehicle who was driving under the influence of drugs at excessive speed, reported as being in the region of 70mph.

The petition itself reproduced below, does not ask for a crossing at the site of the accident and the road widening required to deliver it is likely to reduce the width of footway for those walking alongside the main road:

We the undersigned petition the Royal Borough of Windsor and Maidenhead to urgently introduce traffic calming measures and upgrade existing crossing point to a controlled crossing at Maidenhead Road near the railway bridge, introduce a new controlled crossing point on Switchback Road adjacent to the shops and reduce speed limit and install cameras/calming measures.

In response to the petition a new zebra crossing has been installed at the shops as requested and the 40mph limit has been reviewed by officers. The professional view of the road safety team is that the setting and rural nature of the road mean that a further reduction in speed limit are not appropriate but proposals are being developed to reinforce the existing 40mph with new traffic calming measures as well as looking at developing the design for an enhanced crossing between Maidenhead Road and Whiteladies Lane.

By way of a supplementary question, Councillor Brar commented that some councils might take the view that it was right to mitigate the impact of dangerous driving with physical measures rather than a reminder of the speed limit which a driver who was impaired might well ignore. A refuge island would require the highway to be widened by around 4-5 feet. At the site discussed, there was 14 feet of verge on one side and 4 on the other, and the owner of the larger verge had told Councillor Brar he was open to the idea of cooperating with RBWM. She asked what discussion had been had with the landowners, and what was the outcome?

As Councillor Haseler was not present, the Mayor agreed that a written response would be provided.

c) Councillor Davey asked the following question of Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor:

Why does it feel like all council meetings are moving to Maidenhead and what are the reasons for the change?

Written Response:

It is not correct that all council meetings will take place in Maidenhead. Meetings will be held in either Windsor or Maidenhead; the council is pleased to have two great venues in the two major towns and looks forward to both being used for meetings.

A new audio-visual system has recently been installed in the Council Chamber in the Town Hall, Maidenhead. This followed feedback from Members, officers, and residents about the visual and sound quality of in-person meetings that were live-streamed to the council's YouTube page from this venue. This welcome investment and additional functionality will improve the meeting experience for those attending in person in the Council Chamber, virtual participants, and those watching the livestream on YouTube. Meetings will continue to be held in Windsor including Cabinet and those that are Windsor-focussed such as the Windsor Town Forum and the Windsor and Ascot Development Management Committee.

Councillor Davey stated he did not wish to ask a supplementary question.

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

Why wasn't Councillor Price given a role on an outside body and instead a resident was put forward by the administration, and is this constitutionally sound?

Written Response:

Under the constitution, Cabinet has the power to both make and revoke appointments to outside bodies. Unless the outside body's constitution states the council representative must be an elected Member, then Cabinet can choose to appoint a non-councillor if it believes this to be a more appropriate appointment, based on the skills and knowledge of the individual.

By way of a supplementary question, Councillor Davey stated that the key concern he had was that if the roles were given to residents, but they were not accountable to the electorate, they had no official mandate from the people. There was something wrong with the policy and it needed revision. He asked how the Cabinet appraised Councillor Price's skills and knowledge, for example was there a written test; did the Cabinet consult with CIPFA to see if they had any concerns over appointments; and how were the opportunities promoted to the wider public to ensure the best candidates were found.

Councillor Johnson responded that appointments were made on merit. He meant no disrespect to Councillor Price, but Cabinet had felt the incumbent was more suitable for the role. However, he took on board the points raised by Councillor Davey and suggested they could be considered when appointments were next refreshed.

f) Councillor Bond asked the following question of Councillor Coppinger, Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead:

Could we have a progress update on establishing the Maidenhead Town Team to take forward the Maidenhead Vision & Charter and the consultation with the existing Town Partnership please?

Written Response:

Following extensive consultation with the already existing Town Partnership, the Town Team is moving forward with the desire to involve a broader range of people to deliver

the Vision and Charter. The Maidenhead Town Partnership will continue alongside the Maidenhead Town Team, which will benefit from MTP's already existing structure and direction.

There will be a brainstorming session at the MTP October meeting to agree the details of how the Town Team and MTP will work together moving forward.

As laid out in the Town Team paper (June 22) we will now move to relaunch the Maidenhead Vision and Charter and begin the advertisement for the new town team roles. The newly appointed Town Team community representatives will, alongside the MTP, enhance the work of the existing partnership and provide wider view and opinions.

Following the successful appointment of our community representatives the inaugural Maidenhead Town Team meeting will take place. From the relaunch of the Vision and Charter we expect the process to take around 3 months, with the first Town Team meeting taking place in the new year.

Councillor Bond stated that he did not wish to ask a supplementary question.

100. MOTIONS ON NOTICE

Motion a

The motion had been considered as part of the earlier item 'Political Balance'.

Motion h

Councillor McWilliams introduced his motion. He explained that when he had taken on responsibility for housing, the borough had been in challenging position. The key issue to tackle at the time was support for roughsleepers. Significant work had been undertaken by officers and partners and progress had been made. The focus now was how to fix the housing market to ensure no resident had to sleep rough through necessity; this objective was included in the Corporate Plan. The Housing Strategy codified the council's strong preference for social housing to be delivered and for more council owned housing in the borough. The motion was an opportunity for all to articulate the strong preference for the expansion of socially rented homes in the borough. With thousands on the housing register, many of whom faced unsustainable housing situations, the council needed to seize the opportunities the Borough Local Plan offered.

The White Paper 'For a Fairer Private Rented Sector' set out a huge range of proposals particularly relating to local councils including transparency and enforcement. There was a specific proposal that would require licences on a property basis which would ensure all homes were kept up to standard. Good landlords should not be punished for the behaviour of bad ones. Increasingly local authorities had relied on private landlords to plug the gap where insufficient socially rented homes had been delivered. It was not fair on the residents or the landlords. The borough should have a housing market with housing stock that met the needs of residents. The PropCo provided an obvious vehicle for increasing the volume of council owned stock, particularly on council owned land.

Councillor Johnson commented that the majority of landlords in the borough were exceptionally good however there were always a few rotten apples that did not pay attention to the welfare of their tenants. They would be targeted as part of the initiative. The fundamental point was to give residents in rented accommodation greater choice and stability. This was not to interfere in the market but to show leadership. The adopted Borough Local Plan (BLP) had included a bold policy statement on the delivery of affordable housing especially on strategic sites. Councillor Johnson referred to a written response to an earlier public question:

Since the 8th February the Council has received major planning applications proposing a total of 817 private market homes and 429 affordable homes. On average 34.4% of all housing applied for since the adoption of the Borough Local Plan is affordable.

The figure of 34.4% put the council ahead of its target of 30%. He would obviously like to go further but circumstances were difficult. The council intended to hold developers' feet to the fire to meet the target. The centrepiece of the proposal was a local lettings plan. Those on the existing housing waiting list would be given additional priority for new affordable housing in their vicinity.

Councillor Reynolds commented that it was important to understand the way the council as Local Planning Authority (LPA) had to consider planning policy. The local planning policy already stated a minimum of 30% in the BLP. This motion did not supersede the policy therefore the issue was already covered. It was also important to understand that viability statements meant affordable housing was not always included. The local authority could not influence viability set by the national government. If an application came forward with 20% and a viability statement, there was nothing the council could do. He asked if the motion was therefore proposing to go against national planning policy? He had been given advice that the motion could be seen as predetermination. He felt the most constructive way to get the motion through would be to split it into three separate votes.

Councillor Davey quoted from the constitution that 'Motions must be about matters for which the council has a responsibility and are not offensive or frivolous.' Policies listed in the BLP currently carried weight so telling officers their job could be considered offensive and frivolous. Committing to a Government White Paper was probably not the council's responsibility. He asked if the RBWM HomeBuy Scheme was in play or was it simply a plan to use an extensive slush fund, or one generated by the generosity of those residents gifting their 5% budget savings to help residents who only earned £100,000 a year buy their first affordable home.

Councillor W. Da Costa commented that the proposal seemed to be to build unaffordable houses on the green belt in Windsor, then to give some of them away rather than retaining them for future residents. Many times, Members had sat in planning meetings and been told that the 30% affordability clause was being waived because it was economically unviable. Councillor W. Da Costa therefore felt it would be predetermination. He agreed with the sentiment and supporting the White Paper, but he had serious concerns about points i) and iii).

Councillor Johnson requested a personal explanation. He had not been talking about unaffordable homes. He had been explaining that under a local lettings plan, affordable housing was delivered by tenure type in a policy compliant mix of affordable

rent, social rent and shared ownership. He was simply saying that as part of that mix, the council would look to give preference where possible to local people.

The Monitoring Officer confirmed that approving the motion would not amount to pre-determination.

Councillor McWilliams explained that the HomeBuy scheme would be explored in more detail including consultation. He would be happy to discuss it further with Councillor Davey and if the motion was approved, more information would be brought forward. The motion explicitly stated that the council wanted social housing delivered. He felt that could never be overstated. Viability was a different issue on council owned land as the council had a choice to decide how much affordable housing would be delivered.

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

RESOLVED: That: This Council:

- i) Will ensure that developers deliver the promised hundreds of new affordable homes, particularly for social rent, as part of the Borough Local Plan, including a minimum of 30% across the south-west Maidenhead development, to support this the RBWM allocation policy is being updated to ensure appropriate priority is given to those in greatest need, those within the reasonable preference categories and those with a local connection, where there are additional requirements for specific sites local lettings plans will also be considered.**
- ii) Commits to the outcomes of The White Paper – A Fairer Private Rented Sector which seeks to improve standards within the private rented sector, including tackling rogue landlords.**
- iii) Will continue to expand the council's own portfolio of housing stock, through the RBWM Property Company, including social rent, discount market rent, and low-cost homeownership properties through the introduction of a new RBWM HomeBuy scheme.**

Motion on Notice h) (Motion)	
Councillor Christine Bateson	For
Councillor Gary Muir	For
Councillor John Story	For
Councillor John Baldwin	Abstain
Councillor Clive Baskerville	Abstain
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Abstain
Councillor John Bowden	For
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	Abstain
Councillor Karen Davies	Abstain
Councillor Geoffrey Hill	For

COUNCIL - 27.09.22

Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Ewan Larcombe	Abstain
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Helen Price	For
Councillor Samantha Rayner	For
Councillor Joshua Reynolds	Abstain
Councillor Shamsul Shelim	For
Councillor Gurch Singh	Abstain
Councillor Donna Stimson	For
Councillor Chris Targowski	For
Councillor Amy Tisi	Abstain
Councillor Leo Walters	For
Councillor Simon Werner	Abstain
Carried	

Councillors C. Da Costa and W. Da Costa left the meeting.

Motion b

Councillor Cannon introduced his motion. He highlighted typographical error in the second point of the motion; the date should have been July 2020. Since the Environment Agency (EA) took responsibility for managing the River Thames, it had ceased river dredging which had taken place for the previous 50 years. It was believed by many river users, and riverside residents and people in the floodplains that this had led to a decrease in capacity due to the unmanaged silting up.

The motion was due to come to the cancelled July meeting. The publicity had already made it a success as the EA had already committed to consider dredging in the undefended reach. The council needed to support residents by approving the second part of the motion.

Councillor Coppinger commented that he was delighted that Councillor Cannon had managed to get the EA to do what was their basic duty.

Councillor Larcombe commented that after the Jubilee River had been built at a cost of £100m all flood water was diverted to his ward of Datchet, Horton and Wraysbury. This happened in 2003, twice in 2014 and nearly again on many other occasions. The rules changed in 2010 as the council gained some powers and introduced partnership funding. This council agreed to put money into the River Thames scheme back in 2014/15 but when it came to the crunch and the EA wanted £53m as part of their £650m scheme, somebody at the council said no. Councillor Larcombe did not believe that the council was told how much was actually needed. In the 2019 elections the claim was made that the council was putting in £10m to the scheme, when the required figure was £53m. Councillor Larcombe had never been invited to the sponsorship group even though at the time he was on the Regional Flood and Coastal Committee, a position which was suddenly removed from him when he started asking questions about funding. When his fellow councillor attended a meeting in July 2020 it was stated that Channel One had been removed. He had copies of all the minutes which referred to a lack of funding for two or three years, yet nobody had said

anything. Winter was now on its way. The council would no doubt send sandbags. It has not looked after the watercourses it was responsible for. The EA had no duty to dredge the River Thames, only to maintain the navigation channel.

Councillor Hill highlighted the importance of riparian obligations on all water courses, some of which had not been cleared for decades. When the River Thames rose, there was nowhere for the water to go. He suggested Councillor Cannon should put pressure on the EA in this area.

Councillor Davey commented that Councillor Cannon had had ample opportunity to address this issue of dredging with the EA. The failure of the administration to keep their promise to the residents of Wraysbury, Old Windsor and Datchet that they would support the River Thames Scheme could not be solved with, what amounted to a sticking plaster.

Councillor Cannon stated that the EA was responsible for the River Thames. He took the point that small watercourses were mainly the responsibility of riparian owners. He hoped that members had reported any clogged watercourses.

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

RESOLVED UNANIMOUSLY: That: This Council:

i) Requests that the Environment Agency resumes dredging of the River Thames within the boundaries of RBWM (especially the undefended reach between Black Potts and Bells Weir) to both ease navigation and increase the rivers capacity to hold water and therefore alleviate flood risk to our riverside communities.

ii) Requests that the Environment Agency expedites its efforts (in working with RBWM) to bring forward its alternative plans for flood alleviation for the Black Potts to Bells Weir reach of the River Thames following the EA removal of Channel One from the River Thames Scheme in July 2020.

Motion c

Councillor Bhangra introduced his motion. He explained that in the past months, the Royal Borough's Trading Standards team had:

- successfully prosecuted a rogue trader for pressurising victims into accepting poor quality and overpriced emergency repairs to windows and doors
- provided 30 call blockers to vulnerable Royal Borough residents to protect them from scam telephone callers, and 20 video doorbells to protect others from doorstep scammers
- dealt with an outbreak of avian influenza in the Borough, working with government departments and other agencies to minimise the effects of the disease and protect domestic poultry
- carried out hundreds of inspections at high profile events such as Royal Ascot, the Royal Windsor Horse Show and Cookham Rock the Moor to ensure that visitors were getting the quantity and quality of food and drink and other goods and services that they were entitled to
- investigated the sale of counterfeited designer goods

COUNCIL - 27.09.22

- carried out regular test purchase operations to ensure retailers were not selling alcohol, tobacco or knives to people under 18 including counterfeit alcohol.
- implemented a wide range of ever-changing coronavirus rules and regulations setting out which businesses could be open and how they should operate

Councillor Bhangra felt this demonstrated the very wide range of activities that Trading Standards carried out to protect residents and support businesses, despite being such a small team.

Councillor Davey stated that he agreed Trading Standards had done a great job but so had the libraries, the housing team and all employees, not forgetting all the volunteers that helped with the many events hosted in RBWM, most recently the funeral of Her Majesty. He thanked all RBWM officers and community volunteers.

Councillor Cannon commented that the team had done a great deal of work, going above and beyond. As the service fell in his portfolio area, he was grateful the actions had been recognised.

Councillor Bhangra commented that the team worked with businesses to ensure they understood what was expected of them. There were also rare events such as dealing with avian influenza.

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

RESOLVED UNANIMOUSLY: That: This Council:

- i) commends the excellent work of the Trading Standards team;**
- ii) thanks the officers in the team for their commitment to the Borough's residents, and;**
- iii) supports the team's continued efforts to provide an environment in which residents can buy goods and services without fear of being cheated, and honest businesses can be supported to thrive and grow.**

Motion d

Councillor Davey introduced his motion. He explained that currently any local authority (LA) representatives who were put forward by Cabinet to an outside board were not accountable to the local residents in any way.

They did not need to comply with the Code of Conduct rules which any resident asked to sit on a LA board would have to agree to. They could push out posts on social media denigrating the work of local councillors and be rewarded with a role of representing the administration on an outside board. They could put in Code of Conduct complaints by the bucket load, wasting officers time but could not have them laid at their door, even though they were representing the borough. Failure to recognise the flaw in the current situation would reinforce the feelings of the electorate, that the administration was only interested in their own ends and not in the democratic process.

COUNCIL - 27.09.22

Councillor Werner seconded the motion. He commented that the motion was not saying non-councillors could not sit as council representatives, but that they should sign up to a Code of Conduct.

Councillor McWilliams commented that he presumed all outside bodies would have their own code of conduct.

Councillor Davey concluded that the reality was that an organisation could have its own rules and regulations but if an individual's involvement was as a council representative, they should be accountable to the electorate and the council.

The vote was taken by a show of hands. 14 Councillors voted for the motion. 20 Councillors voted against the motion. The motion therefore fell.

Motion e

Councillor Coppinger had withdrawn his motion in advance of the meeting.

Motion f

Councillor Reynolds introduced his motion. He referred to the council's declaration of a climate emergency some years previously. At that time all agreed on the need to act decisively and promptly. The Climate and Ecology Bill had stalled in Parliament. The BLP stated that the council was due to adopt the biodiversity policy by the end of 2021; it had been delayed not once but twice. The motion he proposed was a good way to put in place key items that all had agreed upon back in 2019. It would act as a key point of reference in reinstating trust and confidence in the matter. There were many people outside the council who felt the council had missed the mark and not made sufficient progress.

Councillor Davies seconded the motion.

Councillor Davey quoted Charles Davey, sustainability champion and entrepreneur:

“One of the best solutions to the climate crisis is to teach sustainability philosophy to future generations. Replace the prolific desire for excess and arrogance with a passion for environmental custodianship and appreciation. The next generation of adults on this planet must be capable of safeguarding the future for humanity and understand that the existential threat of the climate crisis should not be ignored or understated. It is imperative that the contemporary generation of educators and guardians provide the youth, our future, with appropriate sustainability knowledge and wisdom.”

Councillor Stimson commented that she would not be able to support the motion as it was simply rhetoric. It wanted x, y and z to happen, and it would be handed over to an officer who was already extremely busy working to meet targets agreed in the Corporate Plan. The Biodiversity Action Plan had not been stalled but was being further developed with the farming community so it would be stronger. The sustainability team was delivering quietly on its ongoing work, The team had grown

from 2 to 8 staff members. Mentoring programmes to educate young people were taking place.

Councillor Johnson endorsed the comments made by Councillor Stimson. The Biodiversity Action Plan had only been delayed to allow for more consultation. The council's main priority over the last two years had been fighting a global pandemic yet an innovative Climate Partnership had still been established.

Councillor Baldwin commented that another meeting of the Rural Forum was scheduled for 29 November, with Cabinet on 24 November; he had been watching the dates carefully. Biodiversity gains did not work in islands or through minor initiatives. The consultation with landowners and their willingness to co-operate was essential. The suspicion that was referred to was that the Rural Forum had exercised a de facto veto on two occasions.

Councillor Davies explained that Councillor Reynolds' motion was due to come to full Council at the July meeting, which was cancelled due to record-breaking high temperatures. This was an illustration if one was needed of the impact of climate change. Yet it sadly seemed even more necessary for this motion to be passed by Council now. Within the last week there had been news that the government was going to scrap the Environment Land Management Scheme before it had even been implemented; and news of the creation of 38 investment zones in which planning rules would be liberalised, an announcement which caused the RSPB to say that 'this government has today launched an attack on nature'. In the light of this, it seemed to Councillor Davies that the council needed to re-affirm its own commitment to reversing the current severe decline in biodiversity in Windsor and Maidenhead and put into place actions which would ensure that nature was visibly and measurably on the path to recovery by 2030. She urged members to vote for the motion and in so doing to demonstrate the borough's continued commitment to protecting nature and increasing biodiversity.

Councillor Reynolds commented that a previous motion that evening had been about the council reinstating its commitment, so he did not see why this motion was any different. It was an important topic that should be raised. He would be glad to know if the biodiversity team had grown from two to eight members of staff. In the budget biodiversity training for officers had been removed; this said a lot about the council position.

Motion on Notice f (Motion)	
Councillor Christine Bateson	Against
Councillor Gary Muir	Against
Councillor John Story	Against
Councillor John Baldwin	For
Councillor Clive Baskerville	For
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

COUNCIL - 27.09.22

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

Motion g

Councillor Singh introduced his motion. He explained that Green Flag status was a must-have for visitors to parks in the borough. Previously the council had 7 Green Flag parks, but today there were none. The borough was missing out on a significant boost to the local tourism and hospitality sectors. Green Flag status would improve the borough and the environment. It would mean parks were of the highest possible standard, had excellent facilities and were well-maintained all year round. The award was given by the environmental charity Keep Britain Tidy. It also recognised the work undertaken by volunteers across the borough. The scheme was in its 25th year.

Councillor Del Campo seconded the motion. She suggested that Green Flag accreditation was a kind of biennial MOT for parks; a friendly critic, to use local government parlance. That was really important as a climate emergency was faced, alongside a cost-of-living crisis and the relentless march of development in town centres.

Green Flag had around 600 expert assessors in England. They were all volunteers who were passionate about public open space. The first visit would be by two assessors who would produce a report for RBWM officers. When a park achieved the Green Flag Award, and it could be on the first visit, it was re-assessed every second year against an agreed management plan. On the in-between years, parks were visited by mystery shoppers.

The goals of the Green Flag scheme broadly aligned with RBWM policy:

- A welcoming place which was healthy, safe and secure, and that was well maintained and clean
- A place that was managed with the environment, biodiversity, landscape and heritage in mind

COUNCIL - 27.09.22

- Well-marketed and advertised open spaces, bringing in visitors from outside the borough.
- And vitally, community involvement parks and open spaces were delivered that residents wanted and need.

Councillor Del Campo fully expected someone to say if the council already had these goals, why did it need to enter a scheme? No doubt budgets and officer time would get a mention too. The answer was accountability. Borough parks have been sadly neglected of late. A child had been injured on play equipment; there were reports of damaged equipment or dodgy repairs with tape; six-foot hedges sprouting 12-foot trees right next to houses and threatening to undermine foundations; shrubs given 80s-style flat-top haircuts; and, apart from the notable efforts made by residents, scant attention to the introduction of drought-resistant and pollinator-friendly planting.

Up to now, the council had left it to contractors to mark their own work and, unsurprisingly, the outcome had not been entirely satisfactory. Inviting Green Flag assessors in would not only hold the council to account but also give access to a wealth of expertise for just over £500 including VAT for a park like Oaken Grove.

Councillor Coppinger highlighted that the manual for Green Flag accreditation was 80 pages long and was designed to generate funds for the charity. The council recognised the benefits of parks and open spaces which was why they were included in the Corporate Plan under 'Inspiring Places' and 'Climate Change'. He wondered how many residents had heard of the scheme and saw it as a must-have. In total the borough had 70 parks and open spaces. They were not on the local tourism and hospitality scene, other than the Great Park which was owned by the Crown Estate. Several had successful local events during the year. Residents did not go to a park because it had a Green Flag but because it was local, well maintained and had the right facilities. He accepted that there were many good ideas and standard in the manual, many of which were already adopted. Councillor Coppinger felt it was most important that officer time was used making sure the council met the needs of residents rather than filling out forms. It was a pity that the motion did not set out the costs involved, or the number of additional officers needed. The cost would be more than £500; he believed it would be £42,000 for all parks and open spaces in the borough. To receive a Green Flag a fully involved community group on site was needed. The council had the opportunity with Deerswood to create such a community.

Councillor Hill felt it was an excellent motion as parks needed to be brought up to the highest standard.

Councillor Davey commented that he felt it was a great idea. Part iii was probably a bit ambitious based on what Councillor Coppinger had said but he supported parts i and ii.

Councillor Reynolds commented that it was a hugely important motion. The borough previously had a number of Green Flag parks. The importance of open spaces had been discussed earlier in the meeting.

Councillor McWilliams asked what problem the motion was trying to solve. It suggested the borough parks were in a state of disrepair, which was not true. He knew Thriftwood and Ockwells Park very well; thousands of trees had been planted and new play equipment had recently been installed. Regular litter picks were also held. He did not feel that Green Flag status would change any of this. The model of Thriftwood

demonstrated if a community came together to make plans it could create a great asset.

Councillor Werner that the problem was that play parks were starting to fall apart and were showing their age. They used to have daily checks, but this no longer happened. His daughter pointed out faults to him and he reported them to the borough. All parents were concerned for their child's safety.

Councillor Baldwin commented that his experience of parks in north Maidenhead was that they were in desperate need for external accreditation that was internationally recognised. Parks week had been promoted on the RBWM Twitter feed. He had visited Grenfell at the time and met the contractor who was litter picking, but only in areas around the play park. Councillor Baldwin had subsequently collected 12 kilos from other areas of the park. If the council aspired to places it was proud of, it should aspire to external accreditation.

Councillor Cannon asked how the £42,000 cost would be funded.

Councillor Tisi suggested the administration's reluctance to support the motion was simply an admittance that none of the borough parks would make the grade.

Councillor Johnson commented that of course the administration was committed to improving standards in parks and expanding provision of open spaces. This was why a new consultation on the future of Deerswood meadow was about to start.

Councillor Singh agreed to remove part iii) of his motion. He felt that in reality the proposal would save money. For example, there was a council determined to build a sensory park for the visually impaired. Following the Green Flag protocols a targeted consultation was undertaken which revealed what was really wanted was a roped walkway around a lake, saving £200,000. Page 154 of the agenda stated that if the borough did not progress the tennis court proposal, there would be further deterioration therefore there was clearly an issue. Councillor Singh had raised the issue of dangerous facilities in a park at an earlier Council meeting. Issues were clearly being missed. In 2006 there were 7 Green Flags in the borough following a £2m investment. Now there were none in the borough. It was possible, but the council needed the appetite and the ambition.

Councillor Del Campo agreed that part ii of the recommendation should be removed. The meeting consented to the change as the debate had already started.

A vote was undertaken on the first two elements of the motion.

Motion on Notice g (Motion)	
Councillor Christine Bateson	Against
Councillor Gary Muir	Against
Councillor John Story	Against
Councillor John Baldwin	For
Councillor Clive Baskerville	For
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For
Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For

COUNCIL - 27.09.22

Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	No vote recorded
Councillor Wisdom Da Costa	No vote recorded
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Helen Price	For
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Shamsul Shelim	Against
Councillor Gurch Singh	For
Councillor Donna Stimson	Against
Councillor Chris Targowski	Against
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

Motion i

Councillor Haseler had withdrawn his motion in advance of the meeting.

This page is intentionally left blank

MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

MAYOR'S COMMUNICATIONS

Since the last meeting the Mayor and Deputy Mayor have carried out the following engagements:-

- Attended SGI-UK reception at Taplow Court
- Visited the Coffee Morning in aid of Macmillan Cancer Support hosted by Maidenhead Athletic Club and Maidenhead Football Club
- Attended the Windsor and Eton Choral Society concert
- Started Maidenhead Boundary Walk
- Presented awards at the Berkshire Community Foundation Platinum Jubilee Presentation Afternoon
- Supported the Mayor's Swimming Team at the Windsor Lions Swimathon
- Attended the Young Farmers' Club Harvest Festival
- Attended various charity meetings including Spoores Merry Rixman Foundation; Pooles and Rings; Samuel Lewis Old Age Pension Fund; Charles Davis Trust; Prince Philip Trust Fund
- Attended the AGM of the Maidenhead District Scouts
- Visited Bisham Abbey National Sports Centre for the Tokyo 2020 Olympian and Paralympian Games and Birmingham 2022 Commonwealth Games celebratory event
- Attended several citizenship ceremonies and hosted receptions afterwards
- Attended the WAMCF (Windsor and Maidenhead Community Forum) AGM
- Attended the Maidenhead District Chamber of Commerce Gala Dinner
- Visited the Barlekha Foundation event at Gandhi Restaurant, Maidenhead
- Attended Maidenhead Golf Club Gala Dinner
- Attended the Rotary Club of Windsor St George 40th anniversary dinner
- Assisted with the presentation of awards at the St John NHS Organ Donor Awards Evening
- Attended the Institution, Induction and Installation of the new vicar at St Michael and All Angels Church, Sunninghill
- Hosted a Charity Afternoon Tea in aid of the Ascot District Day Centre in the Windsor Guildhall
- Visited Viceroy of Windsor for their charity fundraising event
- Attended the WAMCF Reception at Taplow Court
- Led the Act of Remembrance on Armistice Day at the War Memorial, Town Hall, Maidenhead
- Attended the Windsor Maidenhead Symphony Orchestra concert
- Led the Remembrance Sunday Civic Services in Windsor and Maidenhead
- Participated in the firing of cannons to mark the birthday of His Majesty the King on the Long Walk, Windsor
- Attended the Preview of the Artisan Christmas Fair in the Guildhall, Windsor
- Attended Windsor Christmas Lights Switch On
- Visited Maidenhead Synagogue for their Mitzvah Day activities.

This page is intentionally left blank

Report Title:	Petition for Debate – increased air pollution monitoring of PM₁₀ and PM_{2.5} in Air Quality Management Areas
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime and Public Protection
Meeting and Date:	Full Council – 22 November 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of People Services Tracy Hendren, Head of Housing, Environmental Health, and Trading Standards
Wards affected:	All



REPORT SUMMARY

An [ePetition](#) has been received and secured 2,151 signatures. The lead petitioner requested it be debated at Full Council.

The petition says “we the undersigned petition the Royal Borough of Windsor & Maidenhead to increase measurements of air polluting PM₁₀ and PM_{2.5} particulates as soon as possible to multiple locations within all five Air Quality Management Areas (AQMA) in the Borough”

This paper explains the current work underway in relation to air quality within the Royal Borough and the options available in response to the petition, including the estimated costs. The report recommends a review of the air quality monitoring results to be published in 2023 to help inform future decisions on the current air quality monitoring regime.

Air quality monitoring is one of Council’s corporate plan goals – ‘Achieve the National Air Quality Objective (AQO) across all Air Quality Management Areas (AQMA) by 2025’.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the Petition and:

- i) Agrees to continue with the current monitoring regime and report back to Members with the monitoring results for 2022 for a decision on how best to proceed with air quality monitoring within the borough for future years.**

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

Options

Table 1: Options arising from this report

Option	Comments
<p>To continue with the existing monitoring regime and report back to Members with the annual monitoring data for a discussion on the air quality monitoring results.</p> <p>This is the recommended option</p>	<p>This option is recommended as the current data does not suggest there is a need to extend the current air quality monitoring network.</p>
<p>To replicate the monitoring equipment in use at Frascati Way for PM₁₀ and PM_{2.5} at an estimated cost of £25,000-£30,000 with an annual £5,000 for service and data validation.</p> <p>This is not recommended.</p>	<p>The Council could extend the air quality monitoring of PM₁₀ and PM_{2.5} although this would incur a significant additional cost to the Council at a time of financial challenge and the need to target resources effectively towards priority areas. This is not deliverable within the current budget constraints.</p>
<p>Use low-cost sensor equipment (not certified and higher uncertainty on measurement data) to monitor PM₁₀ and PM_{2.5} at an estimated cost of £3,000 plus £2,500 for annual service and data validation.</p> <p>This is not recommended.</p>	<p>The Council could install low-cost sensor equipment although this type of equipment has not been certificated and there is uncertainty on the accuracy of the measurement data. This is not deliverable within the current budget constraints.</p>
<p>Use of the Casella Guardian 2 Boundary Monitor as suggested by petitioners at an estimated cost of £10,000 plus additional costs for service and data validation</p> <p>This is not recommended.</p>	<p>The manufacturer has suggested this unit is primarily used for construction and demolition sites, so not appropriate for borough needs. The unit has noise and vibration functions that are not needed and there is limited information on lower concentration of pollutants (construction sites tend to have higher concentrations). This is not deliverable within the current budget constraints.</p>

- 2.1. Poor air quality is considered by the Government to be “the largest environmental risk to public health in the UK”. As well as human health, air pollution also has implications for the natural environment and for the economy. Due to the transboundary nature of air pollution, action to manage and improve air quality in the UK has been driven by both international agreements and EU legislation, as well as national and devolved legislation.

- 2.2. The air quality objectives (AQO) applicable to Local Air Quality Management (LAQM) in England are set out in the Air Quality (England) Regulations 2000, and the Air Quality (England) (Amendment) Regulations 2002.
- 2.3. There are National Air Quality Objectives (NAQO) for reducing concentrations of emissions relating to relevant pollutants below air quality objective levels. If there is a risk that an air quality objective is or will be exceeded at a relevant location, a local authority must declare an Air Quality Management Area (AQMA).
- 2.4. The most important primary air pollutants are particulate matter (PM) and nitrogen dioxide (NO₂).
- 2.5. Around half of UK concentrations of PM comes from human caused sources in the UK such as wood burning and tyre and brake wear from vehicles.
- 2.6. Domestic combustion is a major source of PM emissions in 2020, accounting for 15 per cent and 25 per cent of PM₁₀ (particulate matter less than 10 micrometres in diameter) and PM_{2.5} (particulate matter less than 2.5 micrometres in diameter), respectively. Most emissions from this source come from burning wood in closed stoves and open fires. The use of wood as a fuel accounted for 70 per cent of PM_{2.5} emissions from domestic combustion in 2020. Emissions of PM_{2.5} from domestic wood burning increased by 35 per cent between 2010 and 2020, to represent 17 per cent of total PM_{2.5} emissions in 2020.
- 2.7. Nationally, there are substantial emissions of nitrogen oxides from road transport sources, as most concentrations at the roadside come from local transport sources.
- 2.8. There are currently 5 AQMAs within the Council area and these are detailed in table 2. These were declared for the concentrations of road traffic emissions exceeding the annual mean for nitrogen dioxide (NO₂), which has a limit of 40 µg/m³ (the concentration of an air pollutant is given in micrograms (one-millionth of a gram) per cubic meter air or µg/m³).

Table 2: AQMAs Declared by Royal Borough of Windsor and Maidenhead

AQMA	Description	Date Declared	Date Amended	Date Revoked	Pollutants
<u>Maidenhead AQMA</u>	An enlarged area covering part of Maidenhead Town Centre, extending northwest to where Norfolk Road meets Craufurd Rise and the railway line, southwest to Kingswood Court and Rushington Avenue, southeast to Old acres and Guards Club Road, and northeast to Ray Mead Road and Lassell Gardens.	01/04/2005	31/07/2009		Nitrogen dioxide NO ₂
<u>Windsor AQMA</u>	The AQMA covers an enlarged area encompassing parts of Windsor Town Centre, from Oak Lane/Dedworth Road in the west, Althlone Square/Clarence Road/Bexley Road to the east, Imperial Road to the south, and Clewer Court Road and Stovell Road to the north.	01/04/2005	31/07/2009		Nitrogen dioxide NO ₂

<u>Bray/M4 AQMA</u>	An area encompassing part of Bray around the place where the M4 crosses over the A308 London Road.	31/07/2009			Nitrogen dioxide NO ₂
<u>Imperial/St Leonards Road Junction</u>	The area is linked with Clarence Road roundabout and Windsor AQMA by Imperial Road and is on the route to Legoland. It includes a double junction between B3022 St Leonards Rd and B3175 Imperial Rd there are residential buildings along the roads, in particular along St Leonards Road and those near the junction are exposed to higher concentrations.	14/04/2014			Nitrogen dioxide NO ₂
<u>Wraysbury/M25</u>	The area runs along the B376 and intersects with the M25 near junction 13, in the vicinity of Heathrow Airport. There are residential buildings along the Wraysbury Road and those near the M25 tunnel portal are exposed to higher concentrations.	14/04/2014			Nitrogen dioxide

- 2.9. Since the AQMA declarations – in Windsor and Maidenhead in 2005, Bray/M4 in 2009 and Imperial/St Leonards Road junction and Wraysbury/M25 in 2014 respectively, air quality has markedly improved and concentrations of NO₂ across all areas are now below the objective level of 40 µg/m³.
- 2.10. PM₁₀ are monitored at Frascati Way, MAIDENHEAD. The recorded annual mean concentration decreased from 25 µg/m³ in 2016 to 19 µg/m³ in 2021. These levels are well below the national air quality objective of 40 µg/m³. During the same period the respective PM_{2.5} estimated annual mean concentration decreased from 17.5 to 13.4 µg/m³. These levels are well below the current national legal limit of 20µg/m³.
- 2.11. The Council are required to submit an Annual Status Report (ASR) to the Secretary of State reporting progress in achieving reductions in concentrations of emissions relating to relevant pollutants below air quality objective levels and identifying new or changing sources of emissions. The Secretary of State (Defra) provide comments back to which the Council are expected to have regard.
- 2.12. Air quality monitoring is one of RBWM's corporate plan goals – 'Achieve the National Air Quality Objective (AQO) across all Air Quality Management Areas (AQMA) by 2025'.

The current monitoring regime

- 2.13. The current air quality monitoring regime consists of 3 real-time monitoring stations and 40 diffusion tubes.
- 2.14. There is extensive monitoring within the AQMA's but also in other areas including Eton, Datchet and Old Windsor.

The current situation and Annual Status Report

- 2.15. Air quality across the borough has improved since the declaration of the AQMA's. Exceedances of the objective level for NO₂ have been localised to specific hotspots around the borough. The national annual mean objective for NO₂ is 40 µg/m³.

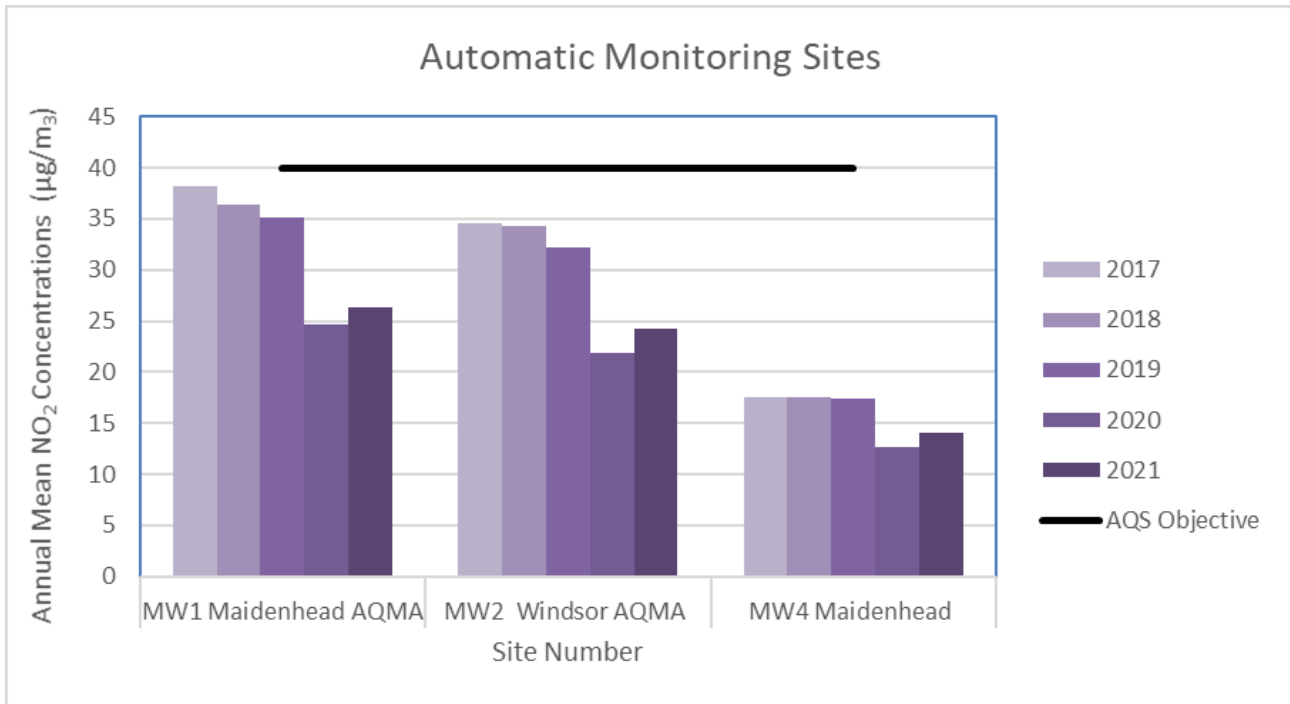


Table 3. NO₂ annual mean concentrations for sites MW1, MW2 and MW4 between years 2017 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced across the sites

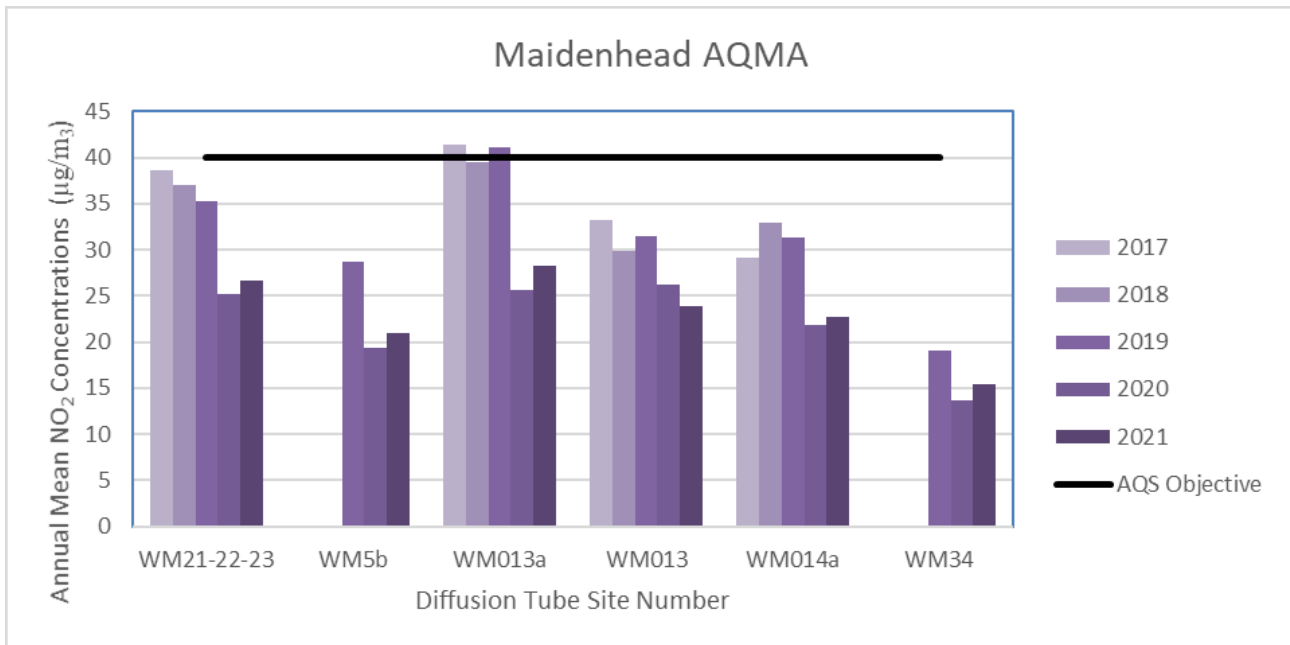


Table 4. NO₂ annual mean concentrations for diffusion tube sites in Maidenhead between years 2017 to 2021. There are no exceedances of the annual mean objective in 2020 and there is a general trend of reduction experienced across the sites.

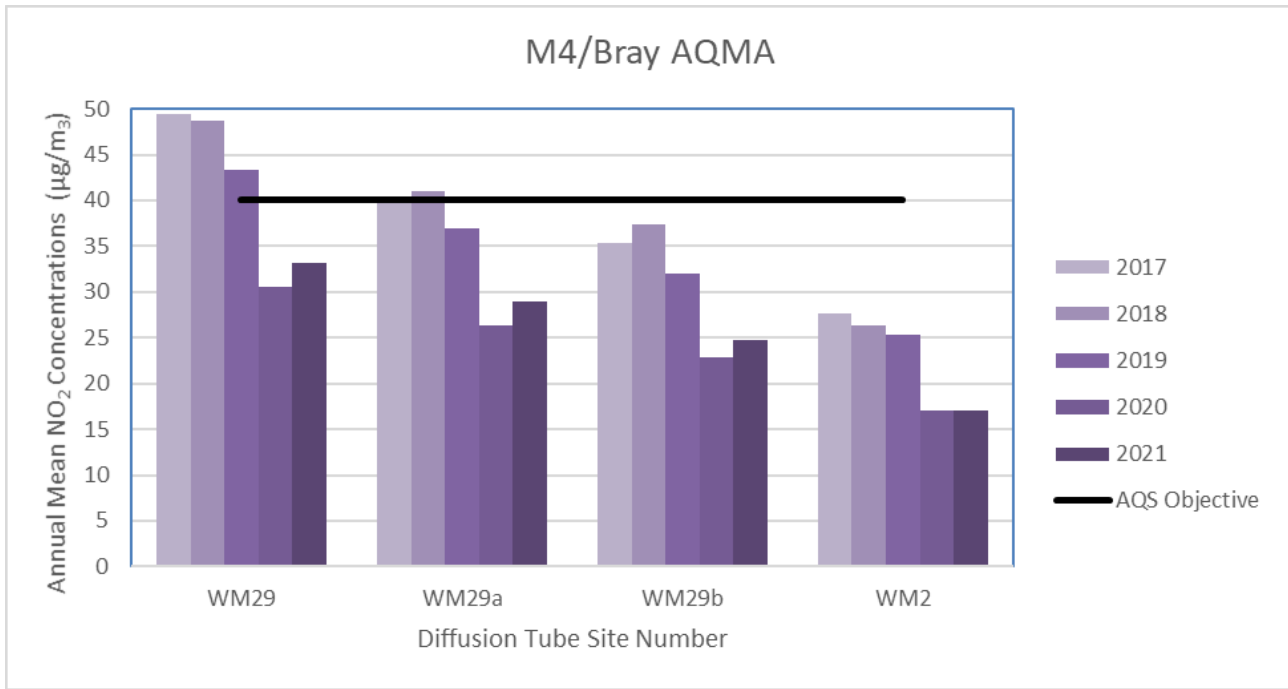


Table 5. NO₂ annual mean concentrations for diffusion tube sites in Bray AQMA between years 2017 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced across the sites.

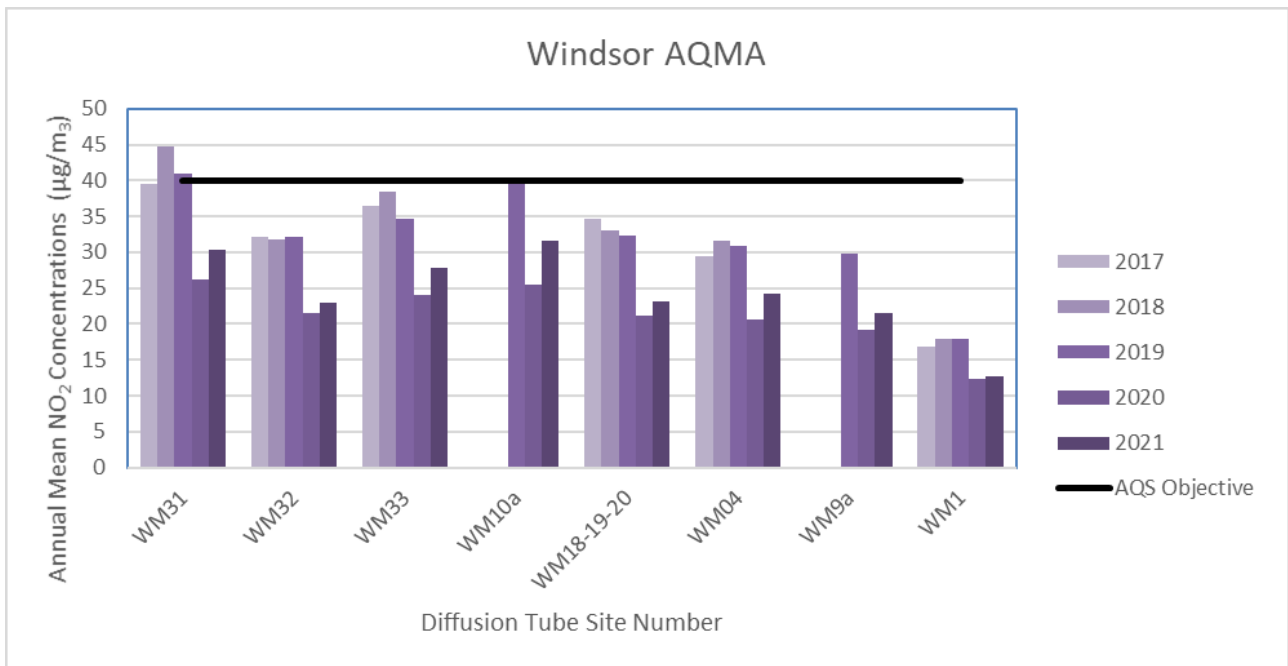


Table 6. NO₂ annual mean concentrations for diffusion tube sites in Windsor between years 2017 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced across the sites.

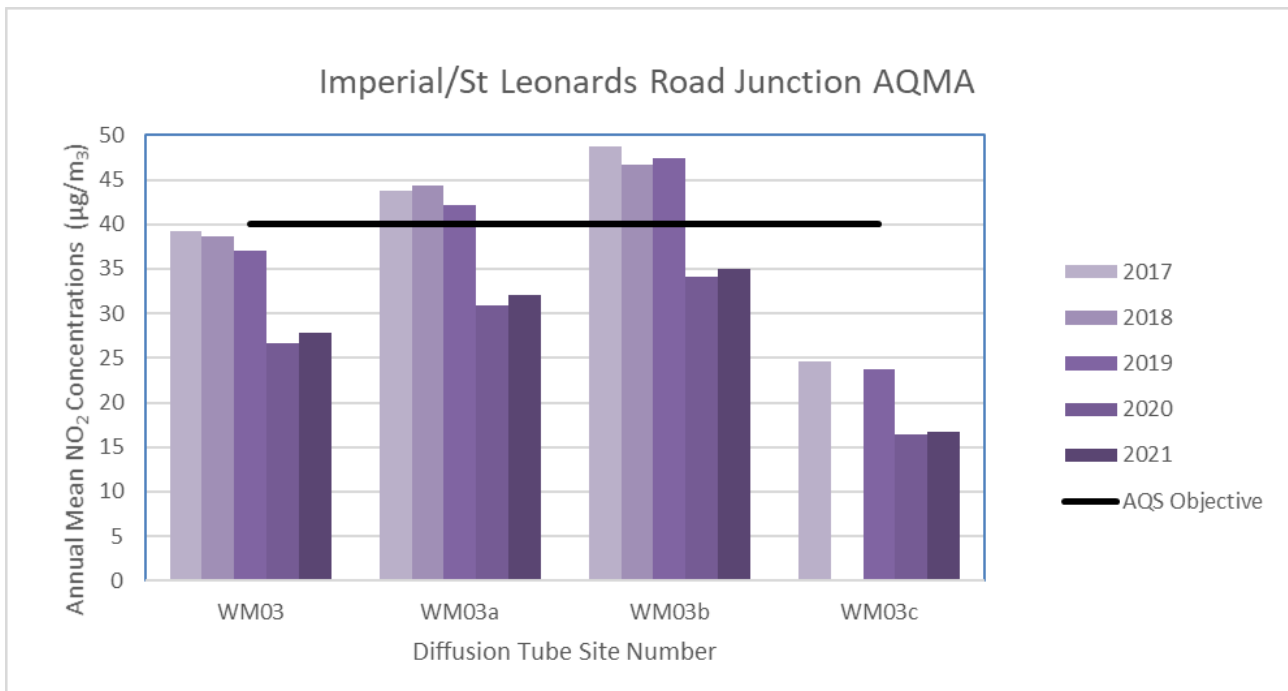


Table 7. NO₂ annual mean concentrations for diffusion tube sites at St Leonards Road in Windsor between years 2017 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced across the sites.

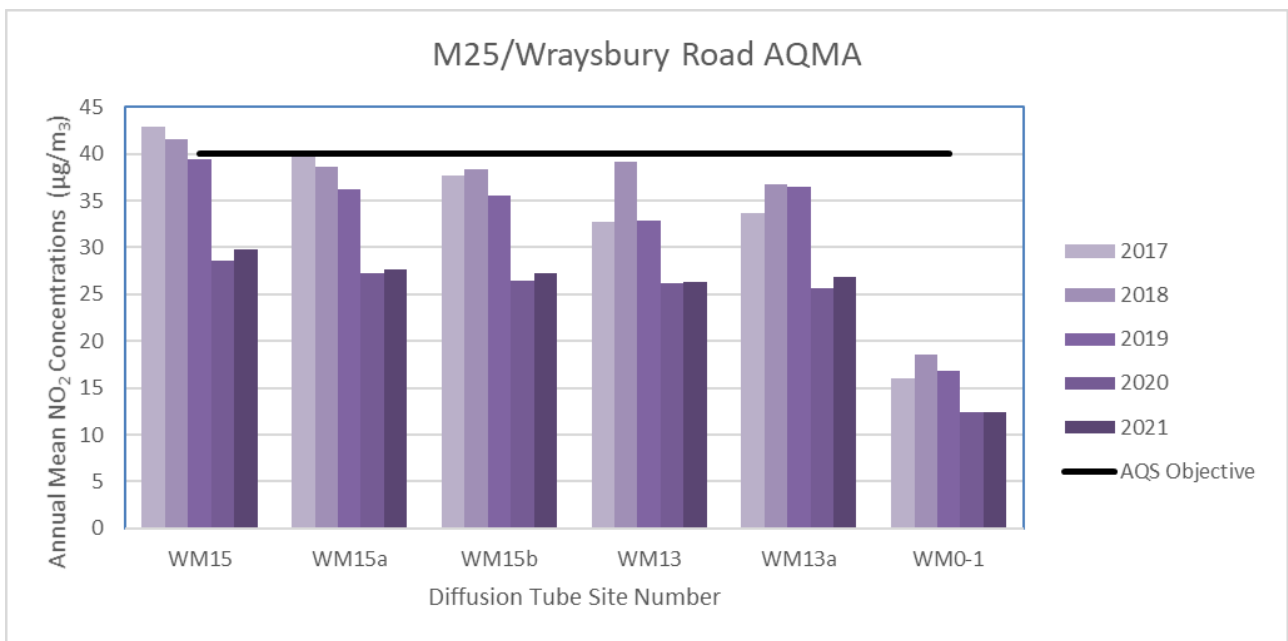


Table 8. NO₂ annual mean concentrations for diffusion tube sites at Wraysbury Road AQMA between years 2017 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced across the sites.

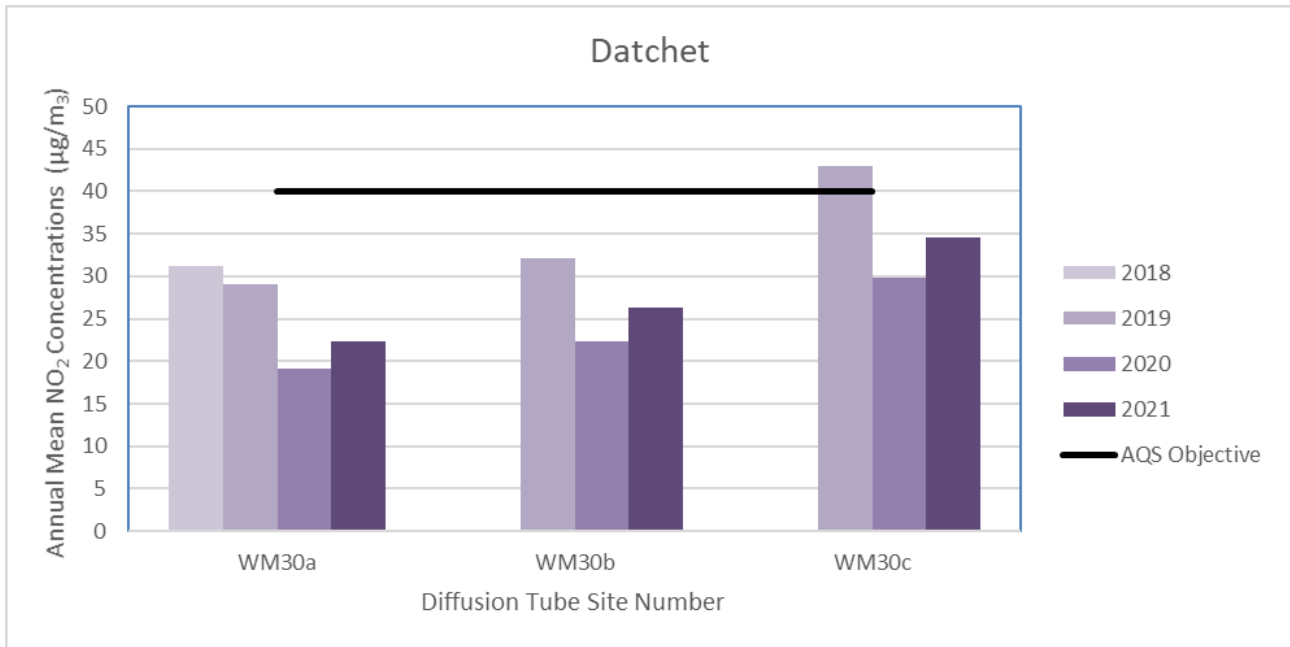


Table 9. NO₂ annual mean concentrations for diffusion tube sites in Datchet between years 2018 to 2021. There are no exceedances of the annual mean objective in 2021.

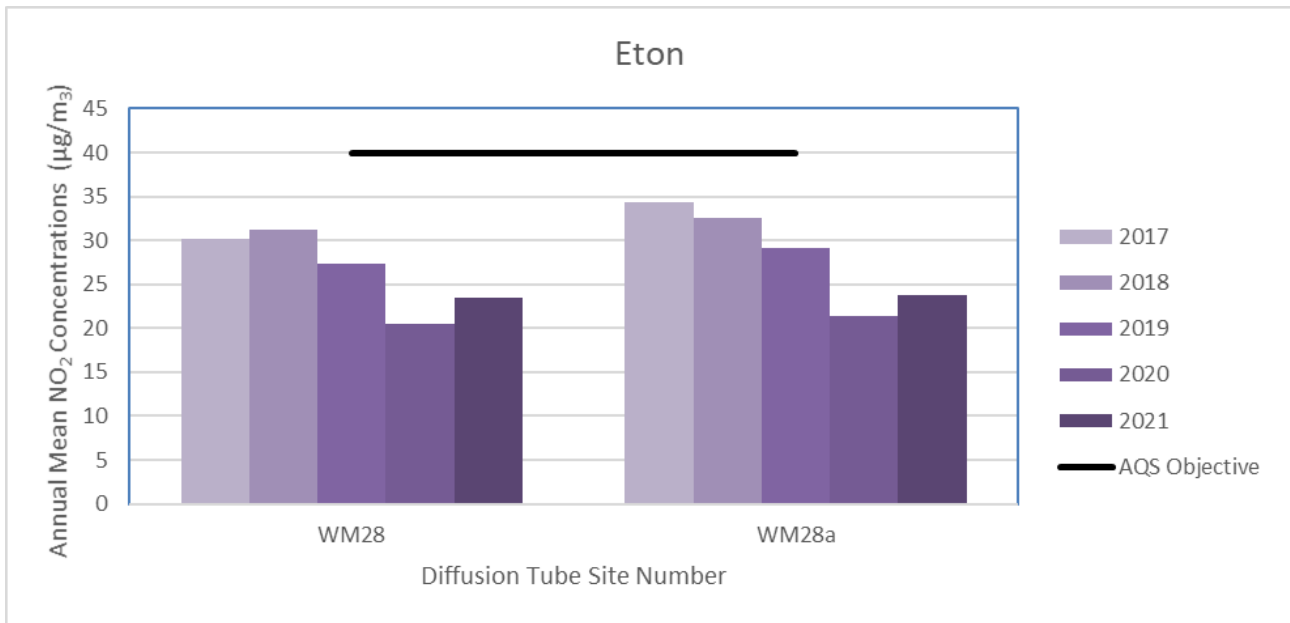


Table 10. NO₂ annual mean concentrations for diffusion tube sites in Eton between years 2017 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced across the sites.

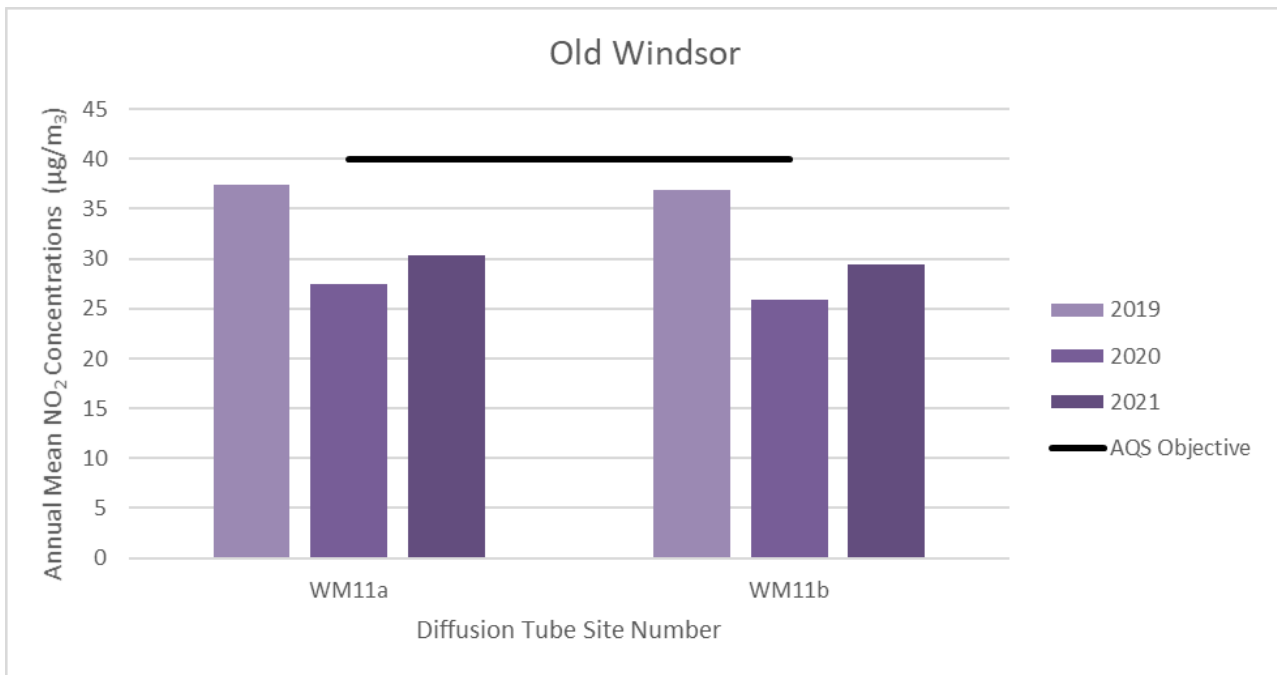


Table 11. NO₂ annual mean concentrations for diffusion tube sites in Old Windsor between years 2019 and 2021. There were no exceedances of the annual mean objective.

- 2.16. Monitoring results indicate NO₂ levels fall rapidly further away from the specific hotspots.
- 2.17. To give an appreciation on improvement, in 2009 the highest recorded NO₂ annual mean concentration in RBWM was 60 µg/m³. In 2021, this was 35 µg/m³ (a decrease of over 40%).
- 2.18. To date, the recorded concentrations within four of the five AQMAs have been below 36 µg/m³ for three consecutive years.
- 2.19. The AQMA at Imperial/St Leonards Road Junction has recorded concentrations below 36 µg/m³ for five consecutive years.
- 2.20. The monitoring PM₁₀ began in 2016. The concentration has decreased from 25 µg/m³ to 19 µg/m³ this is well below the annual mean objective level of 40 µg/m³.
- 2.21. Road transport is a significant source of NO₂, PM₁₀ and PM_{2.5} emissions. The decreasing levels of NO₂ is also leading to a reduction in the emissions of PM₁₀ and PM_{2.5}.
- 2.22. The current air quality monitoring results provided suggest the Council are currently achieving the National Air Quality Objectives.
- 2.23. The Council's 2022 air quality Annual Status Report (ASR) has been appraised and accepted by Defra and is available online:
https://www.rbwm.gov.uk/sites/default/files/2022-08/eh_air_quality_annual_report.pdf
- 2.24. The ASR sets out new information on air quality within the borough as part of the Review & Assessment process required under the Environment Act 1995 (as amended by the Environment Act 2021) and subsequent Regulations.
- 2.25. The Council's review of its AQMAs, and monitoring strategy is an ongoing process, informed due to the extensive monitoring network. The observed NO₂ and PM₁₀ concentrations show levels well below the annual mean air quality objectives.

World Health Organisation (WHO) guidelines

- 2.26. The Committee on the Medical Effects of Air Pollutants (COMEAP) stated they welcome the World Health Organisation's (WHO's) revised Air Quality Guidelines (AQGs), which they regard as suitable long-term targets to inform policy development in the UK.
- 2.27. They are guidelines only and are not binding on any country unless that country chooses to adopt them into its own legislation.
- 2.28. The Council are aware of the new WHO guidelines and will consider what additional actions the Council may take moving forward in accordance with any national guidance that may be issued by central government and/or the Department for Food, Environment and Rural Affairs (Defra).

Air Quality Action Plan

2.29. The Borough's Air Quality Action Plan has been developed as an integral part of the Local Transport Plan through shared objectives to tackle congestion and reducing car journeys by improving public transport and promoting active travel. Current priorities that will contribute to further improvements on air quality include:

- on-street electric vehicle charge points across 6 sites in residential areas with no off-street parking.
- a multi-modal corridor study along the A308 between Marlow and Staines-upon-Thames has recently been completed, identifying key traffic and transport issues. Options are now being assessed to understand fully what can be achieved and develop a package of measures to improve connectivity by walking, cycling and public transport and address congestion. This will form the basis for future funding bids to the Thames Valley Berkshire Local Enterprise Partnership and the Department for Transport (the A308 now forms part of the Major Roads Network).
- the Borough's Big Conversation exercise has led to the development of a Local Cycling & Walking Infrastructure Plan (LCWIP). The plan, setting out how walking and cycling facilities could be improved over the next 10 years was adopted by Cabinet in June 2022. A £1.5m fund has been allocated for delivering a first suite of walking and cycling improvements as prioritised within the LCWIP.

Monitoring of PM₁₀ and PM_{2.5}

2.30. PM₁₀ is monitored at a site in Frascati Way, MAIDENHEAD. The site is on the A308, one of the main arterial roads in the borough. It is also close to Maidenhead Town Centre where major construction works are underway, which is monitored as an area likely to see the highest levels of PM¹⁰ in the borough.

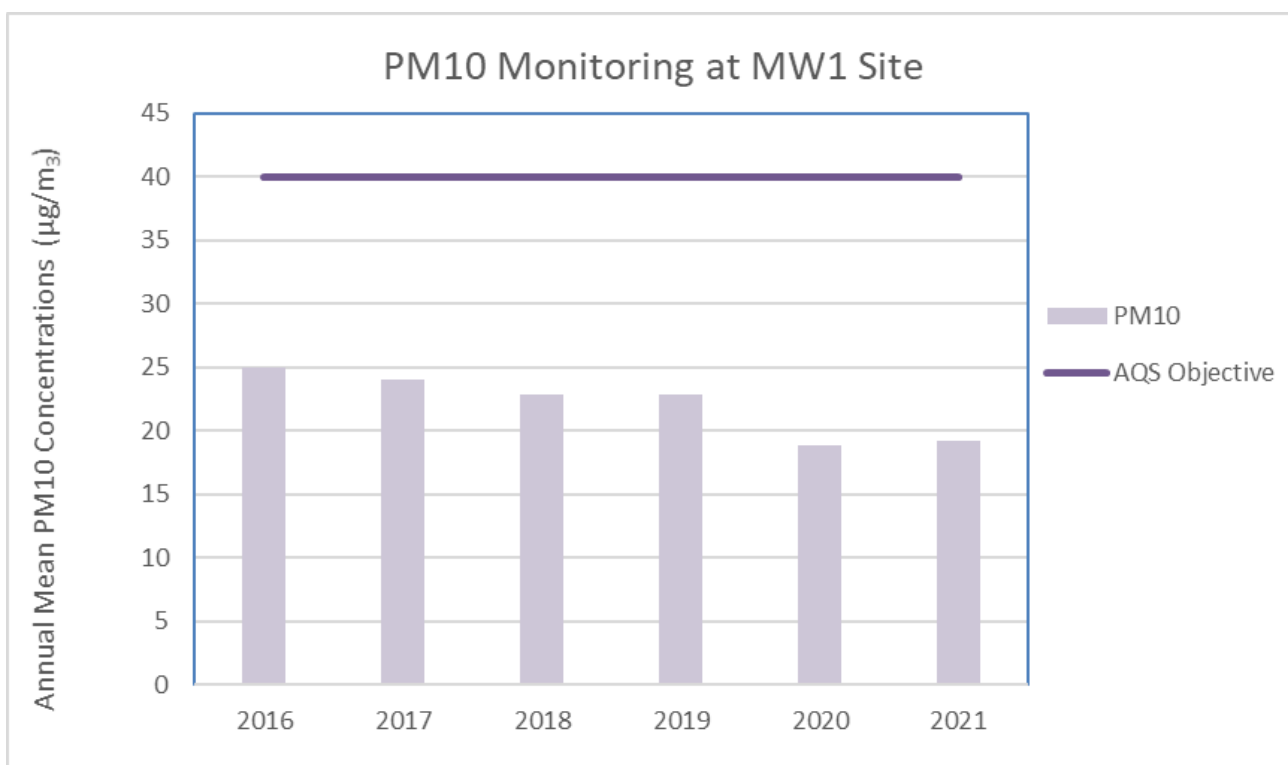


Table 12. PM₁₀ annual mean concentrations in Maidenhead between years 2016 to 2021. There are no exceedances of the annual mean objective in 2021 and there is a general trend of reduction experienced at the site

- 2.31. The PM_{2.5} annual mean is calculated from PM₁₀ concentrations in accordance with Defra Technical Guidance LAQM.
- 2.32. Within the development of the Local Borough Plan the Council has undertaken a detailed air quality assessment across the borough. The dispersion modelling study shows low level concentrations for PM₁₀ and PM_{2.5} within the five AQMAs. The predicted levels show full compliance with the air quality objectives and there is currently no identified risk the objective may be exceeded in the future.
- 2.33. The local decline of PM_{2.5} as detailed above is also reflected at national level. The decline in concentrations of PM_{2.5} at roadside monitoring sites approximately follows the trends seen for the decline of PM₁₀, this is because PM_{2.5} is a subset of PM₁₀.
- 2.34. Based on the low-level concentrations measured at Frascati Way there are no concerns for both PM₁₀ and PM_{2.5} to consider additional monitoring in other areas within the borough at this time.
- 2.35. Currently, PM_{2.5} is not incorporated into Local Air Quality Management (LAQM) regulations. There is currently no statutory requirement to review and assess PM_{2.5} for LAQM purposes.

- 2.36. Whilst responsibility for achieving the PM_{2.5} target sits with national government; local authorities have a role to play in delivering reductions in PM_{2.5}.
- 2.37. The Council's priority is to continue to reduce emissions from local sources by taking several steps to address PM_{2.5} including traffic management, promoting workplace, school, and personalised travel planning, improving facilities for cycling and walking, promoting bus services, the implementation of a scheme for Maidenhead station interchange and the provision of electric vehicle charge points.
- 2.38. There are currently no concerns for both PM₁₀ and PM_{2.5} exceeding the air quality objectives, this is based on the low-level concentrations measured at Frascati Way and predictions across the five AQMAs.

3. KEY IMPLICATIONS

- 3.1 Any increase in extending the current monitoring regime will incur additional financial costs to the Council.
- 3.2 For the recommended option, the key implications are no additional air monitoring units or cost for 2022/23, a review of the 2022 air monitoring data and report back to Full Council to discuss if further action is required.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are financial implications arising from the options in this report if the recommended option is not accepted.
- 4.2 The recommended option of continuing with the existing monitoring regime (and reporting the results) is currently costed for within the existing budget for air quality monitoring. There is currently no existing budget to extend the air quality monitoring regime beyond what is currently in place.
- 4.3 The option to replicate the monitoring equipment in use at Frascati Way would include an estimated £25,000 to £30,000 unit cost for the air monitoring equipment and enclosure and a £5,000 annual cost for ongoing service and data verification by the Environmental Research Group (ERG). A request for additional budget would be required to proceed with this option and funding of this would need to be identified.
- 4.4 The option to use low-sensor equipment would include an estimated £3,000 cost for each senior unit (at least 5 would be required, one in each AQMA) and an annual cost of £2,500 for ongoing service and data verification by a third party. A request for additional budget would be required to proceed with this option and funding would have to be identified.
- 4.5 The option to use the Casella Guardian 2 Boundary Monitor as suggested by petitioners would include an estimated cost of £10,000 plus additional costs for

service and data validation. A request for additional budget would be required to proceed with this option and funding found.

4.6 The current financial outlook in terms of rising inflation and interest rates, combined with the increasing costs of living rises affecting residents, businesses and the Council are areas that are likely to be prioritised as part of short and longer-term financial planning.

4.7 Unlike some other councils, the Council has the lowest council tax in the country outside of London and the Medium-Term Financial Strategy already identifies funding gaps in future years. The Council are required to make £7.306m savings in 2023/24 to bridge the currently identified gap in our resources. The Council has insufficient reserves to sustain a budget deficit which can only be used on a one-off basis, and will have to generate substantial cost reductions or increased income plans during that period even prior to the potential costs identified here..

5. LEGAL IMPLICATIONS

5.1 There are no legal implications arising from the recommendations in this report. The Council are currently meeting all legal obligations in relation to air quality monitoring.

6. RISK MANAGEMENT

6.1 The identified and potential risks associated with the options and the proposed course of action are detailed in table 13.

Table 13: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Challenge to the validity of the current air quality management regime.	Medium. Reputational risk to the Council and potential court costs.	Annual Status Report overseen by Defra suggests air quality objectives are currently being met.	Low
Applying the WHO guidelines to air quality within the borough without wider consultation or direction from Defra.	Medium. The Council would be seen to be acting out of step with the national regulator and potentially acting	Await further information/guidance/direction from Defra once they have determined suitable long-term targets to inform policy developments in the UK.	Low

	'without authority'.		
Use low-cost sensor equipment (not certified and higher uncertainty on measurement data)	High. Likely that data veracity would be open to wide interpretation and/or challenge and provide a false sense of air quality in the borough	Recommendation this option is not pursued due to the concerns with lack of certification and uncertainty on measurement data.	Low
Use of the Casella Guardian 2 Boundary Monitor as suggested by petitioners.	High. Likely that data veracity would be open to wide interpretation and/or challenge as this equipment is suited to building/constructions sites. Use may provide a false sense of air quality in the borough.	Recommendation this option is not pursued <u>unless</u> there is demonstrable evidence to support data validation and additional budget is provided to cover the operation and data validation costs.	Low

7. POTENTIAL IMPACTS

7.1 Equalities. An Equality Impact Assessment is available as Appendix A.

7.2 Climate change/sustainability – the current air quality monitoring regime suggests that air quality objectives are currently being met.

7.3 Data Protection/GDPR. No Data Protection/GDPR issues arise from this report.

8. CONSULTATION

8.1. This is a report that responds to a petition. No consultation has been undertaken.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Not applicable.

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by four background documents:

- Emissions of air pollutants in the UK – Particulate matter (PM10 and PM2.5): <https://www.gov.uk/government/statistics/emissions-of-air-pollutants/emissions-of-air-pollutants-in-the-uk-particulate-matter-pm10-and-pm25>
- National Air Quality Objectives: https://uk-air.defra.gov.uk/assets/documents/Air_Quality_Objectives_Update.pdf
- RBWM Air Quality Annual Status Report 2022: https://www.rbwm.gov.uk/sites/default/files/2022-08/eh_air_quality_annual_report.pdf
- Local Air Quality Management Guidance: [Guidance | LAQM \(defra.gov.uk\)](https://www.defra.gov.uk/consultations/laqm-guidance/)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	08/11/22	14/11/22
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	08/11/22	09/11/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	-	-
Elaine Browne	Head of Law (Deputy Monitoring Officer)	8/11/22	10/11/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	8/11/22	8/11/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	-	-
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Emma Young	Data Protection Officer	8/11/22	8/11/22
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			

Ellen McManus-Fry	Equalities & Engagement Officer	08/11/22	11/11/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Kevin McDaniel	Executive Director of People Services	08/11/22	14/11/22
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing, Environmental Health & Trading Standards	08/11/22	11/11/22
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection	Yes
---	---	-----

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Petition for debate	No	No

Report Author: Obi Oranu, Environmental Health Service Manager, 07811 847647
--

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project	X	Service/Procedure	
-----------------	--	---------------	--	-------------	--	----------------	----------	--------------------------	--

Responsible officer	Tracy Hendren	Service area	Housing, Environmental Health & Trading Standards	Directorate	People Services
----------------------------	---------------	---------------------	---	--------------------	-----------------

Stage 1: EqIA Screening (mandatory)	Date created: 03/10/2022	Stage 2 : Full assessment (if applicable)	n/a
--	--------------------------	--	-----

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Tracy Hendren

Dated: 08/11/2022

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1: Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

An e-petition has been received and has secured 2,151 signatures so will be debated at Full Council.

The e-petition says “we the undersigned petition the Royal Borough of Windsor & Maidenhead to increase measurements of air polluting PM10 and PM2.5 particulates as soon as possible to multiple locations within all five Air Quality Measurement Areas in the Borough”

This paper explains the current work underway in relation to air quality within RBWM with a recommendation to report back to Full Council with the 2022 air quality monitoring results.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant	Low	Positive.	Any future monitoring regime will consider the impacts that air quality has on children and the elderly.
Disability	Relevant	Low	Positive.	Any future air quality monitoring regime will consider the impacts that air quality has on those with disabilities, such as asthma and similar conditions.
Gender re-assignment	Not Relevant			
Marriage/civil partnership	Not Relevant			
Pregnancy and maternity	Relevant			
Race	Not Relevant			
Religion and belief	Not Relevant			
Sex	Not Relevant			
Sexual orientation	Not Relevant			

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None	n/a	n/a
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None	n/a	n/a

Report Title:	Interim Polling Place Review 2022
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Johnson, Leader of the Council and Chairman of the Polling District and Polling Places Review Working Group
Meeting and Date:	Full Council - 22 November 2022
Responsible Officer(s):	Emma Duncan, Returning Officer and Karen Shepherd, Head of Governance
Wards affected:	Bray, Furze Platt, Pinkneys Green, Riverside, Ascot & Sunninghill, Clewer and Dedworth West, Clewer East

www.rbwm.gov.uk



REPORT SUMMARY

This report sets out the recommendations of the cross-party Polling District and Polling Places Review Working Group (PDPPR Working Group) and the Returning Officer for reviewing the designation of polling places for all types of elections.

The council has a duty to review polling districts and polling places to ensure that they are located in positions that are convenient and accessible to the majority of electors. The council must also seek to ensure that, so far as is reasonable and practicable, the polling places it designates are accessible to all electors, including taking into account the accessibility needs of people with disabilities.

Following an interim review, changes are proposed to the polling places in eight polling districts in six wards (Bray, Furze Platt, Pinkneys Green, Riverside, Clewer and Dedworth West, Clewer East).

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and:

- i) **Approves the proposed amended designation of polling places in the following wards/polling districts: Bray (MBR2), Furze Platt (MFP3), Pinkneys Green (MPG2), Riverside (MRS2), Clewer and Dedworth West (WCDW2 and WCDW3) and Clewer East (WCE2 and WCE3) as detailed in Appendix B.**
- ii) **Notes that no changes are proposed to the designation of polling places in any other ward/polling district, including Ascot & Sunninghill (WAS3) and Clewer East (WCE1), which were included in the review as a temporary polling station was designated for elections held in May 2021, but the designated polling station is to be retained.**

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

Options

Table 1: Options arising from this report

Option	Comments
Approve the polling places proposed affecting the wards/polling districts as detailed in the report and summarised in Appendix 1. This is the recommended option	The changes affect only eight polling districts in six wards (Bray, Furze Platt, Pinkneys Green, Riverside, Clewer and Dedworth West, Clewer East).
To make no changes to the designation of polling places.	The council has a duty to ensure that the most appropriate buildings are designated as polling places and are accessible to all electors.
To agree a different allocation of polling places.	The polling places for use at the local elections on 4 May 2023 must be approved as soon as possible so that preparations for the elections can commence.

- 2.1 The last full review of the Borough's polling places and polling district boundaries was conducted in 2018/19 following the conclusion of the electoral review led by the Local Government Boundary Commission for England (LGBCE) in the same year.
- 2.2 An interim review was undertaken in late 2019/early 2020 to consider the effectiveness of the new scheme and the suitability of the designated polling places in light of electors' experiences at the May 2019 elections. Minor changes were implemented in three wards as a result.
- 2.3 In light of the covid pandemic, in March 2021 full Council approved delegated authority to allow the Returning Officer to re-designate at short notice new polling places where the existing venue was either unavailable or unsuitable before an election. For the Police and Crime Commissioner elections held in May 2021, the Returning Officer used the delegation to designate a number of temporary polling stations across the borough.
- 2.4 The report to full Council in March 2022 noted that although the delegation would remain available for use at future elections, any changes to polling places for the May 2021 elections would be temporary. All polling places in the designated polling scheme (as agreed at full Council in January 2019 and amended in February 2020) would remain and be used for all future elections after 6 May 2021.
- 2.5 Following positive experiences and feedback, it was considered appropriate that the temporary polling stations used in May 2022 be reviewed and considered for permanent designation where appropriate. A cross-party Member Working

Group was therefore established to undertake the review. The objectives of the Polling District & Polling Places Review Working Group were to:

- *Review the temporary polling places used in 2021 to determine if they should be designated as permanent for future elections, and to review any other polling places identified by the Returning Officer as requiring review at this time.*
- *Ensure full Member involvement in and support to the polling places review process so that the scheme presented to full Council in November 2022 is endorsed in readiness for the delivery of the Borough elections in May 2023.*
- *Consider options for polling station venues, taking into account recommendations made by officers and feedback and comments made by the public and any other interested parties during the public consultation.*
- *To devise a polling district and polling places scheme which best serves the interests of the electorate by considering the guidance set by the Electoral Commission for local authorities with regards to the designation of polling districts and polling places.*
- *Make a final recommendation to full Council in November 2022 on appropriate polling places which satisfies the statutory criteria set by the Electoral Commission.*

2.6 The Working Group comprised:

- Cllr Johnson Conservative, Chairman
- Cllr Bhangra Conservative
- Cllr Sharpe Conservative
- Cllr Werner Liberal Democrat
- Cllr L. Jones Local Independents, Vice Chairman

2.7 The Working Group was supported by the Returning Officer, Head of Governance, and the Electoral Services Team Leader.

2.8 The Working Group met in June and August 2022 to consider revisions to the allocation of designated polling places and agree proposals for consultation. A public consultation on the revised scheme was held between 22 August 2022 and 3 October 2022.

2.9 A notice of review was displayed in borough libraries and on the council website. The consultation was publicised via the council's usual communication channels including a press release, the residents' newsletter and on social media. The consultation was specifically promoted to a number of stakeholders, including Borough councillors, parish councils, the booking co-ordinators of affected polling station venues, and the Disability and Inclusion Forum. There were eleven formal, written representations received in relation to the polling places under review, plus a further two responses relating to polling places outside of the scope of the review. All [responses](#) were published to the council website on receipt.

- 2.10 Following the end of the consultation, the Working Group reconvened on 10 October 2022 to consider responses and unanimously agreed recommendations to put to full Council in November 2022, which are detailed below.

Bray – MBR2

- 2.11 Holyport Memorial Hall had been used as a temporary polling place for the May 2021 elections. The hall was a good size and layout for a double station and offered good facilities including parking. It was also noted that the designated polling place, Holyport Primary School, did not offer parking on site and there had been access issues in the past. However, the Working Group were concerned that the location of the Holyport Memorial Hall was not ideal as it would increase the number of voters who would have to drive to the polling station in comparison to the designated polling place, Holyport Primary School.
- 2.12 Officers were asked to consider any alternative locations in the polling district including the siting of a temporary cabin. Ward councillors and the parish council were asked to submit suggestions. Unfortunately, no alternative suitable locations were identified.
- 2.13 The Working Group therefore decided to consult on retaining Holyport Primary School as the designated polling place. Three separate responses on the proposal were received including one from the Chair of Governors at Holyport Primary School. All three responses set out in detail the difficulties for both the school and voters if the school was used as a polling station and advocated the use of the Holyport Memorial Hall, which had been successfully used at the PCC elections in May 2021. Members took into consideration that the number of responses was low, but also felt that the responses were very clear and provided the most detailed feedback on any proposed station in the consultation. **The Working Group unanimously agreed to recommend to full Council that the Holyport Memorial Hall be designated as the polling place for MBR2 for all future elections.**

Furze Platt – MFP3

- 2.14 Furze Platt Scout Hut had been used as a temporary polling place for the May 2021 elections. The location was close to the designated polling place, St Mary's RC Primary School, and its large hall offered improved facilities for both voters and polling station staff. The Working Group noted that at St Mary's, the only parking was on-street. A classroom was used as the polling station therefore the furniture available was not ideal. The room was cramped as most furniture was simply pushed to one side for the day. It was also difficult to display the required election notices on classroom walls.
- 2.15 The Working Group therefore decided to consult on designating Furze Platt Scout Hut as the polling place. No responses to the consultation were received in relation to the proposal. **The Working Group unanimously agreed to recommend to full Council that Furze Platt Scout Hut be designated as the polling place for MFP3 for all future elections.**

Pinkneys Green – MPG2

A temporary cabin at Blenheim Free Church had been used as a temporary polling place for the May 2021 elections. A temporary cabin had been used due

to covid concerns, but the venue had confirmed that for future elections the main hall could be used. The location was close to the designated polling place, Pinkneys Green Youth and Community Centre, which was no longer available. The hall space had been subdivided as it was now a family contact centre with security access.

- 2.17 The Working Group therefore decided to consult on designating Blenheim Free Church as the polling place. Four responses had been received in relation to the proposal; all in support. **The Working Group unanimously agreed to recommend to full Council that Blenheim Free Church be designated as the polling place for MPG2 for all future elections.**

Riverside – MRS2

- 2.18 A temporary cabin on the forecourt of JC Lewis (Maidenhead) Ltd had been used as a temporary polling place for the May 2021 elections but the owners no longer wished to make the site available. The designated polling place, Mill House Family Centre, was no longer a council owned property. As neither location was available for future elections, officers were asked to consider all potential locations in the polling district including the siting of a temporary cabin.
- 2.19 Officers explored all options including those suggested by Members at the first Working Group meeting and put forward by ward councillors, but determined that none were suitable. The only site in the polling district identified to locate a temporary cabin was the council-owned Boulders Lock car park. It was noted that the car park had a height restriction but this could be temporarily lifted to enable a temporary cabin to be placed on site.
- 2.20 The Working Group therefore decided to consult on designating Boulders Lock car park as the polling place. Two consultation responses had been received; both had raised the issue of voters having to pay to park. Officers confirmed that as this was a council-owned car park, charges could be waived for polling day. One response raised a concern about space for voters to queue in bad weather. Officers confirmed that the size of mobile units used was always based on the electorate and would enable some space for queuing inside. **The Working Group unanimously agreed to recommend to full Council that Boulders Lock car park be designated as the polling place for MRS2 for all future elections.**

Ascot & Sunninghill – WAS3

- 2.21 Sunninghill Comrades Club had been used as a temporary polling place for the May 2021 elections but was no longer available. The designated polling place, Ascot District Day Centre, was available.
- 2.22 The Working Group therefore decided to consult on retaining Ascot District Day Centre as the designated polling place. No responses to the consultation were received in relation to the proposal. **The Working Group unanimously agreed to recommend to full Council that Ascot District Day Centre be retained as the polling place for WAS3.**

Clewer & Dedworth West – WCDW2 and WCDW3

- 2.23 Windsor Fire Station had been used as a temporary polling place for the May 2021 elections. The location was ideal but as the doors needed to remain open due to the size of the venue it could be draughty, and in addition, furniture had

to be brought in. The designated polling place, Windsor Gospel Hall, was no longer available.

2.24 Officers were asked to consider any alternative locations in the polling district including the siting of a temporary cabin. Ward councillors and the parish council were asked to submit suggestions. Unfortunately, no alternative suitable locations were identified.

2.25 The Working Group therefore decided to consult on designating Windsor Fire Station as the polling place. Officers would consider what adjustments could be made to ensure the needs of both polling station staff and electors were met, given the feedback received when the venue had been used in May 2021. No responses to the consultation had been received in relation to the proposal. **The Working Group unanimously agreed to recommend to full Council that Windsor Fire Station be designated as the polling place for WCDW2 and WCDW3 for all future elections.**

Clewer East – WCE1

2.26 Clewer Memorial Pavilion Hall had been used as a temporary polling place for the May 2021 elections but was not ideally located as it was outside the polling district. The designated polling place, Clewer Green First School, was in a better location and was available. Officers were aware that access for pupils had changed since the pandemic and would work with the school to ensure both pupils and voters could access the site appropriately.

2.27 The Working Group therefore decided to consult on retaining Clewer Green First School as the designated polling place. One consultation response had been received, in support of the proposal. **The Working Group unanimously agreed to recommend to full Council that Clewer Green First School be retained as the polling place for WCE1.**

Clewer East – WCE2

2.28 Central Windsor Scout HQ had been used as a temporary polling place for the May 2021 elections. The location was close to the designated polling place, and offered a larger hall with ramp access, a small car park and on-road parking. The designated polling place, Kipling Court, was an older persons' care home that presented access and security issues.

2.29 The Working Group therefore decided to consult on designating Central Windsor Scout HQ as the polling place. Two consultation responses had been received, both in support of the proposal. **The Working Group unanimously agreed to recommend to full Council that Central Windsor Scout HQ be designated as the polling place for WCE2 for all future elections.**

Clewer East – WCE3

2.30 Grenadier Guards Club had been used as a temporary polling place for the May 2021 elections. The venue was more centrally located than the designated polling place. It offered a large area with a hallway, kitchen, toilet facilities and car parking. The designated polling place, Clewer Youth & Community Centre, was no longer available.

2.31 The Working Group therefore decided to consult on designating Grenadier Guards Club as the polling place. One consultation response had been

received, in support of the proposal. **The Working Group unanimously agreed to recommend to full Council that Grenadier Guards Club be designated as the polling place for WCE3 for all future elections.**

3. KEY IMPLICATIONS

3.1

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Electors are able to cast their vote in a place that is convenient and accessible.	Appropriate polling places are not approved, and electors are unable to cast their vote in a place that is convenient and accessible.	Appropriate polling places are approved to enable electors to cast their vote in a place that is convenient and accessible.	n/a	n/a	May 2023

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no direct financial implications arising from the recommendations, although it is anticipated that the overall costs associated with booking venues may be higher than in previous years, due to the use of private venues which may choose to increase hire rates in the current economic situation, and the use of an additional mobile unit in Riverside. The budget setting process for 2023/24 will consider the costs of elections including the options in this paper.

5. LEGAL IMPLICATIONS

5.1 In making recommendations for the designation of suitable polling places, Members and officers have acted in accordance with all relevant legislation, principally the Representation of the Peoples Act, the Electoral Administration Act and the Equalities Act.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Failure to correctly carry out a review of polling places could result in a legal challenge.	Medium	Ensure that the review is undertaken in line with published guidance.	Low

7. POTENTIAL IMPACTS

7.1 Equalities. An Equality Impact Assessment is available as Appendix A.

7.2 Climate change/sustainability. No impacts identified.

7.3 Data Protection/GDPR. No impacts identified.

8. CONSULTATION

8.1 A public consultation on the revised scheme was held between 22 August 2022 and 3 October 2022.

8.2 A notice of review was displayed in borough libraries and on the council website. The consultation was publicised via the council's usual communication channels including a press release, the residents' newsletter and on social media. The consultation was specifically promoted to a number of stakeholders, including Borough councillors, parish councils, the booking co-ordinators of affected polling station venues, and the Disability and Inclusion Forum.

8.3 The cross-party Polling District and Polling Places Review Working Group has taken into account all responses received during the consultation in formulating the recommendations to full Council.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
22 November 2022	Full Council approves the revised polling places schedule as recommended unanimously by the cross-party Working Group.
Ongoing	The revised polling district and polling places schedule takes effect for all future elections; the next scheduled elections being the local elections on 4 May 2023.

10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Polling District and Polling Places Schedule 2022 – *proposed amendments highlighted*

11. BACKGROUND DOCUMENTS

11.1 This report is supported by three background documents:

- Polling District and Polling Places Review Working Group – Terms of Reference
- Summary notes from Polling District and Polling Places Review Working Group meetings (June-October 2022)
- [Responses to the public consultation](#)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	24/10/22	27/10/22
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	14/10/22	21/10/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	24/10/22	1/11/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	24/10/22	26/10/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	<i>Report Author</i>	-
<i>Mandatory: Procurement Manager (or deputy) – if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory: Data Protection Officer (or deputy) – if decision will result in processing of personal data; to advise on DPIA</i>			
Emma Young	Data Protection Officer	N/A	
<i>Mandatory: Equalities Officer – to advise on EqiA, or agree an EqiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	24/10/22	24/10/22
<i>Other consultees:</i>			
Wendy Allum	Electoral Services Team Leader	14/10/22	18/10/22
<i>Directors (where relevant)</i>			
Tony Reeves	Interim Chief Executive	24/10/22	

Andrew Durrant	Executive Director of Place	24/10/22	
Kevin McDaniel	Executive Director of People Services	24/10/22	
<i>Heads of Service (where relevant)</i>			
N/A			
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor Johnson, Leader of the Council and Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
---	---	-----

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 07766 778286

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
-----------------	--	---------------	--	-------------	--	----------------	--	--------------------------	---

Responsible officer	Karen Shepherd	Service area	Governance	Directorate	Law, strategy and Public Health
----------------------------	----------------	---------------------	------------	--------------------	---------------------------------

Stage 1: EqlA Screening (mandatory)	Date created: 14/10/22	Stage 2 : Full assessment (if applicable)	Date created: N/A
--	------------------------	--	-------------------

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): K. Shepherd

Dated: 14/10/22

Guidance notes

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1: Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

Following positive experiences and feedback, it was considered appropriate that temporary polling stations used for elections held in May 2022 be reviewed and considered for permanent designation where appropriate.

93

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant		Positive	<p>In reviewing its polling place scheme, the council must seek to ensure that, so far as is reasonable and practicable, the polling places it designates are accessible to all electors, including taking into account the accessibility needs of people with disabilities</p> <p>All proposed polling stations have been assessed to ensure they are accessible to all electors. This has included officers undertaking site visits.</p> <p>The Disability and Inclusion Forum was specifically invited to submit a response to the consultation.</p> <p>No specific references to accessibility issues were made in the consultation responses received.</p>
Disability	Relevant		Positive	
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Relevant		Positive	
Race	Not relevant			
Religion and belief	Not relevant			
Sex	Not relevant			
Sexual orientation	Not relevant			

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	N/A		
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	N/A		

95

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

This page is intentionally left blank

Appendix B – Polling District & Polling Places Schedule 2022

Ward	Polling District	Polling District Code	Polling Place	Polling Station Electorate (Sept 2022)	No. Polling Stations at Polling Place (indicative)	Recommendations of the Working Group and Acting Returning Officer
Bisham & Cookham	Bisham	MBC1	Bisham Primary School, Church Lane, SL7 1RW	611	1	Not considered as part of the interim review. No change.
	Cookham	MBC2	Rogers Room, Holy Trinity Parish Centre, Churchgate, SL6 9SP	413	1	Not considered as part of the interim review. No change.
	Cookham Rise	MBC3	Pinder Hall, Lower Road, SL6 9EH	2418	2	Not considered as part of the interim review. No change.
	Cookham West	MBC4	Cookham Dean Village Hall, Church Road, SL6 9PD	786	1	Not considered as part of the interim review. No change.
97 Belmont	Belmont West	MBE1	Mobile units, St. Marks Hospital, St. Marks Road, SL6 6DU	2721	2	Not considered as part of the interim review. No change.
	Belmont East	MBE2	St. Luke's Community Hall, Norfolk Road, SL6 7AX	1884	1	Not considered as part of the interim review. No change.
Boyn Hill	Boyn Hill Central	MBH1	All Saints Parish Centre, Church Close, Boyn Hill Road, SL6 4HE	2261	2	Not considered as part of the interim review. No change.
	Boyn Hill West	MBH2	St. Edmund Campion Parish Centre, 40a Altwood Road, SL6 4PY	2087	2	Not considered as part of the interim review. No change.
Bray	Bray Village	MBR1	Bray Village Hall, High Street, SL6 2AR	1894	1	Not considered as part of the interim review. No change.
	Holyport	MBR2	Holyport Memorial Hall, Moneyrow Green, Holyport, SL6 2NA	2151	2	<i>Change to polling place. Relocate polling place from Holyport Primary School to Holyport Memorial Hall</i>

Appendix B – Polling District & Polling Places Schedule 2022

	Oakley Green and Fifield	MBR3	Braywood Memorial Hall, Fifield Road, SL6 2NX	679	1	Not considered as part of the interim review. No change.
Cox Green	Cox Green South	MCG1	Cox Green Community Centre, 51 Highfield Lane, SL6 3AY	1255	1	Not considered as part of the interim review. No change.
	Cox Green North	MCG2	Cox Green Community Centre, 51 Highfield Lane, SL6 3AY	1570	1	Not considered as part of the interim review. No change.
	Cox Green East	MCG3	The Scout Hut, Cox Green Road, SL6 3ED	1867	1	Not considered as part of the interim review. No change.
Furze Platt	Furze Platt West	MFP1	Furze Platt Memorial Hall, Furze Platt Road, SL6 7NG	1480	1	Not considered as part of the interim review. No change.
	Furze Platt Central	MFP2	St. Peter's Church, St Peters Road, SL6 7QU	1789	1	Not considered as part of the interim review. No change.
	Furze Platt East	MFP3	Furze Platt Scout Hut, 194 Cookham Road, SL6 7HN	1496	1	Change to polling place. Relocate polling place from St Mary's RC School to Furze Platt Scout Hut
86 Hurley & Walthams	Hurley North	MHW1	Hurley Village Hall, High Street, Hurley, SL6 5LT	582	1	Not considered as part of the interim review. No change.
	Hurley South	MHW2	Knowl Hill Village Hall, The Terrace, Bath Road, RG10 9XB	621	1	Not considered as part of the interim review. No change.
	Shottesbrooke	MHW3	White Waltham Parish Hall, Holly Cottage, Waltham Road, SL6 3SG	88	1	Not considered as part of the interim review. No change.
	Waltham St Lawrence	MHW4	The Neville Memorial Hall, Milley Road, RG10 0JP	813	1	Not considered as part of the interim review. No change.
	Littlewick Green	MHW5	Gilchrist Memorial Hall, Littlewick Green, SL6 3RF	298	1	Not considered as part of the interim review. No change.
	White Waltham and Paley Street	MHW6	White Waltham Parish Hall, Holly Cottage, Waltham Road, SL6 3SG	324	See MHW3	Not considered as part of the interim review. No change.
	Woodlands Park	MHW7	Woodlands Park Village Centre, Manifold Way, SL6 3GW	1265	1	Not considered as part of the interim review. No change.
Oldfield	Oldfield West	MOF1	Larchfield Community Centre, Desborough Park, SL6 2TN	2572	2	Not considered as part of the interim review. No change.
	Oldfield Central	MOF2	Ascot/Bray rooms, Town Hall, St Ives Road, SL6 1RF	1164	1	Not considered as part of the interim review. No change.

Appendix B – Polling District & Polling Places Schedule 2022

	Fisheries	MOF3	Desborough Bowling Club, Green Lane.	179	1	Not considered as part of the interim review. No change.
	Oldfield North	MOF4	Desborough Bowling Club, Green Lane	583	See MOF3	Not considered as part of the interim review. No change.
Pinkneys Green	Pinkneys Green South	MPG1	The Methodist Church, St Mark's Crescent, SL6 5DG	2264	2	Not considered as part of the interim review. No change.
	Pinkneys Green North	MPG2	Blenheim Free Church, Victor Close, Blenheim Road, SL6 5HS	2230	2	Change to polling place. Relocate polling place from Pinkneys Green Y&C Centre to Blenheim Free Church
66 Riverside	Maidenhead Riverside West	MRS1	Riverside Children's Centre, West Dean, SL6 7JB	960	1	Not considered as part of the interim review. No change.
	Maidenhead Riverside North	MRS2	Boulton Lock car park, Lower Cookham Road, SL6 8JN	1310	1	Change to polling place. Relocate polling place from Mill House Family Centre to Boulton Lock car park
	Maidenhead Riverside South	MRS3	Thames Hotel, Ray Mead Road, SL6 8NR	2192	2	Not considered as part of the interim review. No change.
St Mary's	St Mary's North	MSM1	Marlow Road Community Centre, 4 Marlow Road, SL6 7YR	1783	1	Not considered as part of the interim review. No change.
	St Mary's South	MSM2	Council Chamber, Town Hall, St Ives Road, SL6 1RF	2451	2	Not considered as part of the interim review. No change.
Ascot & Sunninghill	North Ascot	WAS1	All Saints Church Hall, London Road, Ascot Heath, SL5 8DQ	2819	2	Not considered as part of the interim review. No change.
	South Ascot	WAS2	South Ascot Church Hall, Church Road, South Ascot, SL5 9DP	2363	2	Not considered as part of the interim review. No change.
	Sunninghill	WAS3	Ascot District Day Centre, Bagshot Road, Sunninghill, SL5 9PD	1892	1	Considered as part of the interim review but no change proposed.
Clewer & Dedworth	Dedworth Manor	WCDE1	The Manor Youth Centre, Hanover Way, SL4 5NW	1917	2	Not considered as part of the interim review. No change.

Appendix B – Polling District & Polling Places Schedule 2022

East	Clewer Hill	WCDE2	The Spencer Denney Centre, Park Corner, Clewer Hill Road, SL4 4EB	1913	2	Not considered as part of the interim review. No change.
	St Leonard's	WCDE3	Mobile unit at St. Leonard's Hill, SL4 4AL	903	1	Not considered as part of the interim review. No change.
Clewer & Dedworth West	Dedworth Riverside	WCDW1	Dedworth Middle School, Smiths Lane, SL4 5PE	2044	2	Not considered as part of the interim review. No change.
	Willows	WCDW2	Windsor Fire Station, Tinkers Lane, SL4 4LS	768	1	<i>Change to polling place. Relocate polling place from Windsor Gospel Hall, Ruddlesway to Windsor Fire Station</i>
	Dedworth Green	WCDW3	Windsor Fire Station, Tinkers Lane, SL4 4LS	1930	2	<i>Change to polling place. Relocate polling place from Windsor Gospel Hall, Ruddlesway to Windsor Fire Station</i>
100 Clewer East	Clewer New Town	WCE1	Clewer First School, Hatch Lane, SL4 3RL	1614	1	Considered as part of the interim review but no change proposed.
	Oakfield	WCE2	Central Windsor Scout HQ, Green Lane, SL4 3SA	1845	1	<i>Change to polling place. Relocate polling place from Kipling Court to Central Windsor Scout HQ</i>
	Clewer Village	WCE3	Grenadier Guards Club, off Maidenhead Road, SL4 5EY	849	1	<i>Change to polling place. Relocate polling place from Clewer Youth & Community Centre to Grenadier Guards Club</i>
Datchet, Horton & Wraysbury	Datchet West	WDHW1	Datchet Village Hall, Allen Way, Datchet, SL3 9HR	1563	1	Not considered as part of the interim review. No change.
	Datchet East	WDHW2	Datchet Village Hall, Allen Way, Datchet, SL3 9HR	1703	1	Not considered as part of the interim review. No change.
	Horton	WDHW3	The Champney Hall, Stanwell Road, Horton, SL3 9PA	754	1	Not considered as part of the interim review. No change.
	Wraysbury	WDHW4	Wraysbury Village Hall, The Green, Wraysbury, TW19 5NA	2766	2	Not considered as part of the interim review. No change.

Appendix B – Polling District & Polling Places Schedule 2022

Eton & Castle	Castle South	WEC1	All Saints Church Hall, Alexandra Road, SL4 3AJ	2729	2	Not considered as part of the interim review. No change.
	Castle North	WEC2	St. Stephen's School Rooms, St. Stephen's Church, Vansittart Road, SL4 5EA	1885	1	Not considered as part of the interim review. No change.
	Eton	WEC3	Eton Town Council Office, 102 High Street, Eton, SL4 6AJ	996	1	Not considered as part of the interim review. No change.
	Eton Wick	WEC4	Eton Wick Youth Centre, Eton Wick Road, Eton Wick, SL4 6LT	1593	1	Not considered as part of the interim review. No change.
Old Windsor	Great Park	WOW1	The York Club, Windsor Great Park, SL4 2HT	205	1	Not considered as part of the interim review. No change.
	Old Windsor	WOW2	Old Windsor Memorial Hall, Straight Road, Old Windsor, SL4 2RN	3219	2	Not considered as part of the interim review. No change.
	Home Park	WOW3	Old Windsor Memorial Hall, Straight Road, Old Windsor, SL4 2RN	79	1	Not considered as part of the interim review. No change.
	Boltons	WOW4	Gardener's Hall, 213 St. Leonard's Road, SL4 3DR	1313	1	Not considered as part of the interim review. No change.
Sunningdale & Cheapside	Cheapside	WSC1	Cheapside Village Hall, Cheapside Road, Ascot, SL5 7QH	544	1	Not considered as part of the interim review. No change.
	Sunningdale North	WSC2	Sunningdale Village Hall, Church Road, Sunningdale, SL5 0NJ	1917	2	Not considered as part of the interim review. No change.
	Sunningdale South	WSC3	Mobile unit at Waitrose carpark, London Road, Sunningdale, SL5 0HD	1321	1	Not considered as part of the interim review. No change.

This page is intentionally left blank

Report Title:	Audit and Governance Committee – Annual Report 2021/22
Contains Confidential or Exempt Information	No - Part I
Member reporting:	Councillor Lynne Jones, Chair of the Audit and Governance Committee
Lead Officer:	Adele Taylor, Executive Director of Resources
Meeting and Date:	Full Council – 22 November 2022

REPORT SUMMARY

Part 2A (26) of the [council constitution](#) requires the Audit and Governance Committee to report annually to Full Council ‘in relation to the Audit and Performance of the Council.’

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the annual report of Audit and Governance Committee.

2. CHAIRMAN’S INTRODUCTION

- 2.1 The Audit and Governance Committee was re-established in 2020/21, as recommended by the CIPFA review of Financial Governance in the Authority. It has taken over many of the functions of the Corporate Overview and Scrutiny Panel.
- 2.2 This has enabled increased Member oversight of key financial governance issues.
- 2.3 The Committee oversees the work of both the internal and external auditors. It is responsible for approving the statement of accounts. It also oversees Risk Management, Fraud and Treasury Management.
- 2.4 It met 4 times during 2021/22.

3. TOPICS CONSIDERED DURING THE MUNICIPAL YEAR 2021/22

- 3.1 The 25 reports considered included:
 - Statement of Accounts and External Audit ISA260 reports
 - Annual Governance Statement and progress report
 - Internal Audit Annual Report 2020/21 and 2021/22
 - Internal Audit – new provider
 - Internal Audit in-year progress reports
 - Draft Treasury Management Strategy and Prudential Indicators 2022/23

- Draft Capital Strategy 2022/23-2026/27
- Council Trusts
- Risk Management Report
- Key Risk Report
- Redmond Review of External Audit
- Section 5 Waste Contract Report

4. THANKS

4.1 The Committee would like to thank the following individuals and organisations for their involvement in the Committee’s work this year:

- The outgoing Chair of the Committee
- Officers from the Finance Team
- Officers from Democratic Services
- Officers from the Shared Audit and Investigation Service and SWAP
- The Council’s external auditors, Deloitte

5 PROPOSED WORK PROGRAMME FOR THE MUNICIPAL YEAR 2022/23

5.1 The Committee proposes to consider the following topic areas in the coming municipal year:

Topics already in progress/carried over from 2021/22:

- Internal Audit progress reports

New topics:

- Statement of Accounts 2020/21 & 2021/22 and External Audit ISA260 reports
- Draft Treasury Management Strategy and Prudential Indicators 2023/24
- Draft Capital Strategy 2023/24-2027/28

6. APPENDICES

6.1 None

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
For information	No	No

Report Title:	Constitutional Amendments
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Rayner, Chairman of the Constitution Working Group
Meeting and Date:	Full Council – 22 November 2022
Responsible Officer(s):	Emma Duncan, Monitoring Officer and Director of Law and Governance / Karen Shepherd, Head of Governance
Wards affected:	None



REPORT SUMMARY

The power to amend the constitution resides with full Council. This report details recommendations to make amendments to the constitution to provide clarity, improve consistency and transparency, and support efficient and effective council meetings and decision making.

The Constitution Working Group met on 31 October 2022 and agreed to recommend amendments to Part 8A – Contract and Tendering Procedure Rules as detailed below, for full Council consideration. The proposals support the Corporate Plan objective ‘A Council Trusted to Deliver’

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and considers the recommendation from the Constitution Working Group to amend Part 8A – Contract and Tendering Procedure Rules as detailed in Appendix B.

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

Options

Table 1: Options arising from this report

Option	Comments
Approve the changes to the constitution detailed in Section 2 and Appendix B This is the recommended option	The amendments in the updated constitution will ensure the council’s contract procedure rules are clear and consistent.
Modify the changes to the constitution detailed in Section 2 and Appendix B	Members may wish to propose and consider amendments to the recommended changes.
Do not approve the changes to the constitution detailed in Section 2 and Appendix B	The constitution will not promote best practice.

Contract and Tendering Procedure Rules

- 2.1 The Contract and Tendering Procedure Rules are effectively the instructions of the Council to officers and Members for undertaking expenditure on behalf of the Council. Purchasing decisions and processes are important because the money involved is public money.
- 2.2 The purpose of the Contract and Tendering Rules is to provide a structure within which purchasing decisions are made and implemented and which ensures that the Council:
- Furthers its corporate objectives.
 - Uses its resources efficiently and secures value for money.
 - Purchases quality goods, services and works.
 - Safeguards its reputation from any implication of dishonesty or corruption.
 - Is open, fair, and transparent and fully compliant with Procurement Law (the Public Contracts Regulations 2015 as amended).
- 2.3 The Council's Monitoring Officer, together with the Head of Law, and Procurement Manager, regularly review the Contract and Tendering Procedure Rules with a view to ensuring that they are fit for purpose, represent changes to legislation and comply with internal governance arrangements.
- 2.4 The proposed changes to the Contract and Tendering Rules at Appendix B to set out minor changes in relation to Seeking Tenders, Approvals to Award and the Waiver Process. These changes will improve efficiency and provide a better audit trail for decision making.

3. KEY IMPLICATIONS

3.1

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Updated constitution	Amendments not approved and updated constitution not published	Amendments approved and updated constitution published	n/a	n/a	December 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no direct financial implications by virtue of the recommendations in the report.

5. LEGAL IMPLICATIONS

- 5.1 The Contract and Tendering Rules are set out in Part 8A of the Council's Constitution and are made in accordance with the requirements of Section 135

of the Local Government Act 1972 and take into consideration the Public Contracts Regulations (PCR) 2015.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of 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 Equality Impact Assessment is available as Appendix A.

7.2 Climate change/sustainability. None identified.

7.3 Data Protection/GDPR. None identified.

8. CONSULTATION

8.1 The cross-party Constitution Working Group met on 31 October 2022 and unanimously agreed to recommend the changes to full Council.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
22 November 2022	Full Council considers the recommendations
December 2022	Constitution updated and published to the council website

10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – proposed amendments to Part 8A of the council constitution – Contract and Tendering Procedure Rules

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- The [current council constitution](#) (v. 21.3)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputies)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer	4/11/22	
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	2/11/22	3/11/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	4/11/22	10/11/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	2/11/22	3/11/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	<i>Report author</i>	-
<i>Mandatory:</i>		<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>	
Lyn Hitchinson	Procurement Manager	2/11/22	2/11/22
<i>Mandatory:</i>		<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>	
Emma Young	Data Protection Officer	N/A	
<i>Mandatory:</i>		<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>	
Ellen McManus-Fry	Equalities & Engagement Officer	4/11/22	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Tony Reeves	Interim Chief Executive	4/11/22	
Andrew Durrant	Executive Director of Place	4/11/22	
Kevin McDaniel	Executive Director of People Services	4/11/22	
<i>Heads of Service (where relevant)</i>			
Becky Hatch	Head of Strategy	2/11/22	
Louise Freeth	Head of Revenues, Benefits, Library and Residents Services	4/11/22	7/11/22
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
---	--	-----

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

Report Author: Karen Shepherd, Head of Governance, 07766 778286

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	X
----------	--	--------	--	------	--	---------	--	-------------------	---

Responsible officer	Karen Shepherd, Head of Governance	Service area	Strategy/Governance	Directorate	Law, Governance, Strategy & Public Health
---------------------	---------------------------------------	--------------	---------------------	-------------	--

Stage 1: EqIA Screening (mandatory)	Date created: 2/11/22	Stage 2 : Full assessment (if applicable)	Date created: N/A
--	-----------------------	--	-------------------

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): *K. Shepherd*

Dated: 2/11/22

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1: Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

Amendments to the Constitution – Contract and Tendering Procedure Rules

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	None			
Disability	None			
Gender re-assignment	None			
Marriage/civil partnership	None			
Pregnancy and maternity	None			
Race	None			
Religion and belief	None			
Sex	None			
Sexual orientation	None			

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

PART 8 – OTHER RULES OF PROCEDURE

A – CONTRACT AND TENDERING PROCEDURE RULES

CONTRACT AND TENDERING PROCEDURE RULES

Contents

	Page
Part 1: Introduction – Purpose of the Contract and Tendering Rules	8A-3
Part 2 : General Principles – Application and Compliance with the Contract and Tendering Rules apply to all contracts	8A-4
Part 3 : Procedure – The Mandatory Sequential Steps in any given Procurement Process	8A-6
Part 4 : During the Contract Duration	8A-19
Part 5 : Waivers to Contract and Tendering Rules	8A-22

Part 1

Introduction – Purpose of the Contract and Tendering Rules

These Contract and Tendering Rules are made in accordance with the requirements of Section 135 of the Local Government Act 1972 and take into consideration the Public Contracts Regulations (PCR) 2015. These rules form part of the Council's Constitution and are, in effect, the instructions of the Council to officers and Members for undertaking expenditure on behalf of the Council. It should be noted that in the event of conflict between these Contract and Tendering Rules and any current legislation governing procurement, the legislation will prevail.

Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract and Tendering Rules is to provide a structure within which purchasing decisions are made and implemented and which ensures that the Council:

- Furthers its corporate objectives.
- Uses its resources efficiently and secures value for money.
- Purchases quality fit for purpose goods, services and works.
- Safeguards its reputation from any implication of dishonesty or corruption.
- Is open, fair, ~~and~~ transparent, and proportionate and fully compliant with Procurement Law (the Public Contracts Regulations 2015 as amended).

The Monitoring Officer (the Council's Monitoring Officer, means the officer designated under section 5 of the Local Government and Housing Act 1989 to monitor the Council's compliance with the law and rules of administration) is accountable for advising on and interpreting these Contract and Tendering Rules, issues of precedence, and the law relating to Council contracts and overseeing adherence. Day-to-day advice in respect of these Contract and Tendering Rules is delegated to the Procurement Team.

The Procurement Team can be consulted for any requirements, however, they must be consulted, in advance of any undertaking, for all requirements over **£50,000**. They will provide detailed guidance and support and supply the appropriate mandatory templates. They can also provide contact details for any other officers referenced in this document.

Part 2

General Principles – Application and Compliance with the Contract and Tendering Rules

1. Application and Scope of the Contract and Tendering Rules

- 1.1 The Contract and Tendering Rules apply to all contracts for the supply of works (e.g., construction and maintenance of roads and buildings), goods (or supplies) or services to the Council, regardless of value. This includes Concession contracts, Service Level Agreements (SLAs), Memorandum of Understandings (MoUs); grants and any applications for funding. In these cases, the relevant approvals to the outcome, set out in Section 14 'Seek approval to the Outcomes must be obtained before proceeding.
- 1.2 The Contract and Tendering Rules do not apply to contracts:
- For the appointment of permanent or fixed-term employees (but do apply to the appointment of temporary workers or consultants).
 - For the purchase or sale of any interest in land (including leasehold interests).
 - Direct care payments to residents.
 - The supply of works, goods and services by the Council.
- 1.3 Schools are encouraged to use these Contract and Tendering Rules as best practice when entering into all contracts, adapting them as required to meet their governance arrangements.

2. Responsibilities

- 2.1 Each Director is responsible for ensuring that their directorate complies with these Contract and Tendering Rules. Heads of Service must be conversant with the Contract and Tendering rules.

3. Conflicts of Interest and Standards

- 3.1 All officers will comply fully with the provisions of Section 117 of the Local Government Act 1972 in respect of the declaration of interest.
- 3.2 Consultants who assist in the preparation of a specification must not be invited to quote for the contract, or form part of the evaluation panel, they may provide expert guidance on the tender submissions to assist officers in evaluating submissions.
- 3.3 Any officer who is a relative, friend, personal associate or close acquaintance of any individual involved in the procurement process or in a senior position with any organisation bidding for any contract with the Council of which he/she is aware or should be aware must declare that relationship to his/her senior officer. Express permission must be sought from the relevant Director for that individual

to take part in the specification, procurement, evaluation or supervision of any such contract.

- 3.4 Officers must adhere to the highest standards of integrity. Further guidance on officer conduct is available in Council policies.
- 3.5 Any proposed contract for provision of works or services between the Council and an elected Member of the Council or their business, or where an elected Member has a monetary interest in the business, or a close member of their family must be approved by the Chair of Cabinet and the Cabinet Member for Finance, (in the event of a conflict of interest or when necessary by their appointed Deputies who must be a member of the Executive) and be recorded by the relevant Officer, and who should make the Monitoring Officer aware, prior to any works or services being supplied or paid for. Declarations of Interest must be amended to reflect the proposed new contract.

4. Compliance

- 4.1 All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council must comply with these Contract and Tendering Rules. Failure to comply with these Contract and Tendering Rules may result in disciplinary action and legal proceedings against members of staff and consultants concerned.
- 4.2 Breaches of these Contract and Tendering Rules must be reported to the Monitoring Officer and the Head of Audit, via the Head of Finance.
- 4.3 Any officer or member of staff who suspects any misconduct or corruption in relation to any purchase by or on behalf of the Council must immediately report that suspicion to the Council's Monitoring Officer and the Head of Audit, via the Head of Finance.

Part 3

Procedure – The Mandatory Sequential Steps in any given Procurement Process

1. Procedural Requirements

- 1.1 If there is a Corporate Contract it must be used. If not, the following steps must be completed in sequence for any requirement:

2. Corporate Contracts

- 2.1 Corporate Contracts are Council-wide contracts that all officers must use. They may be managed by an officer in a different service to the Responsible Officer. Unless otherwise agreed by the Procurement Manager, where there is a corporate contract for the supply of any works, goods or services, the Responsible Officer must buy through that contract, rather than awarding a separate contract for his/her own use. The Procurement Team can advise on available Corporate Contracts.

3. Calculate the Contract Value

- 3.1 The estimated value of a contract or series of related contracts shall determine the way in which the contract is let.
- 3.2 The contract value shall be the genuine pre-estimate of the value of the entire contract (excluding Value Added Tax). This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options). This includes requirements across the entire Council, not just the requirements of a single team or service area.
- 3.3 Contracts must not be artificially split to avoid the application of the provisions of Procurement Law and/or these Contract and Tendering Rules.
- 3.4 Procurement Law covers contracts which are below the relevant UK Procurement threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers must seek advice from the Procurement Team on the application of Procurement Law where repeat purchases and/or purchases of a similar type may be required.
- 3.5 As the Responsible Officer may not know of all of the requirements outside of their service area, the Procurement Team will provide advice in this respect.

4. Describe Requirements

- 4.1 The Responsible Officer must prepare a clear and comprehensive statement of the Council's requirements with regard to the works, goods or services to be supplied (a specification). As part of this process the Responsible Officer must obtain all necessary professional and technical advice and assistance and undertake market research so that options and the cost of the requirements are fully understood.

4.2 ~~Generally~~ the statement of requirements should be as open as possible, describing what is needed, rather than how the need is to be fulfilled, to enable suppliers to contribute their knowledge and experience i.e. outcome/output based. All works, goods and services must be specified by reference to European standards, or national standards where no European standards exist and with the words “or equivalent” added. Named products or manufacturers must not be specified as to do so would be in direct contravention of Procurement Law.

4.3 The statement of requirements should incorporate measurable and, where possible, objective quality and performance criteria to enable the Responsible Officer to see whether the Council’s requirements have been met.

5. Determine the Procurement Route

5.1 Determine if the Council will run its own competition or if a Framework will be used.

5.2 Frameworks are contracts set up by central/ collaborative bodies which other parties can utilise. Use of a Framework can speed up the supplier selection process and leverage economies of scale. The Procurement Team can provide guidance on how to find out more about specific Frameworks. Responsible Officers must check that:

- the Council is legally entitled to use the Framework;
- the purchases to be made legally fall within the coverage of the Framework;
- the Framework meets the Council's own requirements in terms of quality and cost;
- any other pros and cons of using the Framework versus running a Council competition must be considered.

5.3 Each Framework will have its own procedure to follow. These requirements will supersede those in this document with the exception of the Council’s approval steps as outlined in these Contract and Tendering Rules. Legal services do not have to be involved in contract terms and conditions set by the Framework Provider unless procurement consider it necessary.

5.4 If a Framework is not the most appropriate route, the Council will need to run its own competition. The tables below provides details of the process that must be followed depending on the contract value, unless an exception is granted by the Procurement Manager.

For Supply/Services contracts

Activity	£0 - £50k	£51k – UK Procurement Supply/Services Threshold (as at 01/22 £213k)	> UK Procurement Supply/Services Threshold (as at 01/22 £213k)
Minimum Number of Suppliers	No minimum	Three Notices can be placed in Contracts Finder.	The Regulations. Notices must be placed in Find A Tender (FTS) and Contracts Finder.
Minimum Time for Supplier Response	No minimum but must be reasonable.	Not less than ten calendar days but must be reasonable.	As per rules-regulations / <u>rules</u> governing Procurement Route selected.

For Works contracts

Activity	£0 - £50k	£50 - £500k	£501k - UK Procurement Works Threshold (as at 01/22 £5.3M)	> UK Procurement Works Threshold (as at 01/22 £5.3M)
Minimum Number of Suppliers	No minimum	Three Notices can be placed in Contracts Finder. Constructionline may be used.	Five Notices can be placed in Contracts Finder. Constructionline may be used.	The Regulations. Notices must be placed in Find A tender (FTS) and Contracts Finder.
Minimum Time for Supplier Response	No minimum but must be reasonable.	Not less than ten calendar days but must be reasonable.	Not less than ten calendar days but must be reasonable.	As per regulations / rules governing Procurement Route selected.

6. Set the Assessment Criteria

- 6.1 A minimum level of capability must be set. This may include financial stability, having essential policies in place and evidencing relevant experience. These are known as the selection criteria. The selection criteria must be set proportionately to the value and risk associated with the requirement and be fair and open to all potential bidders.
- 6.2 Suppliers who meet the selection criteria should be considered on a more detailed basis. Responses would normally be evaluated on a combination of quality and price criteria this is known as the award criteria. The combination of quality and price is known as MEAT (Most Economically Advantageous Tender).
- 6.3 Weightings must be set for each of the criteria and sub-criteria relative to their importance.
- 6.4 The mandatory templates have a section for criteria and weightings and the Procurement Team can provide further guidance.

- 6.5 If the basis of evaluation is most economically advantageous the Responsible Officer must arrange for an appropriate evaluation panel to consider the responses. The evaluation panel may include service users but may not include elected Members of Council, or Consultants. The evaluation panel should, as a rule, comprise those people who have significant input into drawing up the specification and/or relevant expertise and the contract manager (if it is not the Responsible Officer).
- 6.6 External Consultants may review tender submissions and provide a narrative report to assist and inform the evaluation panel, but they cannot score tender submissions.

7. Determine the Terms & Conditions

For Supply/Service and Works:

Activity	Under £50k	£51k - £213k	> £213k
Selection of Terms and Conditions	PO Terms and Conditions or Self Service Terms and Conditions from SharePoint.	Self Service Terms and Conditions from SharePoint.	Legal Services must be instructed.

- 7.1 If the value of the contract is under £50k and the services or goods are low risk, Purchase Order terms and conditions can be used (these are printed on the reverse of the document that is sent to the supplier when a Purchase Order is raised). [A copy of the Purchase Order terms and conditions can be found on Sharepoint in Procurement Templates.](#) –As an alternative to using the Council’s standard Purchase Order the Responsible Officer may use the Council’s Purchasing Card (where appropriate as defined by the Purchasing Card Guidelines). Purchase Orders or Purchasing Cards cannot be used for works, ICT, care and consultancy contracts regardless of value.
- 7.2 If the value of the contract is over the UK Procurement Services threshold (£213k as at 01/22) or of any value that is considered high risk (e.g., involves safeguarding, statutory requirements, intellectual property rights or is high profile), Legal Services must be instructed via Sharepoint to provide Terms and Conditions. For similar, repeat requirements, a single instruction to Legal Services for template Terms and Conditions is acceptable. Any template Terms and Conditions must not be altered without reference to Legal Services. Legal Services may use Council specific or industry standard Terms and Conditions as appropriate to the subject matter.
- 7.3 In certain instances the Council may have to use a supplier’s Terms and Conditions. These must be provided to Legal Services for review so that any onerous provisions can be amended, or the risk can be acknowledged and managed by the Responsible Officer.

- 7.4 Letters of Intent may not be used as a substitute for a contract. Exceptionally they may be used in advance of a contract if the format has been agreed with Legal Services and the circumstances have been agreed with the Procurement Manager.
- 7.5 The Responsible Officer must give full instructions to Legal Services so that the contract is an effective ~~meaningful~~ document. These include:
- A comprehensive description of the requirements (the specification) and any other relevant documents.
 - The start and end dates for the contract (indefinite/ rolling contracts are not permitted. Any exceptions must be agreed by the Procurement Manager).
 - Appropriate and adequate levels of insurance cover. Unless otherwise agreed with the Insurance & Risk Manager, the minimum levels of cover shall be:
 - £5 million for public liability insurance,
 - £2 million for professional indemnity insurance (if appropriate)
 - and £10 million for employer's liability.
- ~~(The Insurance and Risk Manager can also advise on the appropriateness of bonds and parent company guarantees).~~
- Details of any staff that may transfer to a new supplier so that provisions can be made for TUPE (Transfer of Undertakings (Protection of Employment) Regulations). Human Resources must also be consulted if TUPE may apply to Council employees.
 - On what basis the supplier will be paid (and in what instances they will not paid.)
 - How performance will be managed (including performance indicators, dispute resolution, complaints handling, business continuity, damages in case of non-performance and reasons for termination).
 - Any others particular requirements (e.g., if safeguarding or intellectual property provisions apply).
- 7.6 The contract must provide for payment by the Council after the supply of the works, goods or services and the approval of associated invoices. Exceptionally, and only with the consent of the Council's Head of Finance, a contract may provide for payment in full or part in advance.
- 7.7 For the avoidance of doubt, Purchase Orders must still be raised where a contract is in place as they fulfil an independent financial and governance function (as well as providing terms and conditions for low value and risk requirements).
8. **Approval to Seek Proposals (Go out the Market)**

8.1 Once a budget has been allocated for the expenditure the following levels of approval to seek proposals apply:

For Supply/Services:

Activity	<£213k (Below threshold) (as at 01/22 £213k)	£213k+ (Above threshold) (as at 01/22 £213k)
Seek Approval to Proceed	<p>Head of Service <u>(HOS)</u> <u>Responsible Officer to request approval from HOS, this can be done via email and must be kept for audit purposes and be available on request.</u></p>	<p>Relevant Head of Service <u>(HOS)</u> in consultation with Heads of Service Group and relevant Cabinet Member(s) <u>HOS to circulate a briefing note to the group to be consulted, this can be done via email. Sufficient time must be given to review and provide comments. Once consultation has concluded, the HOS should complete an Officer Decision form.</u></p>

The exception to the above is that for emergency social care placements, the ~~respective~~ Director_s of Adult and Children's Services People may grant approval for placements. A record of these placements must be maintained by the DASS/DCS and the Contracts Register.

For Works:

Activity	<£500k	£501k+
Seek Approval to Proceed	<p>Head of Service <u>(HOS)</u> <u>Responsible Officer to request approval from HOS, this can be done via email and must be kept for audit purposes and be available on request.</u></p>	<p>Relevant Head of Service <u>(HOS)</u> in consultation with Heads of Service Group and relevant Cabinet Member(s) <u>HOS to circulate a briefing note to the group to be consulted, this can be done via email. Sufficient time must be given to review and provide comments. Once consultation has concluded, the HOS should complete an Officer Decision form.</u></p>

Where packages of Works are part of a Programme of Works, individual approvals are not required. The Programme of Works will be approved at the relevant level.

- 8.2 Decisions must be recorded as per the tables above. in writing (e.g., meeting minutes/ email).
- 8.3 In order for a meaningful decision to be made the following information must be included (as proportionate to the value/ risk of the specific requirement and as agreed with the Procurement Team):
- Analysis and evaluation of all options for contract packages and methods of procurement, referring to market analysis and collaborative/ shared arrangements.
 - Demonstration of alignment to Council vision and priorities.
 - Consultation with stakeholders within and outside the Council.
 - Analysis of lessons learnt from any current/ previous arrangements.
 - Stimulation of diversity and innovation, enhancement of choice and quality for residents.
 - Sustainability e.g., Single Use Plastic (SUP); electric vehicles, environmental factors, supporting local jobs.
 - A breakdown of the anticipated costs, including options of different requirements with different costs and targeted savings.
 - Risks (regarding the process and the supply).
 - GDPR consideration, Privacy Impact Assessments completed.
 - An Equalities Impact Assessment (EQIA), if applicable.
 - How the responses will be assessed, and the weighting attributed to particular factors.
 - Who the evaluation panel will be.
 - The duration of the contract.
- 8.4 Responsible Officers are encouraged to combine approvals where appropriate e.g., to the budget and/or there is a programme of similar requirements, such as schools capital projects.

9 Advertising and Communicating Requirements

- 9.1 Once approval to seek Proposals (go out to the market) has been obtained, where required, advertisements can be placed. Above threshold procurement, where a Framework is not being used requires a Find A tender (FTS) Notice and a Contracts Finder Notice. Only the Procurement Team can place an FTS advertisement; Contracts Finder Notices can be placed by anyone with a logon userid.
- 9.2 For below threshold procurements, unless otherwise agreed in writing by the Procurement Manager the instructions to suppliers must be in the latest version of the templates created and maintained by the Procurement Team (i.e., the quotation, PQQ or tender documents). This will enable the Responsible Officer to satisfy themselves that the suppliers invited to quote have the legal, financial and technical capacity (including their health & safety, equal opportunities, and

other relevant policies) to undertake the contract for the Council and that they will provide value for money. They also provide assurance that a fair and transparent process will be followed.

10 Receipt of Submissions

10.1 For all above threshold procurements the Council's e-procurement system must be used. For below threshold procurements the Responsible Officer is responsible for receiving and holding secure all emailed submissions. It is preferred that a Generic Email address is used for receipt of submissions. Emails and their attachments must not be opened until after the submission date and time has expired.

10.2 For any responses that are received after the date and time specified for return the supplier must be advised accordingly. The Responsible Officer must obtain advice from the Procurement ~~Team~~ Manager if they wish to accept a late response. The Responsible Officer must notify the Procurement Manager of any rejection of a late response as soon as possible after this decision has been made and before the supplier is advised.

10.3 Responses must be opened one at a time by the Responsible Officer.

10.4 The Responsible Officer must record:

- The works, goods or services to be supplied.
- The name of each supplier who quotes.
- The amount of each response or such other information as may be relevant to the procurement.
- The date and time of opening of each response; and
- Any omissions and any non-compliant responses.

The Responsible Officer must certify the record as correct.

10.5 The Responsible Officer must keep securely one clean, archive copy of each submission in accordance with the document retention policy.

10.6 Until the contract has been awarded, the information obtained at the opening of responses is confidential to those involved in the opening process and those directly involved in evaluation of the responses. Even after award, any commercially sensitive information must be treated as such. Confidentiality must be maintained, and any breach reported to the Council's Monitoring Officer.

11 Evaluate the Responses

11.1 Responses must be evaluated in line with the instructions given to suppliers (i.e., in the quotation, PQQ or tender documents).

11.2 Clarifications must be designed to ensure that the Council has fully understood the response submitted e.g. TUPE implications have been fully priced and there

are no material exclusions or assumptions. Finance can assist with financial clarifications. Negotiations with suppliers are not permitted by Procurement Law and are therefore not to be undertaken. Clarification questions and answers must be fully documented in a form approved by the Procurement Manager. Responses must not be finally evaluated and scored until clarifications have been completed.

- 11.3 All ~~valid~~ responses received that have met our minimum stated requirements must be evaluated. Each member of the evaluation panel must make full notes of his/her evaluation and pass the notes to the Responsible Officer for retention as part of the record of the procurement. Consensus scores must be reached, and the rationale recorded. It is important that any notes and records are comprehensive as they may be shared with the suppliers.
- 11.4 A response that is qualified or expressed to be conditional upon the Council's acceptance of material alterations to the statement of requirements or the terms and conditions of contract must be treated as non-compliant and rejected.
- 11.5 The Responsible Officer must notify the Procurement Manager of any rejection of a non-compliant response as soon as possible after this decision has been made and before the supplier has been notified.

12 Amendments and Alterations to Responses

- 12.1 A supplier's response is their offer to the Council, which the Council may accept as it stands. Once they have submitted their response, a supplier is not permitted to make any material alterations to the amount or any of their proposals in the response.
- 12.2 If a supplier attempts to alter their offer after the latest date for receipt of responses, they must be given the opportunity to stand by or withdraw their original offer.

13 Lack of Suitable Responses

- 13.1 If no suitable responses are received, the Responsible Officer must consult the Procurement Manager as to how the works, goods or services concerned may be procured.

14 Seek Approval to the Outcome (Approval to Award)

- 14.1 A response that exceeds the budget allocated must not be accepted. If a response exceeds the budget allocated, the Responsible Officer must obtain an additional allocation of funds in accordance with Financial Regulations before requesting approval to the outcome of the process. The following levels of approval apply:

For Supply/Services:

Activity	<£213k (Below UK Procurement Services threshold) (as at 01/22 £213k)	£213k - £500k	£500k+
Seek Approval to Contract	<p>Head of Service (HOS)</p> <p><u>Responsible Officer to request approval from HOS, a briefing note must be prepared, this can be done via email.</u></p> <p><u>The HOS should complete an Officer Decision form.</u></p>	<p>Relevant Head of Service (HOS) in consultation with the Corporate Leadership Team and relevant Cabinet Member(s)</p> <p><u>HOS to circulate a briefing note to the group to be consulted, this can be done via email. Sufficient time must be given to review and provide comments. Once consultation has concluded, the HOS should complete an Officer Decision form.</u></p>	<p>Cabinet</p> <p><u>The Cabinet Report Template will be used, and the Cabinet Approval process followed.</u></p> <p><u>Responsible Officer will ensure that the requirement is placed on the Forward Plan in sufficient time to reflect the agreed Procurement Timeline.</u></p>

The exception to the above is that for emergency social care placements, the respective Directors of Adult and Children’s Services may grant approval for placements in their respective directorates. A record of these placements must be maintained.

For Works:

Activity	<£250k	£251k - £500k	£501k+
Seek Approval to Contract	<p>Head of Service (HOS)</p> <p><u>Responsible Officer to request approval from HOS, a briefing note must be prepared, this can be done via email.</u></p> <p><u>The HOS should complete an Officer Decision form.</u></p>	<p>Relevant Head of Service (HOS) in consultation with the Corporate Leadership Team and relevant Cabinet Member(s)</p> <p><u>HOS to circulate a briefing note to the group to be consulted, this can be done via email. Sufficient time must be given to review and provide comments. Once consultation has concluded, the HOS should complete an Officer Decision form.</u></p>	<p>Cabinet</p> <p><u>The Cabinet Report Template will be used, and the Cabinet Approval process followed.</u></p> <p><u>Responsible Officer will ensure that the requirement is placed on the Forward Plan in sufficient time to reflect the agreed Procurement Timeline.</u></p>

Where packages of Works are part of a Programme of Works, individual approvals are required. Each proposed contract will be approved at the relevant level.

14.2 Decisions must be recorded in writing (e.g., meeting minutes/ email).

14.3 The Responsible Officer is responsible for producing a report, which must include (as proportionate to the value/ risk of the requirement as agreed with the Procurement Team). For above threshold approvals the Cabinet Report template must be used.

- Reference to the basis on which approval was given to approach the market.
- A summary of the process and the scores at each stage against the criteria.
- Confirmation that the procedure has complied with these Contract and Tendering Rules.
- A financial summary, including any savings.
- A benefits summary, referencing improvements for residents and Council’s vision and priorities.
- Details of the arrangements for contract management.
- The name of the successful supplier, the length of the contract and any options for extension and the price or estimated price of the contract.

15 Inform the Suppliers

- 15.1 For below threshold procurements following approval and any call-in period, using the latest versions of templates from the Procurement Team, the Responsible Officer must write to inform the successful supplier of that decision. For above threshold procurements the Procurement Team will manage the communication process via the e-Procurement Portal. Letters must state that award of the contract is subject to formalisation of a contract.
- 15.2 At the same time, the Responsible Officer must write to each unsuccessful supplier, again using the template provided by the Procurement Team. Any specific content must be approved by the Procurement Team.
- 15.3 If a supplier asks for a de-briefing on why they were unsuccessful, the Responsible Officer must immediately contact the Procurement Team to agree on the de-briefing arrangements.
- 15.4 For above threshold procurements there must be a standstill period of a clear ten (10) days between advising the suppliers of the provisional outcome of the procurement process and the formal confirmation of award of contract. This is to allow bidders the opportunity to challenge the process that has been followed before contracts are entered into.

16 Agree/ Sign the Contract

- 16.1 The Council now uses online signature software (DocuSign) to secure contracts with suppliers. Where Procurement and/or Legal have been involved in the procurement exercise, they will coordinate contract signatures with legal services. Where the self-service process has been followed the Responsible Officer is responsible for coordinating with legal services. Both processes will result in the signed contracts being stored securely and shared to the interested parties, with the Contracts Register being updated.

_____ Depending upon the value/ subject matter of the contract, the following applies:

For all contracts:

Activity	Under £50k & Low Risk Category	£51k - £213k (UK Procurement Services Threshold)	>£213k (Above Threshold)
Contract Signature	None required if Purchase Order or P Card. If another form of contract, the Head of Service	Head of Service and Director	Sealed as a deed (Legal Services facilitate this) in presence of authorised signatory <u>by legal services using DocuSign.</u>

- 16.2 Procurement Team will arrange for publication of a contract award notice if appropriate (in the case of contracts above the UK Procurement- threshold).
- 16.3 The Responsible Officer must ensure that all contract documents have been signed and/or sealed as appropriate by both parties and confirmation of such provided by Legal Services (or Legal Services have agreed to the issue of a Letter of Intent) as soon as possible after contract award. The Contractor must not begin work until, either the contracts have been signed and/or sealed or the Contractor has been formally notified that they will be working on the terms and conditions as posted in the tender.
- ~~16.4 Legal Services must archive a copy and provide a copy of to the Responsible Officer.~~

Part 4

During the Contract Duration

1 Contract Management

1.1 The Responsible Officer will be the Contract Manager unless another officer is designated by the relevant Head of Service or Director.

1.2 The Contract Manager is responsible for:

- Ensuring that the Contract is on the Contracts register and updated with any changes made to the Contract.
- Managing the contract and ensuring that it is carried out in accordance with its terms and conditions.
- Monitoring the supplier's performance (in accordance with the performance indicators in the contract.
- Ensuring that Making the contractor-supplier complies aware that he is expected to comply with the Council's policies e.g., equal opportunities, safeguarding, counter-fraud and corruption, and whistle-blowing policies, and any changes in legislation, as agreed during the procurement process.
- Ensuring that the supplier maintains the insurance policies required by the contract.
- Agreeing any minor changes to the contract (but not changes to prices) before they are carried out, and following the variation instructions in Part 4, Section 3.
- Keeping a record of all valuations, payments, claims, monitoring, changes and certificates under the contract.
- Deducting liquidated damages, if appropriate.
- Managing the transition between the ending of one contract and the beginning of another.
- Business continuity and contingency planning.
- Ensuring that dispute resolution is followed in accordance with the terms and conditions.

1.3 The Responsible Officer must consult the Procurement Manager for consideration of the Council's legal position:

- Before any contract is terminated or suspended.
- In the event of a claim for payment not clearly within the terms and conditions of contract.
- Before withholding payment to a supplier.

- Before making any deduction from payments due to a supplier in respect of money owed to the Council.
- Before consenting to sub-contracts, assignments to new suppliers and novations to new suppliers.
- Before making any extension to a contract or variation of the scope of a contract.

2. Extensions to contracts

2.1 An extension to a contract is an additional period at the end of the initial fixed term of the contract, during which the works or the services to be carried out are a repetition of the works or services under the original contract.

2.2 Responsible Officer must speak to the Procurement Manager before extending a contract.

~~2.32~~ Unless a contract specifically includes an option to extend its initial fixed term, that contract may not be extended. The contract will cease to exist at the end of its term.

~~2.4~~ If a contract specifically includes an option to extend its initial fixed term the following shall apply (if applicable):

- The FTS Notice, ~~or~~ other advertisements and the Procurement Documentation for the contract stated that an extension contract may be awarded.
- The estimated value of the contract in the FTS Notice or other advertisements took account of the potential extended contract.

If the value of the contract extension is below £500,000 the approval levels in paragraph 14.1 of Part 3 must be followed.

If the value of the contract extension is **£500,000** or more, the decision to award **the extension must be made by Cabinet.**

2.5 Legal Services must be instructed to formalise, archive and provide copies of any extensions.

2.6 An expired contract cannot be extended and must not be permitted to roll. Procurement must be consulted with adequate time to discuss future requirements. Any further agreements will be new contracts and must follow Council Contracts and Tendering Rules.

3. Variations to the scope of contracts

3.1 A variation to a contract is where material changes are made to the contract, e.g. add new services, change the way services are delivered, buy additional goods. ~~AA~~ Above threshold Contracts must not be varied unless variations have been anticipated within the terms of contract, by:

- The FTS Notice or other advertisements for the contract stating that a variation can/may be awarded. The Notice will describe what variations may be made.
- The estimated value of the contract in the FTS Notice or other advertisements took account of the potential variation of the contract.

For **below threshold contracts** provided that a budget has been allocated for that expenditure, value for money can be demonstrated, Procurement Legal Services have been consulted, and the total contract spend (existing plus proposed) does not exceed UK Procurement –thresholds the Responsible Officer may agree with a supplier for them to carry out additional works or services that were not included in the original contract but which:

- Through unforeseen circumstances have become necessary.
- Cannot for technical or economic reasons be carried out or provided separately from those included in the original contract without major inconvenience to the Council.
- The additional requirement is more of the same.

The additional works or services must not exceed 50% of the value of the original contract and be approved as per the approval levels in paragraph 14.1 of Part 3. ~~authorisation must be given by HOS. Where Variations change values and/or dates, the Contract Register must be updated.~~

3.2 For **above threshold contracts**, unless the variation has been anticipated, the variation must be more of the same as the original contract and not greater than 10% for Services and Goods and 15% for Works of the original contract value. If the variation is not more of the same, the Procurement Team must be consulted. ~~Authorisation must be given as per approval levels in paragraph 14.1 of Part 3.~~

3.3 Authorisation must be given as per approval levels in paragraph 14.1 of Part 3. If the value of the contract variation is £500,000 or more, this is a key decision and must be placed on the Forward plan and the decision to award the variation made by Cabinet.

3.4~~3~~ Legal Services must be instructed to formalise, archive and provide copies of any variations.

Part 5

Waivers to Contract Rules

- 1.1 A waiver to Contract and Tendering Rules is a permission to ~~not let a contract without complying~~ with one or more of the Contract and Tendering Rules, it should be noted that waivers ~~should~~ must be the exception and not become accepted practice. Waivers granted should be for a limited time to enable compliant contracts to be put in place.
- 1.2 Elements determined by legislation (e.g., CPR 2015 and Procurement Law) cannot be waived.
- 1.3 The table below shows the approvals necessary for waivers.

Activity	Under £50k	£51k + – £213k (UK Procurement Services Threshold)
Waiver Approved	Head of Service <u>Relevant Cabinet Member to have been consulted</u>	<u>Head of Service and</u> Director Relevant Cabinet Member to have been consulted

- 1.~~42~~ The relevant Cabinet Member, or if the Cabinet Member is not available another member of Cabinet must be consulted by the Responsible Officer.
- 1.~~53~~ Applications for exceptions must be made by using the online form on the Council’s website. Rationale and commercial justification will be required. Finance will add commentary as to the budgetary provision for the requirement and Procurement will add commentary as to their involvement in the requirement and the potential risks posed to the Council in approving the waiver.
- 1.~~64~~ The Procurement Manager will keep a register of all Waivers to Contract and Tendering Rules and produce a summary report for the Corporate Leadership Team and the Monitoring Officer on a monthly basis. The Register will be available by appointment for inspection by Members of the Council and the public.
- 1.~~75~~ Waivers to Contract Rules will never be given retrospectively.
- 1.~~86~~ An application for a Waiver to the Contract and Tendering Rules, to allow a contract to be let without genuine competition will not be granted without a cogent reason and only for the shortest period possible. A lack of time caused by inadequate forward planning or resources is not a cogent reason and will not permit a waiver to Contract and Tendering Rules. If an application to let a contract without genuine competition is granted, the Responsible Officer responsible for the contract must demonstrate that the price obtained is not more than the market price and that the contract represents best value for money.

1.97 A waiver to the requirements to let a contract without genuine competition will be approved where a Director of Service considers that there is no alternative, but in making that decision they will take into consideration:

- Whether adequate market research has been evidenced, and that the proposal offers genuine good value.
- That the requirement has been reviewed and meets the Council's requirements.
- Whether it is a timely request, and whether sufficient time has been left to conduct a procurement exercise if rejected.
- Whether this is a repeat request.
- The length of contract requested, and where appropriate approve a shorter time if possible.
- That in awarding the contract we are complying with current legislation, e.g. GDPR, Equality & Diversity, Environmental.
- That this is a considered request and not an expedient avoidance of the Rules. ~~may be granted in the following circumstances:~~
 - ~~▪ An unforeseeable emergency involving danger to life or health or serious damage to property, in which the work, goods or services are required more urgently than would be possible if the procedure were followed.~~
 - ~~▪ Acquiring goods or services from a different supplier would result in incompatibility with existing goods or service or disproportionate technical difficulties.~~
 - ~~▪ When a grant from a public body includes a recommendation as to the supplier or is time limited.~~

1.108 A specification and contract terms must be secured with the Supplier for all requirements that have been obtained via a waiver.

1.11 All completed waivers will be entered on to the Contracts Register.

1.129 For requirements that are above the UK Procurement threshold (as at January 2022), no waivers will be granted.

- Services Threshold - £213,477
- Works Threshold - £5,336,937.

_____ If there is continued need for the requirement, and there is insufficient time to secure a compliant contract the client will complete a waiver form with all the information required for a below threshold waiver but in addition will provide the following:

- A full project plan describing how compliance will be obtained and by when. The plan will include actions to be completed, resources required, and key parties to the plan and must be for the shortest time possible.
 - Background and explanation for the non-compliance.
- 1.1~~30~~ The submission will be reviewed by the Procurement Manager, Head of Service, Director of Service and the Monitoring Officer. Once the Plan is agreed the Director of Service will be accountable for the plan being maintained.
- 1.14 If the request is £500k or more the Monitoring Officer will consult with the Chief Executive as this will require an emergency chief executive decision and be placed on the Forward Plan for Cabinet approval.
- 1.1~~54~~ The agreed project plan end date will be entered onto the Contracts Register.
- 1.1~~62~~ The monthly Waiver report will show all Non-Compliant Contract Project Plans that have been agreed, with the resolution date. The Head of Service and/or Director of Service will report on progress regularly.
- 1.1~~73~~ It should be noted that the agreement of the Project plan and the process to obtain compliancy does not constitute a waiver, it is an acknowledgement of the non-compliance and an agreement as to how that non-compliance will be resolved. In some circumstances the non-compliance will be placed on the Council's Corporate Risk Register to monitor progress.

This page is intentionally left blank

Report Title:	Joint Central and Eastern Berkshire (JCEB) Minerals and Waste Plan - Adoption
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Haseler, Cabinet Member for Planning, Parking, Highways and Transport
Meeting and Date:	Full Council – 22 nd November 2022
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Adrien Waite, Head of Planning
Wards affected:	All



REPORT SUMMARY

1. Following submission of the JCEB Minerals and Waste Plan in February 2021, hearings held in September and October 2021 and a consultation on Main Modifications between February and April 2022, the Inspectors have completed the examination and concluded that the JCEB Minerals and Waste Plan with the Main Modifications recommended in their Final Report make the Plan sound and capable of adoption.
2. The report recommends that the Council adopt the JCEB Minerals and Waste Plan with the main modifications recommended by the Inspector. Any decision not to adopt the JCEB Minerals and Waste Plan will have significant negative implications, as set out in the report.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and resolves to:

- i) **Adopt the JCEB Minerals and Waste Plan (as set out in Appendix B), which incorporates the Main Modifications recommended by the Inspector (Appendix D).**
- ii) **Agree to make the alterations to the adopted Policies Map (as shown in Appendix C) that are necessary to give effect to the policies of the adopted JCEB Minerals and Waste Plan as modified.**
- iii) **Delegates authority to the Head of Planning, in consultation with the Cabinet Member for Planning, Parking, Highways and Transport to make any minor non-material corrections as additional modifications to the adopted JCEB Minerals and Waste Plan as considered necessary ahead of publication and publicity in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**

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

Options

Table 1: Options arising from this report

Option	Comments
<p>Adopt the JCEB Minerals and Waste Plan (and agree to make the necessary alterations to the adopted Policies Map) with the Main Modifications recommended in the Inspectors' Report.</p> <p>This is the recommended option</p>	<p>Adopting the JCEB Minerals and Waste Plan would ensure that the Council has an up-to-date strategic planning framework for guiding minerals and waste development, as required by law.</p> <p>It will also assist in the delivery of the objectives of the new Corporate Plan, supporting economic growth and sustainable waste development to enable resource efficiency and drive waste management up the waste hierarchy. The supply of minerals is also important to enable the delivery of infrastructure, buildings, energy and good quality of life.</p>
<p>Not adopt the JCEB Minerals and Waste Plan (and associated Policies Map) with the Main Modifications as recommended in the Inspectors' Report.</p>	<p>The JCEB Minerals and Waste Plan can only be adopted with all of the Main Modifications recommended by the Inspectors. Not adopting the JCEB Minerals and Waste Plan would mean that the existing out of date adopted Minerals and Waste Plan policies would remain.</p> <p>The Council would not have robust and up to date policies that were compliant with the National Planning Policy Framework and the National Planning Policy for Waste. The resources incurred to prepare this plan would have been largely wasted. A decision not to adopt the JCEB Minerals and Waste Plan could provoke an intervention by the Secretary of State, and legal challenges by site promoters.</p>

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 which will guide minerals and waste decision-making in the Plan area for the period up to 2036. The councils are using Hampshire Services as a consultant to undertake this work.

Plan-making process

- 2.3 There are three distinct and sequential stages in the statutory plan-making process under Part 2 of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act'). These are as follows:
- the preparation stage, which ends when the draft Plan is submitted to the Secretary of State for independent examination.
 - the examination stage, where a planning inspector(s) ascertains whether the submitted plan is sound and legally compliant. This ends when the Inspector(s) delivers their final report to the LPA(s).
 - The adoption stage, when the LPA(s) decide whether to accept the recommendation made by the Inspector(s) in their final report.
- 2.4 The JCEB Minerals and Waste Plan has been prepared over several years. The key milestones have been as follows:
- Summer 2017 - The first stage in Plan preparation was the Issues and Options consultation.
 - Summer 2018 - JCEB Minerals and Waste Plan Draft Plan consultation.
 - Summer 2019 - 'Call for Sites' exercise carried out leading to additional Regulation 18 (Site Specific) consultation.
 - Spring 2020 – Consultation focussing on Sand & Gravel Provision and Operator performance.
 - Autumn 2020 - Regulation 19 Proposed Submission Plan Consultation.
 - February 2021 - Regulation 22 Submission of Documents to the Secretary of State for Examination. Planning Inspectors Rachael A Bust (Lead Inspector) and Nicholas Palmer were appointed to undertake the independent examination on the soundness of the Plan.
 - September and October 2021 - Examination hearing sessions held. More information on the public hearings be found at: <https://www.hants.gov.uk/berksconsult>
 - January 2022 – Cabinet resolved to delegate authority to the Head of Planning in consultation with the Lead Member for Planning, Environmental Services and Maidenhead, to publish the Schedule of Proposed Main Modifications (to be agreed with the Inspector), for public consultation for six weeks. The key Proposed Main Modifications (PMMs) related to

- Strengthening the climate change approach
 - Strengthening the protection of AONBs, the countryside, Green Belt and heritage assets
 - Strengthening the approach to avoiding flooding risks
 - Amending the Operator Past performance policy to refer to Site History instead, to be in line with national policy on land-use planning
 - Stressing the importance of monitoring mineral requirements and where the minerals will be sourced from
 - Clarifying the Area of Search approach to minerals
 - Adding a number of relevant development considerations to the allocated sites.
- February to April 2022 - Consultation on Proposed MMs. A total of 28 duly made representations (and three late responses) on the PMMs were received, including from statutory bodies such as the Environment Agency, Highways England and Natural England, members of the public, local organisations, and site promoters / developers. These were forwarded to the Inspector and published.
 - October 20th, 2022 - Inspectors' Final Report received. The Inspectors' Report concluded that the JCEB Minerals and Waste Plan with the Main Modifications recommended in their Final Report make the Plan capable of adoption and found the Plan to be sound. The main conclusions are as follows:

101. *The Central and Eastern Berkshire Joint Minerals and Waste Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.*

102. *The Authorities have requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Central and Eastern Berkshire Joint Minerals and Waste Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.*

The MMs recommended by the Inspector are substantially the same as the PMMs published for consultation in February 2022, with no significant changes.

2.5 The proposed adoption version of the JCEB Minerals and Waste Plan incorporating the Main Modifications (Appendix E) has been produced (Appendix B). ‘

Adoption

- 2.6 The independent examination stage of the plan-making process concluded when the Inspectors sent their Final Report to the Council. The Council now has a binary choice: either (1) resolve to adopt the Plan with the Main Modifications recommended by the Inspectors; or (2) decide not to adopt the Plan.
- 2.7 The Council must not adopt the Plan unless it does so in accordance with the Inspectors' recommendation. The Inspectors have concluded that all of the recommended MMs are necessary to make the Plan sound. As such, the Council is not permitted to adopt the Plan without all of the MMs. To be clear, the Council is not empowered to amend or materially change the Plan.
- 2.8 At this stage in the process, Government guidance on Plan-making is clear on the expectation of the Council, noting *"While the local planning authority is not legally required to adopt its local plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound."*
- 2.9 Once the Plan is adopted, it will become part of the statutory Development Plan and have full weight in the determination of planning applications. Officers strongly advise that the Plan be adopted, for reasons set out in the next section.

3. KEY IMPLICATIONS

- 3.1 The planning system is plan-led and the law requires planning decisions to be taken in accordance with the statutory development plan unless material considerations indicate otherwise. By section 13 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"), the Council as LPA has a statutory duty to keep under review matters which may affect the development of its area, and by section 17(6) must keep under review its local development documents in light of those matters.
- 3.2 The Council's adopted Minerals and Waste Local Plans date back to 2001 and 1998 respectively, and pre-dating the local planning regime introduced by Part 2 of the 2004 Act and the National Planning Policy Framework (NPPF) in 2011 (most recently revised in 2021). Further Government policy is also set out in the National Planning Policy for Waste (2014). All Mineral and Waste Planning Authorities (including Bracknell Forest, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council) are required by law to produce a Plan setting out their policies for guiding minerals and waste development that is compliant with the NPPF which outlines the national policy requirements set by Government. The Council's existing policy framework for Minerals and Waste is not fully compliant or consistent with national requirements.
- 3.3 The adoption of the JCEB Minerals and Waste Plan is a key priority that will facilitate the Council's strategic planning objectives. Minerals are essential to support economic growth and their supply is important to enable the delivery of infrastructure, buildings, energy, and goods for quality of life. It is important that provision is made for sustainable waste development to enable resource efficiency and drive waste management up the waste hierarchy. Adopting the JCEB Minerals and Waste Plan without delay would therefore benefit the wider community in a number of important respects. In addition, adoption will also

provide the Council with greater control at the planning application stage as the Council will have up-to-date policies to use when determining Minerals or Waste based planning applications. Second, it will help to protect communities from development associated with speculative planning applications on land in less sustainable (or less suitable) locations; third, it will strengthen the protection of Green Belt land from opportunistic proposals for inappropriate waste development.

- 3.4 It should be noted that a decision not to adopt the JCEB Minerals and Waste Plan may provoke an intervention by the Secretary of State and the promoters of sites allocated for development in the Plan may consider challenging the lawfulness of the Council's decision by way of an application for judicial review. These matters are discussed further below under 'Legal Implications'.
- 3.5 Non-adoption of the Plan would also increase the risk that the delivery of key Minerals and Waste sites would be delayed. Furthermore, any delay would affect the delivery of much needed vital Minerals and Waste operations in the Borough.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Council agrees to adopt the JCEB Minerals and Waste Plan on 22/11/22	Plan not adopted	Plan is adopted on 22/11/22	n/a	n/a	22/11/22

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Work on the Minerals and Waste Plan commenced in 2017 and it has now reached an advanced stage of production, with adoption expected to take place later this year. The cost of producing the Minerals and Waste Plan to date (to October 2021) has been around £1.0m collectively (approximately £250,000 for each Council) (including evidence studies, legal advice and Inspector and programme officer costs). This has already been funded from existing resources. The adoption process itself does not carry significant costs.
- 4.2 A decision not to adopt the JCEB Minerals and Waste Plan would mean the resources used to prepare this plan would have been largely wasted. The Council must exercise its plan making powers lawfully with regard to its general duty to act in the public interest, its fiduciary duties and in a manner which accords with the statutory purpose of the powers. It is also a statutory requirement to maintain an up-to-date development plan, and not adopting the Plan would have other indirect financial implications, including fighting planning appeals.
- 4.3 If the Council was faced with one or more legal challenges to the JCEB Minerals and Waste Plan after its adoption, defending these would need to be funded and may impact on the resources available for other service delivery.

5. LEGAL IMPLICATIONS

- 5.1 The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, ("the 2012 Regulations") set out the procedures to be followed in the preparation of such Plans.
- 5.2 Pursuant to section 23 of the 2004 Act, the LPA may only adopt a submitted Development Plan Document (such as the JCEB Minerals and Waste Plan) in accordance with the Inspector's recommendations, as recorded in the final report on the examination delivered to the LPA in accordance with section 20 of the Act. In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the decision to adopt under section 23(3)(b) must be taken by Full Council. Otherwise, the Cabinet has responsibility for discharging the LPA's functions connected with local planning under Part 2 of the 2004 Act and the 2012 Regulations.
- 5.3 However, it should be noted that the powers conferred on the LPA by section 23(3) are discretionary in nature. The Council must exercise its discretionary plan-making powers under Part 2 of the 2004 Act lawfully, in accordance with its general duty to act in the public interest, its fiduciary duties, and in a manner that gives effect to and does not defeat the statutory purpose of its powers.
- 5.4 Any decision not to adopt the JCEB Minerals and Waste Plan in accordance with the Inspectors' recommendation will be amenable to judicial review. Leaving aside intervention by the Secretary of State (which is addressed below), if the Council decides not to adopt the JCEB Minerals and Waste Plan it is very likely that the promoters of sites allocated for development in the Plan will seek to challenge the lawfulness of the Council's decision by way of an application for judicial review.
- 5.5 The Secretary of State has the power to intervene in plan making; this includes that the plan be submitted to the Secretary of State for approval (sections 21 to 21A of the 2004 Act). Recent experience elsewhere, including South Oxfordshire District Council, indicates that a decision not to adopt the JCEB Minerals and Waste Plan under section 23 may provoke an intervention by the Secretary of State. Section 27(5) empowers the Secretary of State to (a) approve the Plan with MMs recommended by the Inspectors, or (b) direct the Council to consider adopting the Plan by resolution of the authority.
- 5.6 Following adoption, the Council will need to comply with the requirements of the 2012 Regulations to make adoption documents available and to notify persons who asked to be notified (and other consultees) as soon as reasonably practicable. On adoption of the JCEB Minerals and Waste Plan, any person aggrieved may, under Section 113 of the 2004 Act, make an application to the High Court to legally challenge the Plan. This application must be made during the six-week period starting with the date of adoption. The High Court may quash the Plan wholly, or in part.
- 5.7 The Inspectors' Final Report confirms their conclusion that the JCEB Minerals and Waste Plan satisfies the legal requirements within section 20(5)(a) of the 2004 Act. The examination was conducted in a very thorough and considered manner by the appointed planning inspectors. If a legal challenge is made, the

Council would robustly defend the plan and its validity. Officers consider that the risk of a successful legal challenge is low.

6. RISK MANAGEMENT

6.1 The headline risks are set out in Table 3 below.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Non adoption of JCEB Minerals and Waste Plan resulting in implications explained in this report, including legal challenges, Government intervention and further costs to the Council	High	Adoption of Plan	Low
Following adoption of the JCEB Minerals and Waste Plan, successful legal challenges are made.	Medium	The relevant statutory procedures have been met during the preparation of the Plan. The examination was conducted in a very thorough and considered manner by the appointed planning inspectors	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. A [EQIA \(Equalities Impact Assessment\) Screening](#) has been completed and is available in Appendix A.

7.2 Climate change/sustainability. The (JCEB) Minerals and Waste Plan includes a number of strategic objectives around the environmental effects of minerals and waste development, including objective 4, which is to:

“Help mitigate the causes of, and adapt to, climate change by; 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”.

7.3 The proposed main modifications to the (JCEB) Minerals and Waste Plan were subject to Sustainability Appraisal, which assessed the effect of the plans and proposals on environmental, social and economic objectives, and is a statutory requirement of plan making. The Sustainability Appraisal Addendum, which was published alongside the Main Modifications, has identified that the modified policies will have either neutral or positive effects on the identified sustainability objectives, which cover environmental objectives relating to climate change and emissions (as well as biodiversity, water quality, landscape and heritage, ground conditions, air quality and flood risk). A “SA/SEA Post Adoption Statement” has been produced and this is available as Appendix F. It shows that the Central and Eastern Berkshire Authorities have undertaken a comprehensive, rigorous and robust integrated Sustainability Appraisal and Strategic Environmental Assessment of the Joint Minerals and Waste Plan that is compliant with the SEA Regulations (and EU SEA Directive pre-Brexit), and the Planning and Compulsory Purchase Act requirements on SA.

7.4 Data Protection/GDPR. No impacts.

8. CONSULTATION

8.1 As stated in Section 2 above, the JCEB Minerals and Waste Plan has been subject to extensive public consultation over several years.

8.2 Following adoption, the Council will notify those who have made representations (along with other persons and organisations on the consultation portal database) that the plan has been adopted and make the adoption documents available in accordance with Regulations 26 and 35 of the 2012 Regulations. As soon as practicable after adoption, it will be necessary to make paper copies of adoption documents available for inspection, for example in libraries.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
22 November 2022	JCEB Minerals and Waste Plan recommended for adoption.
Late November/Early December 2022	Adoption documents publicised and consultees notified.
3 January 2023	Six-week legal challenge period ends.

10. APPENDICES

10.1 This report is supported by seven appendices:

- Appendix A – EQIA (Equalities Impact Assessment) Screening
- Appendix B - Joint Minerals and Waste Plan
- Appendix C – Joint Minerals and Waste Plan Policies Map
- Appendix D – Inspectors’ Report
- Appendix E – Inspectors’ Report Appendices
(1) Main Modifications
- Appendix F – HRA Record of Assessment and Determination
- Appendix G – Draft SA-SEA Adoption Statement

11. BACKGROUND DOCUMENTS

This report has no background documents.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	31/10/22	14/11/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	31/10/22	03/11/2022
Louisa Dean	Communications	31/10/22	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	31/10/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	31/10/22	9/11/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	31/10/22	8/11/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Tony Reeves	Interim Chief Executive	31/10/22	
Andrew Durrant	Executive Director of Place	31/10/22	10/11/22
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Head of Planning	31/10/22	
<i>External (where relevant)</i>			
Cllr Haseler	Cabinet Member for Planning, Parking, Highways and Transport	28/10/22	28/10/22

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

Report Author: Adrien Waite, Head of Planning

Appendix A - EQIA (Equalities Impact Assessment) Screening

Essential information

Items to be assessed: (please mark 'x')

Strategy	x	Policy	x	Plan	x	Project		Service/Procedure	
Responsible officer	Adrien Waite, Head of Planning, Place Services			Service area	Planning		Directorate	Place	
Stage 1: EqIA Screening (mandatory)				Date created: 07/11/2022		Stage 2 : Full assessment (if applicable)			Date created: N/A

Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Adrien Waite

Dated: 14/11/2022

Guidance notes

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The overall aim of this EQiA is a supplementary screening related to the proposed Adoption of the Joint Minerals and Waste Plan. This Equality Impact Document will support the report to Council on 22nd November 2022 where the recommendation to 'adopt' the Joint Minerals and Waste Plan will be made.

Previous EqlA assessments on the emerging Joint Minerals and Waste Plan have been carried out and concluded no negative outcome in the assessment of relevant protected characteristics:

1. Supplementary EqlA screening in relation to the production of a final set of 'main modifications' followed by a public consultation on the modifications to the Joint Minerals and Waste Plan. This was appended to the report to Cabinet on 27th January 2022.
 2. A full EqlA was undertaken in June 2017 to support the Issues and Options consultation and there was a further EqlA undertaken in 2020 to support the submission version of the Plan. These EqlAs were produced by Hampshire Services and are in the Examination Library.
- The Joint Minerals and Waste Plan is being positively prepared to guide development of minerals and waste sites in Central and Eastern Berkshire to 2036. This will provide developers, landowners, and members of the public certainty as to where sites are likely to be developed as well as setting out the criteria by which sites will be assessed when considering whether it would be appropriate to grant planning permission.
 - The Vision for the Plan states that, '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'.
 - The Joint Minerals and Waste Plan sets out site allocations and development management policies to replace, as appropriate, previous Adopted Minerals and Waste Local Plan policies.
 - The Joint Minerals and Waste Plan will sit alongside any further adopted Development Plan Documents, including the Borough Local Plan and Neighbourhood Plans.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant		N/A	No adverse or positive impacts on any people in particular age groups have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people in particular age groups.
Disability	Not relevant		N/A	No adverse or positive impacts on any people with disabilities have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people with any disabilities.
Pregnancy and maternity	Not relevant		N/A	No adverse or positive impacts on any people with pregnancy or maternity issues have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people who are pregnancy or have young children.
Gender re-assignment	Not relevant		N/A	No adverse or positive impacts on any people of any gender have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people of any gender.
Marriage/civil partnership	Not relevant		N/A	No adverse or positive impacts on any people with marriage/civil partnership issues have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people who are married or in a civil partnership.
Race	Not relevant		N/A	No adverse or positive impacts on any people of any race have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people of a particular race. Earlier EqIA's have identified that if specific issues arise with an allocated site then the subsequent application could be undertaken at application stage.
Religion and belief	Not relevant		N/A	No adverse or positive impacts on any people of faiths have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people of faiths.
Sex	Not relevant		N/A	No adverse or positive impacts on any people of any sex have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people of any sex.

Sexual orientation	Not relevant		N/A	No adverse or positive impacts on any person in relation to their sexual orientation have been identified as likely to result from the Plan. It is not considered that the Plan would be discriminatory to any people relating to their sexual orientation.
---------------------------	--------------	--	-----	---

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	It is considered that the allocations and policies within the Joint Minerals and Waste Plan are unlikely to have a disproportionate impact on any group. The Joint Minerals and Waste Plan includes a series of Monitoring Indicators. These indicators will be routinely reviewed and published annually via the Authority Monitoring Report. Previous stages of the preparation of the emerging Joint Minerals and Waste Plan enabled groups and individuals to make representations regarding soundness and legal compliance and relevant changes from consultations have been incorporated into the Joint Minerals and Waste Plan where necessary.	Head of Planning	On adoption, the Joint Minerals and Waste Plan will be used to determine planning applications, which will enable delivery of the positive impacts identified.
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	N/A	Head of Planning	

156

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? *List those groups who the work is targeting/aimed at.*

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

Eliminate discrimination, harassment, victimisation

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

Advance equality of opportunity

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

This page is intentionally left blank

Central and Eastern Berkshire

Joint Minerals & Waste Plan

Adopted by
Royal Borough of Windsor & Maidenhead – TBC
Bracknell Forest Council – TBC
Wokingham Borough Council – TBC
Reading Borough Council – TBC



www.rbwm.gov.uk



WOKINGHAM
BOROUGH COUNCIL

Prepared by Hampshire Services
Hampshire County Council
www.hants.gov.uk/sharedexpertise



© Crown copyright and database rights
2019 Ordnance Survey 100018817
Derived from 1:50000 scale BGS Digital
Data under
Licence 2011/049F, British Geological
Survey ©NERC

Contents

1. Introduction	1
Status of the Plan	1
Links with Legislation, Other Policies and Strategies.....	3
Assessment of the Local Plan	6
Local Plan Monitoring & Review	6
2. Background and Context.....	8
The Central and Eastern Berkshire Context	8
The role of minerals in supporting economic growth.....	8
The importance of planning for aggregates	9
The importance of planning for Waste	9
3. Spatial Vision for Minerals and Waste.....	11
Vision.....	11
Strategic Plan Objectives.....	12
Spatial Strategy	14
4. Key Diagram	17
5. Development Management Policies.....	18
Sustainable Development.....	19
Climate Change – Mitigation and Adaptation.....	22
Protection of Habitats and Species	25
Protection of Designated Landscape	31
Protection of the Countryside	33
Green Belt	36
Conserving the Historic Environment.....	39
Restoration of Minerals and Waste Developments	43
Protecting Health, Safety and Amenity	47
Flood Risk.....	50
Water Resources	53
Sustainable Transport Movements	56
High Quality Design of Minerals and Waste Development	60
Ancillary development.....	62
Site History	64
6. Minerals Delivery Strategy	67
Minerals in Central and Eastern Berkshire	67
Sustainable mineral strategy	68
Safeguarding Mineral Resources.....	73
Managing the supply of aggregate.....	78

Locations for sand and gravel extraction	82
Supply of recycled and secondary aggregates	87
Energy minerals.....	89
Other non-aggregates.....	91
Aggregate wharves and rail depots	94
Safeguarding other minerals development infrastructure	96
7. Delivery Strategy for Waste	99
Waste in Central and Eastern Berkshire	99
Sustainable waste development strategy	101
Safeguarding of waste management facilities	104
Waste capacity requirements	108
Locations and sites for waste management	116
Types of waste management facilities	116
Locations and sites in Central and Eastern Berkshire.....	117
Re-working landfills	123
Appendix A – Allocated Sites	125
Appendix B – Waste Facility Categories	139
Appendix C – Preferred Waste Areas	153
Appendix D - The Evidence Base	181
Appendix E – Safeguarded sites	182
Glossary & Acronyms.....	187

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 Authorities¹. 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.

¹ 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

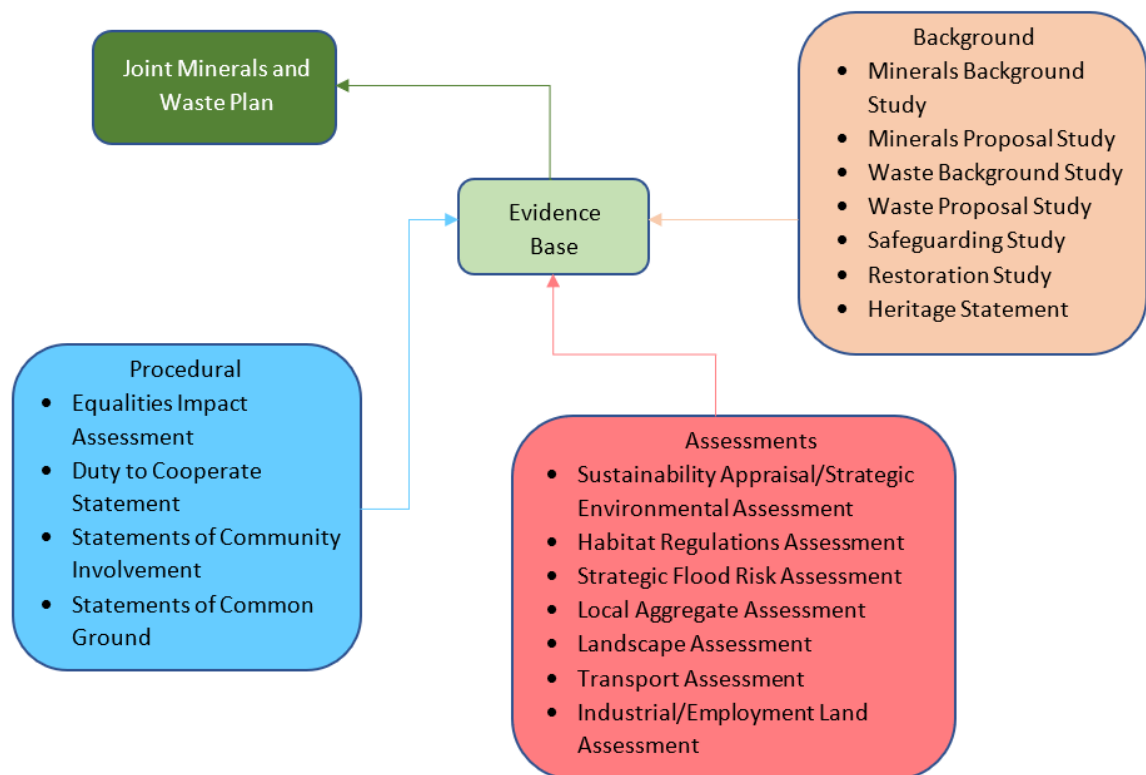
Windsor & Maidenhead LDS -

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 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 Guidance² launched in 2014 as a live document, updated as necessary by the Government. The NPPF was subsequently revised in 2018, 2019 and 2021³. The Waste Management Plan for England⁴ was published in December 2013, followed by the National Planning Policy for Waste⁵ which was published in October 2014. The 25 Year Environment Plan⁶ 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 2018⁷. 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'⁸ 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 Statement⁹ accompanies this Plan. The Statement shows who the authorities have cooperated with, the matters discussed, and when and where meetings

² Planning Practice Guidance - <http://planningguidance.communities.gov.uk/>

³ National Planning policy Framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁴ Waste Management Plan for England - <https://www.gov.uk/government/publications/waste-management-plan-for-england>

⁵ National Planning Policy for Waste - <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

⁶ 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

⁷ Our Waste, our Resources: A Strategy for England - <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

⁸ Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted>

⁹ Duty to Cooperate Statement (July 2020) – www.hants.gov.uk/berksconsult

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 policy¹⁰ 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 Plan¹¹;
- New Local Plan for Reading¹²;
- Borough Local Plan for Windsor and Maidenhead¹³; and the
- Local Plan Update for Wokingham¹⁴.

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 Involvement¹⁵. They are as follows:

- Bracknell Forest SCI (adopted 2014)¹⁶;
- Reading SCI (adopted 2014)¹⁷;
- Windsor and Maidenhead SCI (adopted 2016)¹⁸; and

¹⁰ Natural Resource Management (NRM6) - <http://www.bracknell-forest.gov.uk/south-east-plan-policy-nrm6.pdf>

¹¹ Comprehensive Local Plan for Bracknell - <http://www.bracknell-forest.gov.uk/comprehensivelocalplan>

¹² New Local Plan for Reading - <http://www.reading.gov.uk/newlocalplan>

¹³ Borough Local Plan for Windsor and Maidenhead - https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

¹⁴ Local Plan Update for Wokingham - <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-update/>

¹⁵ Please note that temporary updates are being undertaken by the Berkshire Authorities in response to the 2020 Cov-19 national emergency.

¹⁶ Bracknell Forest Council. Statement of Community Involvement 2014 - <https://www.bracknell-forest.gov.uk/sites/default/files/documents/statement-of-community-involvement-2014.pdf>

¹⁷ 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>

¹⁸ 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

- Wokingham SCI (adopted 2019)¹⁹.

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)²⁰;
- Reading Climate Change Strategy 2013-2020 (Second strategy adopted 2014)²¹ (production of the third commenced in 2019);
- Wokingham (high-level) Action Plan (2020)²².

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 Plan²³ 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).

¹⁹Wokingham Borough Council. Statement of Community Involvement 2019 -

<http://www.wokingham.gov.uk/planning-policy/planning-policy-information/planning-policy-consultations/>

²⁰ Bracknell Forest Council Climate Change Action Plan 2016 - <https://www.bracknell-forest.gov.uk/sites/default/files/documents/climate-change-action-plan.pdf>

²¹Reading Climate Change Strategy 2013-2020 (Second strategy adopted 2014) -

<https://www.reading.gov.uk/media/1232/Climate-Change-Strategy/pdf/Climate-Change-Strategy.pdf>

²² Wokingham Climate Emergency - <https://www.wokingham.gov.uk/council-and-meetings/open-data/climate-emergency/>

²³ 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 NPPF²⁴ 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.

1.21 Each of the policies contained within the Plan have associated monitoring indicators to measure their effectiveness, and thresholds for when a policy

²⁴ National Planning Policy Framework (Para. 33) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

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 Guidance²⁵ 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 legislation exists to control how waste is managed and national policy seeks to improve the sustainability of waste management.

²⁵ Planning Practice Guidance (Paragraph: 060 Reference ID: 27-060-20140306) - <https://www.gov.uk/guidance/minerals>

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.

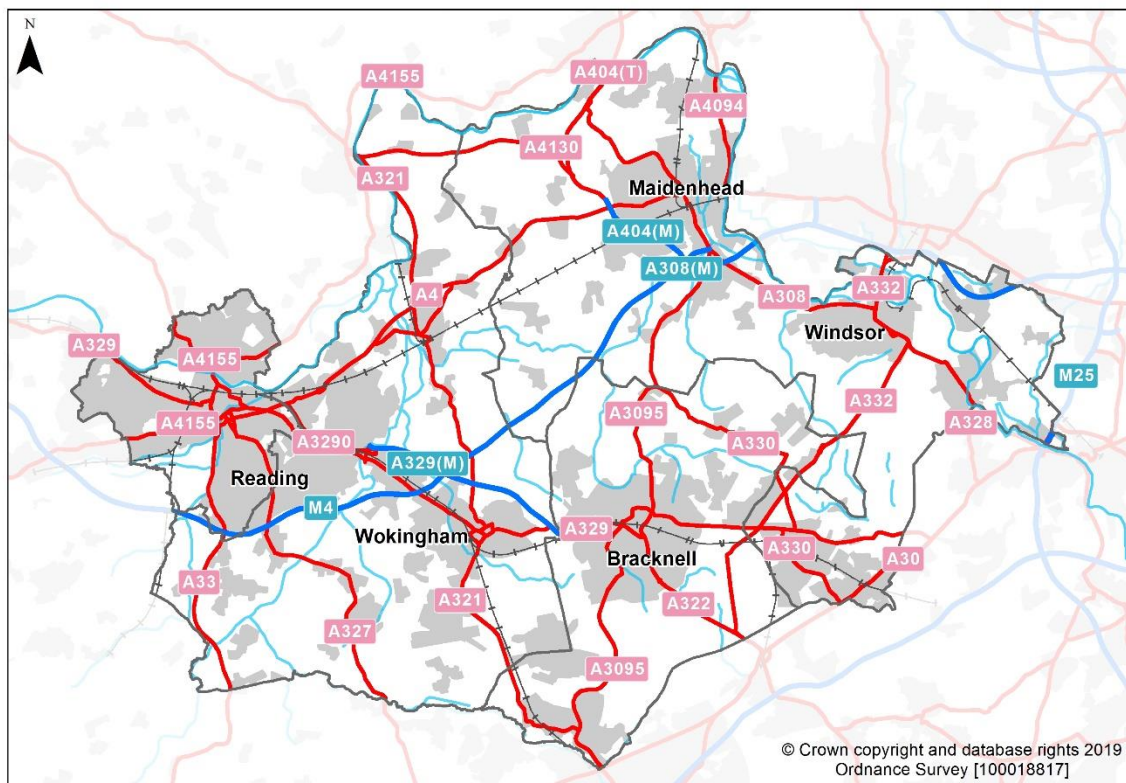
- 6) Ensure the restoration of mineral sites is suitably addressed at the beginning of the proposal to enable progressive restoration in order to maximise environmental gains and benefits to the quality of life of local communities through appropriate after uses that reflect local circumstance and landscape 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 partners²⁶. 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.

²⁶ Duty to Cooperate Statement (July 2020) – www.hants.gov.uk/berksconsult

Figure 1: Strategic Transport Routes in Central and Eastern Berkshire

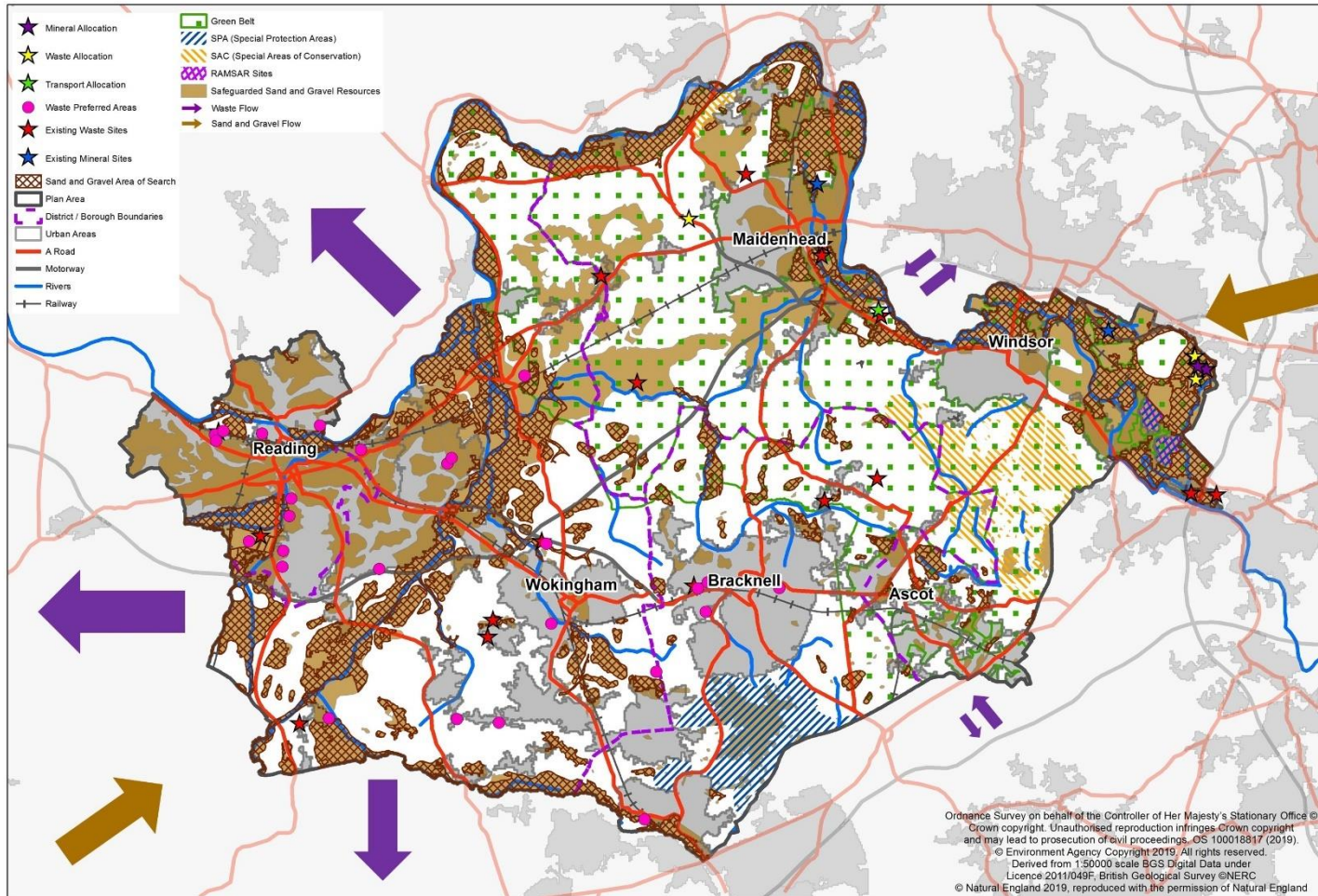


- 3.11 This transport network forms a vital building block in the area's buoyant economy; that unites local authority areas and will be a key element of the strategic spatial approach.
- 3.12 Central and Eastern Berkshire is located at the heart of the economic powerhouse of the United Kingdom. It is 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.
 - xii. Address both the causes of climate change and seek ways to mitigate and adapt to its potential effects.

4. Key Diagram

183



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 Plan²⁷ 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.

²⁷ 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 emergency²⁸ and/or the preparation of challenging Action Plans to reduce carbon emissions²⁹.
- 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 infrastructure³⁰.
- 5.11 National planning policy also states that ‘Plans should take a proactive approach to mitigating and adapting to climate change³¹. 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 temperatures³².

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.

²⁸ Declarations of Climate Change Emergencies: Reading BC – 26 Feb 2019, RBWM – 26 June 2019 and Wokingham BC – 18 July 2019.

²⁹ Bracknell Forest commitment to update Climate Change Action Plan – 17 July 2019

³⁰ National Planning Policy Framework (Para. 152):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

³¹ National Planning Policy Framework (Para. 153)

³² National Planning Policy Framework (Para. 153)

Implementation

- 5.12 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.
- 5.13 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.
- 5.14 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).
- 5.15 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.
- 5.16 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

5.17 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.

5.18 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

- 5.19 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.
- 5.20 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 metric³³.
- 5.21 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'³⁴.
- 5.22 The Environment Act³⁵ 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'³⁶ 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.
- 5.23 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

³³ Net Gain consultation proposals (Defra, December 2018) - https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/netgainconsultationdocument.pdf

³⁴ National Planning Policy Framework (Para. 175) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

³⁵ Environment Act 2021 - <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

³⁶ LNRS area boundaries and 'responsible authorities' are yet to be determined by the Secretary of State

SAC which crosses both authorities. Further internationally important sites are within 10km of the plan boundaries.

5.24 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.

5.25 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

- 5.26 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.
- 5.27 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.
- 5.28 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.
- 5.29 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”³⁷.
- 5.30 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”³⁸ and a suitable compensation strategy exists”³⁹.
- 5.31 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

³⁷ National Planning Policy Framework (NPPF) (Para. 180b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

³⁸ 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.

³⁹ National Planning Policy Framework (NPPF) (Para. 180(c))

natural environment that is resilient to change. The Central & Eastern Berkshire 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.

- 5.32 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.
- 5.33 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.
- 5.34 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.
- 5.35 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.
- 5.36 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

5.37 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

- 5.38 Central and Eastern Berkshire contains a diverse range of landscapes. National planning policy requires that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’⁴⁰.
- 5.39 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.
- 5.40 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) should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
2. Proposals which affect the setting of an 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

- 5.41 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

⁴⁰ National Planning Policy Framework (Para. 176) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

assessed against the criteria for ‘valued landscapes’ as set out in relevant guidance⁴¹.

5.42 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 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.

5.43 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

5.44 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

⁴¹ Guidance for Landscape and Visual Impact Assessment (3rd Edition) (Para. 5.29, Box 5.1).

Protection of the Countryside

- 5.45 Landscapes outside designated areas and sites are highly valued, and it is important to respect their intrinsic character and beauty. 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.
- 5.46 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.
- 5.47 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.
- 5.48 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 mineral extraction or time-limited related development; or
 - b. The nature of the development is related to countryside activities or requires an isolated location;
 - c. The development provides a suitable reuse of previously developed land; or
 - d. 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:
 - a. meet the highest standards of design, operation and restoration;
 - b. consider the intrinsic character and beauty of the landscape which would be determined by the relevant Local Character Assessment;
 - c. ensure any network of statutory and permissive countryside access routes be protected, and where possible, enhanced; and
 - d. be subject to the requirement that it is restored in the event it is no longer required for minerals and waste use.

Implementation

- 5.49 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.
- 5.50 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.
- 5.51 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.

5.52 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.

5.53 High quality design is outlined in Policy DM12 and the requirements for restoration are provided in DM8.

Monitoring

5.54 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

- 5.55 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 permanence⁴².
- 5.56 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.
- 5.57 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 circumstances⁴³.

Policy DM6 Green Belt

1. Mineral extraction will be permitted where it is not inappropriate development. In determining whether a proposal is inappropriate development or not consideration will be given to the effect upon openness and the purposes of including land within the Green Belt.
2. Waste management facilities, including aggregate recycling facilities, will be permitted where the proposal does not conflict with the preservation of the openness of the Green Belt and suitable mitigation can be provided to ensure that the proposal would not harm the purposes of including land within the Green Belt. Where a proposal would be considered inappropriate development, consideration will be given to whether it can be demonstrated that:
 - i. there are no appropriate sites outside the Green Belt that could fulfil the same role; and
 - ii. the site is the most suitable location in relation to arisings and recycle markets.

Implementation

- 5.58 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

⁴² National Planning Policy Framework (Para. 137) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁴³ National Planning Policy Framework (Para. 147)

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 5.59 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.
- 5.60 National planning policy⁴⁴ 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. Other exceptions include the re-use of buildings which could be relevant to waste proposals in the Green Belt⁴⁵. Consideration will also be given to the proposed duration of the development and the vehicle movements likely to be generated⁴⁶.
- 5.61 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.
- 5.62 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.
- 5.63 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.
- 5.64 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,

⁴⁴ National Planning Policy Framework (Para. 150) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁴⁵ Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) -

<https://www.gov.uk/guidance/green-belt>

⁴⁶ Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722)

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 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

5.65 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

- 5.66 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.
- 5.67 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.
- 5.68 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 generations⁴⁷.

⁴⁷ National Planning Policy Framework (Para. 189) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.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 non-designated.
2. Proposals should be supported by an assessment of the significance of heritage assets including their setting, both present and predicted, and the impact of development on them. Where appropriate, this should be informed by the results of technical studies, field evaluation and other evidence. For mineral proposals this should establish the potential for archaeological remains within the overburden and the mineral body itself.
3. Proposals that would cause substantial harm to, or loss of, a designated heritage asset and its significance including its setting, will be required to set out a clear and convincing justification as to why that harm is considered acceptable on the basis of achieving substantial public benefits that outweigh that harm or loss, or where all the specific circumstances in the NPPF apply. Proposals will not be supported where this cannot be demonstrated.
4. Proposals that cause less than substantial harm to the significance of a designated heritage asset will be required to weigh the level of harm against the public benefits that may be gained by the proposal including securing its optimum viable use.
5. When there is clear and convincing justification that the public benefits of development outweigh the harm to, or loss of, a designated heritage assets and its significance including its setting, mitigation of that harm, should be secured.
6. Proposals which would affect the significance of a non-designated heritage asset should be assessed. In assessing proposals there will need to be a balanced judgement which weighs the direct and indirect effects upon the significance of the non-designated heritage asset.
7. Where appropriate, mitigation measures should include archaeological work ahead of or during development, the recording of designated and non-designated heritage assets, the protection, conservation, enhancement or reinstatement of a heritage asset's setting.

8. Evidence and results of archaeological excavation, field evaluations, technical studies and other recordings should be made publicly accessible (including depositing the results in a public archive and Historic Environment Record).

Implementation

- 5.69 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.
- 5.70 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.
- 5.71 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.
- 5.72 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.
- 5.73 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.
- 5.74 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

5.75 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

- 5.76 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.
- 5.77 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.
- 5.78 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.
- 5.79 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, flood risk management or community use where these are consistent with the Development Plan and national policies and guidance.
3. Proposals for all mineral extraction and landfill sites must be accompanied by a restoration and aftercare scheme and should be phased throughout the life of the development.

Implementation

5.80 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.

5.81 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.

5.82 Consideration must be given to the material used in restoration schemes and where appropriate, ensure that there is no impact on controlled waters.

5.83 For the initial years following restoration (usually a 5-year period but this may be extended⁴⁸) 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.

5.84 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.

5.85 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.

5.86 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 Statement⁴⁹. Regard should also be given to the green infrastructure policies and strategies of relevant local planning authorities and the Colne Valley Regional Park⁵⁰. Restoration and aftercare plans for mineral development need to be reviewed and updated periodically, in accordance with legislation.

⁴⁸ For example, this may occur when restoration is to a particular nature conservation afteruse.

⁴⁹ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.

⁵⁰ Colne and Crane Valleys Green Infrastructure Strategy (September 2019) -

<https://www.colnevalleypark.org.uk/project/green-infrastructure-strategy-colne-and-crane-valleys/>

5.87 A Restoration Study⁵¹, 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

5.88 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.

⁵¹ Restoration Study (July 2020) – www.hants.gov.uk/berksconsult

Protecting Health, Safety and Amenity

- 5.89 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.
- 5.90 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

- 5.91 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.
- 5.92 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.
- 5.93 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.
- 5.94 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 basis⁵², against a set of Air Quality Objectives (AQOs)⁵³. Local authorities are required to declare as Air Quality Management Areas (AQMAs)⁵⁴ 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.
- 5.95 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 instances, it is expected that rights of way will be replaced, diverted or

⁵² 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).

⁵³ Set out in the Air Quality Standards Regulations 2010 - <http://www.legislation.gov.uk/uksi/2010/1001/contents/made>

⁵⁴ Air Quality Management Areas - <https://uk-air.defra.gov.uk/aqma/>

equivalent routes be provided. Minerals and waste development should not negatively affect these features to an unacceptable degree.

5.96 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.

5.97 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.

5.98 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

5.99 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

- 5.100 Minerals and waste development can have significant impacts on flooding. National planning policy on flooding states ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere’⁵⁵. This approach is based on the indicative Flood Maps prepared by the Environment Agency (EA).
- 5.101 A Strategic Flood Risk Assessment (SFRA) has been prepared to support this Plan⁵⁶. 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 approach which involves applying the sequential test, and if needed the exception test, to specific development proposals directing development to the areas at lowest probability of flooding;
 - b. Not result in an increased 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 manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change;
 - 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

- 5.102 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

⁵⁵ National Planning Policy Framework (Para 159) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁵⁶ Strategic Flood Risk Assessment (July 2020) – www.hants.gov.uk/berksconsult

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 increase either within the site or downstream including during the restoration phases. Applications for minerals and waste proposals within Source Protection Zones should be accompanied by a Hydrogeological Risk Assessment.

- 5.103 Mineral extraction may provide opportunities for flood water to be alleviated, by providing water storage when the area is restored⁵⁷.
- 5.104 Existing waste developments have the potential to pollute water resources if they are at risk from flooding. Landfill and hazardous waste facilities are classed as More Vulnerable and as such are not permitted in Flood Zone 3b with an exception test required if they are proposed in Flood Zone 3a. Proposals will only be permitted in line with the vulnerability categories and classification in the National Planning Policy framework and Practice Guidance. Historic landfills in areas of flood risk may need to be protected by flood defences.
- 5.105 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.
- 5.106 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.

⁵⁷ Restoration Study (July 2020) – www.hants.gov.uk/berksconsult

Monitoring

5.107 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

Water Resources

- 5.108 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.
- 5.109 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.
- 5.110 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; or
 - b. cause unacceptable risk to the quantity of water resources; or
 - c. cause changes to groundwater and surface water levels which would result in unacceptable impacts on:
 - i. adjoining land;
 - ii. nearby private and licensed abstractions;
 - iii. potential groundwater resources; or
 - iv. the potential yield of groundwater resources, river flows or natural habitats.
2. Where proposals are in a groundwater source protection zone, a Hydrogeological/Hydrological Risk Assessment must be provided to determine whether there is a hazard to water resources, quality or abstractors. If the Hydrogeological/Hydrological Risk Assessment identifies unacceptable risk, the developer must provide appropriate mitigation.

Implementation

- 5.111 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.

- 5.112 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.
- 5.113 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.
- 5.114 An undeveloped 16 metre buffer zone (Thames Region Land Drainage Byelaws, as amended) is required on both sides of a main river⁵⁸ to help promote strong and resilient ecosystems, green and blue infrastructure links, water quality standards and human health and wellbeing (pleasant amenity space).
- 5.115 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.
- 5.116 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.

⁵⁸ 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

5.117 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

- 5.118 The sustainable supply of minerals and management of waste resources is dependent on well-maintained transport infrastructure.
- 5.119 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.
- 5.120 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.
- 5.121 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 way⁵⁹.

⁵⁹ National Planning Policy Framework (Para. 110) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.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

- 5.122 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.
- 5.123 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.

- 5.124 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.
- 5.125 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.
- 5.126 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.
- 5.127 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.
- 5.128 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.

5.129 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, routing agreements or legal agreements for mitigation which may include highway improvement and/or maintenance works.

Monitoring

5.130 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

- 5.131 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 policy⁶⁰ attaches great importance to the design of the built environment and is a key aspect of sustainable development.
- 5.132 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.
- 5.133 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.

⁶⁰ National Planning Policy Framework (Para. 126) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Implementation

- 5.134 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.
- 5.135 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.
- 5.136 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.
- 5.137 Design and access statements will be required, where appropriate, for minerals and waste developments.

Monitoring

5.138 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

- 5.139 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.
- 5.140 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.
- 5.141 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

- 5.142 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.
- 5.143 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.

- 5.144 Appropriate development must be associated with the primary permitted development and comply with the other relevant policies within this Plan.
- 5.145 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.
- 5.146 There will need to be a consideration of the cumulative effects of permitting the ancillary development in combination with the existing operation.

Monitoring

5.147 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.

Site History

- 5.148 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 Guidance⁶¹ states that the planning history of a site may be a relevant consideration in the determination of an application.
- 5.149 The history of an established minerals or waste site can provide information on how appropriately the impacts of development can be managed at that site. 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.
- 5.150 This Plan seeks to protect communities near minerals and waste development from any significant adverse effects.

Policy DM15 Site History

1. Where there is a history of minerals or waste activities at a proposed site, an assessment of the environmental and amenity impacts at that site will be made.
2. Where issues have been raised about the environmental or amenity impacts of a site, particularly where there is evidence of any adverse environmental or amenity impacts, these issues will be taken into consideration in decision-making on minerals or waste applications submitted on that site.

Implementation

- 5.151 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.
- 5.152 Liaison panels can be an effective way of bringing together various interested parties, keeping relevant stakeholder informed, opening communication

⁶¹ 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>

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.

- 5.153 A minerals or waste development may be authorised or unauthorised. An intentional unauthorised development can be a material consideration⁶², as it could potentially have a variety of adverse effects, being much less likely to have implemented avoidance or mitigation measures.
- 5.154 The (re)occurrence of any adverse environmental or amenity impacts and how they have been addressed will be an indicator of whether a particular land use can be made acceptable on a particular site. Particularly relevant will be those activities, impacts, potential impacts, or mitigation measures that are similar to the ones proposed.
- 5.155 The applicant will need to provide information and relevant records on the existing site history as part of the planning application, as well as submitting information on how any previously occurring adverse environmental or amenity impacts will be avoided and/or addressed in the future for the proposed development.
- 5.156 Monitoring information will be required, to support the determination of a planning application, particularly where developments have a long or complex history. It would be expected that the planning authority collates the monitoring information with relevant input (e.g. monitoring officer, site operator, Liaison Panel, environmental health officer or Environment Agency). The monitoring information will need to include how many and what types of adverse environmental or amenity impacts have arisen, as well as whether and how they have been addressed.
- 5.157 It is sometimes the case that new proposals amend the boundaries of an existing site. Therefore, a proposed site may overlap or adjoin an existing site. Monitoring information may still be required, if the operations at the existing site are considered to be relevant to the new proposals.
- 5.158 The site history, 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 potential adverse environmental or amenity impacts and how or whether these can be mitigated as part of the proposal;

⁶² As per the 31 August 2015 letter to Chief Planning Officers by the Department of Communities and Local Government Chief Planner

- To apply an appropriate condition to a permission to address any potential adverse environmental or amenity impacts; or
- To influence the monitoring regime of the use permitted by the mineral and waste planning authority.

Monitoring

5.159 Monitoring Indicators:

Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
Taking site history into account	Issues from monitoring information taken into account.	Number of permissions where issues from monitoring information 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)⁶³.

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).

⁶³ 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 Study⁶⁴ 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)⁶⁵.

⁶⁴ Soft Sand Study (March 2020) – www.hants.gov.uk/berksconsult

⁶⁵ 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 Report⁶⁶

- 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 for flexibility in demand and changes in market. Therefore, the Central &

⁶⁶ South East Aggregate Monitoring Report 2018 - <https://documents.hants.gov.uk/see-awp/SEEAWP-annual-report-2018.pdf>

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); and
- 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. Aggregate that is not available to Central and Eastern Berkshire includes those not geologically present such as hard rock and those that cannot be sourced from within the Plan area due to constraints on supply. The constraints on supply will be explored within the Statements of Common Ground and monitored through the Local Aggregate Assessment (see Policy M3).
- 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 policy⁶⁷ 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 use⁶⁸.
- 6.31 Minerals of local and national importance will be safeguarded and defined by the Mineral Safeguarding Area (MSA). 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 MSA.
- 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.

⁶⁷ National Planning Policy Framework (Para. 210(c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁶⁸ National Planning Policy Framework (Para. 212)

- 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 MSAs.

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 Safeguarding Area illustrated on the Policies Map.
3. Non-minerals development in the Minerals Safeguarding Area may be permitted if it can be demonstrated through the preparation of a Mineral Resources Assessment, that the option of prior extraction has been fully considered as part of an application, and:
 - a. Prior extraction, where practical and environmentally feasible, is maximised, taking into account site constraints and phasing of development; or
 - b. It can be demonstrated that the mineral resources will not be permanently 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 MSA 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 MSAs 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 MSA will apply are shown on the Key Diagram and Policies Map.
- 6.40 In assessing development proposals within the MSA, 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 hectares⁶⁹ will apply in the safeguarding process to 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.

⁶⁹ Minerals and Waste Safeguarding Study (February 2022) – www.hants.gov.uk/berksconsult

6.46 The Central & Eastern Berkshire Authorities have produced a Minerals Consultation Area in line with National Planning Guidance⁷⁰ which will be used to determine whether they need to consult a neighbouring Mineral Planning Authority or each other on an application which could impact mineral resources or supply.

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 safeguarded resource sterilised by non-minerals development not subject to prior extraction.	Year on year increase over 5 years.
	Amount of sand and gravel (including soft sand) extracted through prior extraction in tonnes per annum.	No increase over 5 years.

⁷⁰ National Planning Practice Guidance (Paragraph: 003 Reference ID: 27-003-20140306)

Managing the supply of aggregate

6.49 The requirement under national planning policy⁷¹ 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 policy⁷² 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).

⁷¹ National Planning Policy Framework (Para. 213) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁷² National Planning Policy Framework (Para. 213(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 Mt⁷³. This LAA Rate has been applied as the Plan Provision rate as it has been robustly justified⁷⁴ 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.
- 6.58 It is 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. If sufficient sand and gravel is not provided within the Plan area, there will be a reliance on imports from other Mineral Planning Authority areas until such time development is delivered within Central and Eastern Berkshire. Imports will be regularly monitored. Taking into account existing reserves, the permitted throughput of these sites and the proposed allocations, it is anticipated, that there will be a remaining requirement for sand and gravel to be delivered from outside of the Plan area throughout the Plan period at the following rates⁷⁵:
- 0.228 Mt at 2026;

⁷³ Central and Eastern Berkshire: Local Aggregate Assessment 2019 – www.hants.gov.uk/berksconsult

⁷⁴ The Assessment was undertaken following SEEAWP LAA: Supplementary Guidance - <https://documents.hants.gov.uk/see-awp/SEEAWP-SuppLAAGuidance-July2019.pdf>

⁷⁵ Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult

- 0.378 Mt at 2031; and
- 0.628 Mt at 2036.

6.59 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).

6.60 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 Assessments⁷⁶.

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

6.61 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.

6.62 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.

6.63 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.

⁷⁶ 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.

- 6.64 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.
- 6.65 Soft sand supplies that arise within the Plan area, will be addressed by Policy M4.
- 6.66 The effectiveness of the policy will need to be carefully monitored through the Local Aggregate Assessment including import levels to ensure that changes in local circumstances are reflected in any future provision rate. Local circumstances include issues specific to the Plan area which may impact either demand or supply such as a major infrastructure project or delivery constraints associated with quarries or minerals infrastructure supplying Central and Eastern Berkshire. However, it should also be recognised that these changes maybe time-limited due to their association with specific large-scale infrastructure projects such as the proposed Heathrow airport expansion, rather than a long-term trend.

Monitoring

6.67 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 3 consecutive years.
	Landbank falls below 7 years of permitted reserves.	Breach over 3 consecutive years.
	Imports of sand and gravel increase.	Increasing trend over Plan period.

Locations for sand and gravel extraction

- 6.68 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.
- 6.69 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.
- 6.70 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.
- 6.71 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. The allocations seek to provide 0.4 Mt in terms of contribution to supply.
- 6.72 The exact timings of sites coming forward will depend on the market conditions, extraction rates at existing sites and planning permission being granted. However, it is anticipated that the allocations are likely to be delivered at the following points within the Plan period, subject to planning permission being granted:
- Horton Brook & Poyle Quarry Extension, Horton (MA1) – from 2024+;
 - Poyle Quarry Extensions, Horton (MA2) – from 2024+.
- 6.73 Despite new site allocations and the existing reserves, the permitted throughputs of these sites means that the ability to provide 0.628 Mt per year will cease from 2023 and there will be a shortfall in supply for the remainder of the Plan period⁷⁷. This shortfall amounts to 2.5 Mt. The aggregate industry has not identified sufficient sites to plug this gap at present. The minerals industry is market-led, and it is 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.
- 6.74 In order to provide flexibility in supply and to allow industry to bring forward appropriate sites, Policy M4 (3) outlines a contingency criteria-based approach

⁷⁷ Minerals Background Study (July 2020) – www.hants.gov.uk/berksconsult

to ensure that the landbank is maintained and therefore a steady and adequate supply. Sites will be expected to come forward within the Area of Search for sand and gravel which demonstrates the potential resource in the Plan area. This approach is supported by a Statement of Common Ground with neighbouring mineral planning authorities as outlined in Policy M1. Preferred Areas cannot be provided due to the lack of evidence, and it is considered that this may limit the potential for proposals to come forward across the Plan area.

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, provided the proposals address the relevant development considerations outlined in Appendix A:
 - a. Horton Brook & Poyle Quarry, Horton (MA1) – 0.15 Mt
 - b. Poyle Quarry, Horton (MA 2) – 0.25 Mt

3. Proposals for new sites not outlined in Policy M4 (1 and 2) will be supported, in appropriate locations which comply with all relevant policies in the Plan, 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

6.75 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).

- 6.76 The Area of Search is shown on the Policies Map. The Area of Search⁷⁸ is based on the presence of soft sand, sharp sand and gravel resources but excludes designations (including SPAs, SACs, Ramsar sites, SSSIs, Ancient Woodland, Listed Buildings and Conservation Areas, Scheduled Monuments, Historic Parks and Gardens, and Registered Battlefields) which are identified in the NPPF as areas that should be avoided for development to be sustainable. The settings of designations could not be excluded as these are not clearly defined. However, built up areas and those areas of remaining resource of less than 3 hectares was excluded as being unlikely to be viable⁷⁹.
- 6.77 It is recognised that the Area of Search will change as land uses change and new designations are made or amended. However, the application of the criteria (the presence of sand and gravel resources and the exclusion of designations, built up areas and any remaining areas of resource less than 3 ha) will remain constant and will determine the extent of the Area of Search. Sites identified within the Area of Search will still be subject to planning permission.
- 6.78 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).
- 6.79 Minerals extraction is not considered inappropriate in Green Belt locations subject to certain provisions (see DM6).
- 6.80 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.

⁷⁸ Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult

⁷⁹ Minerals and Waste Safeguarding Study (February 2022) – www.hants.gov.uk/berksconsult

⁸⁰ National Planning Policy Framework (para. 213(f)) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- 6.81 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.
- 6.82 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.
- 6.83 The performance of operators will be a material consideration in decision-making as outlined in Policy DM15.
- 6.84 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.
- 6.85 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.
- 6.86 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.
- 6.87 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.

6.88 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

6.89 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

- 6.90 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).
- 6.91 Highway maintenance work has the potential to comprise a relatively large source of recycled aggregate through recycled road planings, asphalt, concrete kerbs and soils.
- 6.92 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.
- 6.93 No secondary aggregate is produced within Central and Eastern Berkshire.
- 6.94 National policy requires the 'contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials whilst aiming to source minerals supplies indigenously'⁸¹. The Central & Eastern Berkshire Authorities do not control how much aggregate is recycled but can enable and encourage recycling facilities to meet demand.
- 6.95 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.
- 6.96 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

⁸¹ National Planning Policy Framework (Para. 210(b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

the operations and the reality of operations taking place at the sites, the 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 which comply with all relevant policies in the Plan, 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

6.97 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).

6.98 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

6.99 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

- 6.100 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.
- 6.101 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.
- 6.102 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.
- 6.103 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.
- 6.104 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.
- 6.105 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.

- 6.106 There are currently no licence areas within Central and Eastern Berkshire. A former licence area within Windsor (PEDL 236) was relinquished in 2014.
- 6.107 There have also been two exploratory wells within the Central and Eastern Berkshire area, but these were completed in 1966 and 1974 respectively.
- 6.108 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.
- 6.109 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

- 6.110 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.
- 6.111 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. 211) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁸⁴ National Planning Policy Framework (most notably Para. 217)

Other non-aggregates

Chalk

- 6.112 In Berkshire, chalk was of some local importance and the use of chalk for agricultural purposes dates back to Roman times.
- 6.113 The geological outcrops of chalk in Berkshire are fairly extensive, but demand for new workings is very limited.
- 6.114 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.
- 6.115 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

- 6.116 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.
- 6.117 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.
- 6.118 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.
- 6.119 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. 214(c)) – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- 6.120 There have not been any operational claypits permitted to support industrial processes for over 10 years.
- 6.121 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 which comply with all relevant policies in the Plan, subject to there being no other suitable, sustainable alternative source of mineral including substitute or recycled secondary material available.

Implementation

- 6.122 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. Sustainable alternative sources should include substitute or recycled and secondary materials, where suitable⁸⁷. 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.
- 6.123 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. 214(c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁸⁷ National Planning Policy Framework (Para. 210 (b))

Monitoring

6.124 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

- 6.125 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.
- 6.126 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.
- 6.127 National policy encourages the use of sustainable transport⁸⁸. 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.
- 6.128 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.
- 6.129 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 movement⁸⁹. 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 waterway⁹⁰. However, this may be limited as the river is non-tidal from Teddington Lock.
- 6.130 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.

⁸⁸ National Planning Policy Framework (Para. 104) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁸⁹ WA Policy on Freight on Inland Waterways (2012) - www.waterways.org.uk/pdf/freight_policy

⁹⁰ 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) provided the proposal addresses the relevant development considerations outlined in Appendix A; and
 - b. In appropriate locations which comply with all relevant policies in the Plan, with good connectivity to:
 - i. The Strategic Road Network; and/or
 - ii. The rail network; and/or
 - iii. Minerals infrastructure.

Implementation

- 6.131 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),
- 6.132 Proposals for new sites will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan.
- 6.133 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

- 6.134 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

- 6.135 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 policy⁹¹ 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 aggregate material”.
- 6.136 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.
- 6.137 Safeguarding potential sites for rail depots and wharves prevents future decisions being made without consideration of potential minerals and waste interests on appropriate sites.
- 6.138 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.

⁹¹ National Planning Policy Framework (Para. 210(e)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.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

- 6.139 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.
- 6.140 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.
- 6.141 In line with the “agent of change” principle in national planning policy⁹², 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.

⁹² National Planning Policy Framework (Para. 187) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- 6.142 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.
- 6.143 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.
- 6.144 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

6.145 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.

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 streams⁹³. 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.

⁹³ 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 2: 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)⁹⁴ 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 2016/17⁹⁵ 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 Strategy⁹⁶ 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).

⁹⁴ Waste Framework Directive -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁹⁵ Re3 Joint Municipal Management Strategy (2008 – 2013) -

<http://wokingham.moderngov.co.uk/documents/s10056/Re3%20Waste%20Strategy%20App.pdf>

⁹⁶ 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 England⁹⁷ 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. Demonstrate how waste will 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.
- 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

⁹⁷Waste Management Plan for England - <https://www.gov.uk/government/publications/waste-management-plan-for-england>

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 lawful or permitted 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 for the duration of the permission.
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 A list of safeguarded sites (operational and planned) is outlined in Appendix E. It will be maintained by the Central & Eastern Berkshire Authorities and reported in the Monitoring Report. This will be updated as permissions are granted, and sites are closed and no longer require safeguarding.
- 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 policy⁹⁸, 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.

⁹⁸ National Planning Policy Framework (Para. 187) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.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 Study⁹⁹.
- 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 Waste¹⁰⁰ and Planning Practice Guidance¹⁰¹ 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.

⁹⁹ Waste Background Study (July 2020) – www.hants.gov.uk/berksconsult

¹⁰⁰ 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

¹⁰¹ 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 option¹⁰² 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 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.

¹⁰² Government announcement regarding Heathrow expansion - www.gov.uk/government/news/government-decides-on-new-runway-at-heathrow

- 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 2021¹⁰³.
- 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 future¹⁰⁴.
- 7.66 Additional non-hazardous landfill capacity will therefore be considered where there is a clearly demonstrated need.

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.

¹⁰³ Subject to any applications for extension of time.

¹⁰⁴ The Central & Eastern Berkshire Authorities are members of SEWPAG and signatories of a number of relevant position statements

- 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 Plan¹⁰⁵ 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.
- 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

¹⁰⁵ 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>

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 figures¹⁰⁶. 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 which comply with all relevant policies in the Plan, 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.

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.

¹⁰⁶ Waste: Background Study (July 2020) – www.hants.gov.uk/Berksconsult

- 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 class¹⁰⁷ (namely open-air storage). Waste management uses would not normally be suitable on land identified only for E(g)(iii) (industrial processes), 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

¹⁰⁷ 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 land¹⁰⁸ has identified industrial estates and/or employment sites that are suitable for locating waste management facilities in the boroughs of Bracknell Forest, Reading and Wokingham. These estates and sites are existing, or proposed, allocations for land uses which are considered compatible to waste uses.

¹⁰⁸ Waste: Proposals Study (July 2020) – www.hants.gov.uk/berksconsult

- 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
 - b. Allocated sites, provided the proposals address the relevant development considerations outlined in Appendix A:
 - i. Berkyn Manor Farm, Horton (WA 1);
 - ii. Horton Brook Quarry, Horton (WA 2);
 - iii. The Compound, Stubbings, Maidenhead (WA 3); or
 - c. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas, appropriate locations which comply with all relevant policies in the Plan, 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 Policy¹⁰⁹:
- a) Consideration has been 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 and are therefore prioritised over other locations. 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 Where proposals cannot be accommodated in the Preferred Waste Areas, they will need to demonstrate this, in which case they 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)¹¹⁰, or on previously developed land are strongly supported.
- 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.

¹⁰⁹ 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

¹¹⁰ 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>

- 7.112 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 projects¹¹¹ 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.

¹¹¹ Minerals / Waste: Background Study (July 2020) – www.hants.gov.uk/berksconsult

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)

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 which comply with all relevant policies in the Plan, 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

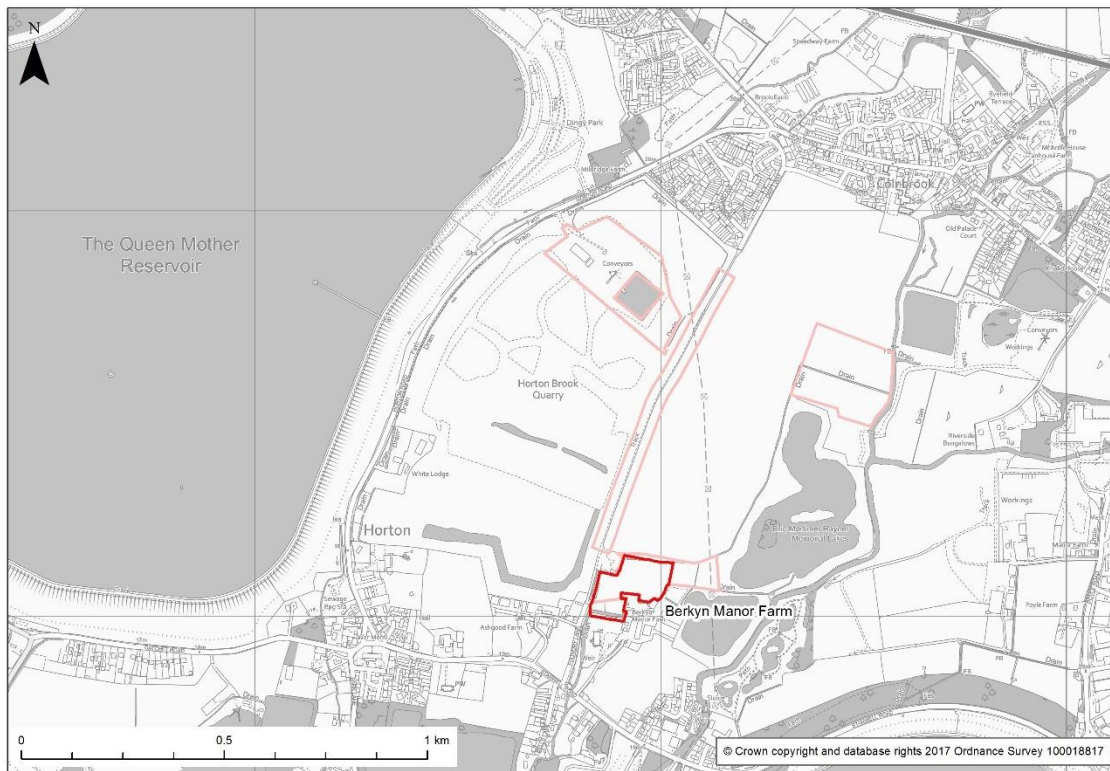
1. The following appendix provides information on the minerals and waste sites (listed alphabetically) that are allocated within the Plan:

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.

Landscape & Townscape

- Existing vegetation should be conserved and protected, and additional buffer planting established to all boundaries.
- Enhanced screening is required.
- Green Belt compensation due to development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.
- Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.

Historic Environment:

- A Heritage Impact Statement is required.
- The setting of Grade II Listed Building to the south needs to be considered.

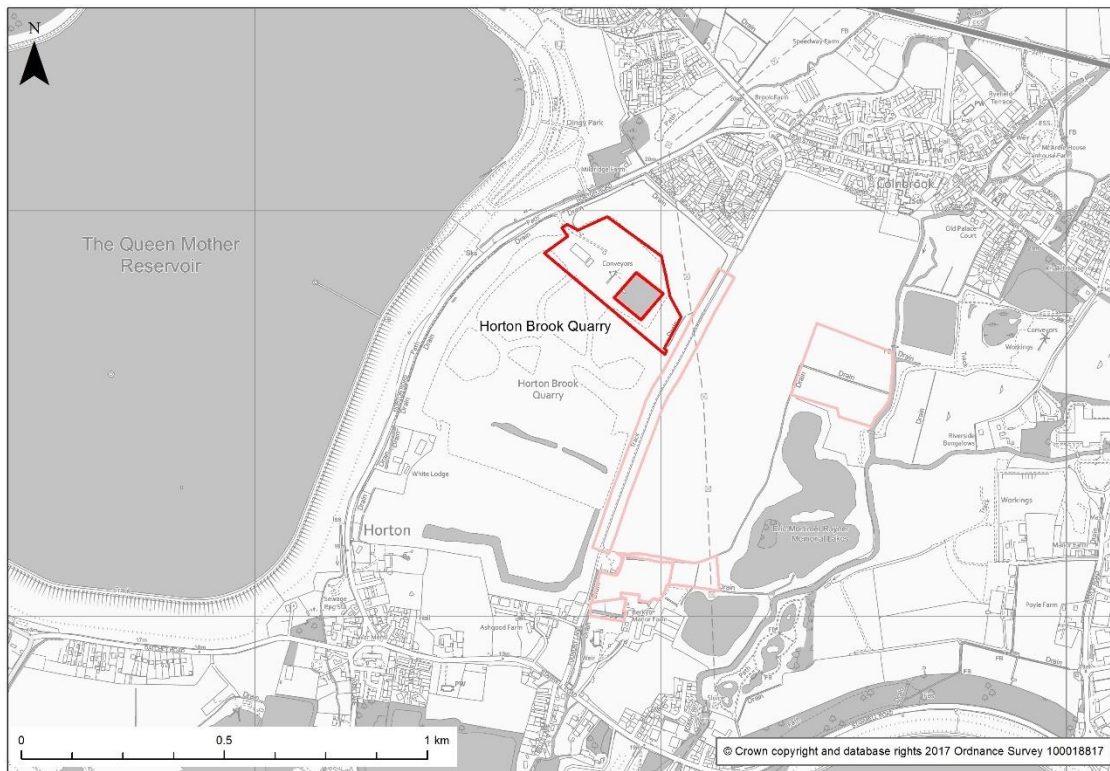
Transport:

- 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. The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Only development classified as water compatible or essential infrastructure (with exception test) will be permitted in Flood Zone 3b.
- Proximity to major / minor aquifers, in addition to Source Protection Zones.

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: 5.5 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.
- Green Belt compensation due to development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.
- Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.

Transport:

- A Transport Assessment or Statement is required.
- An HGV Routeing Agreement will also be required (or maintain existing).

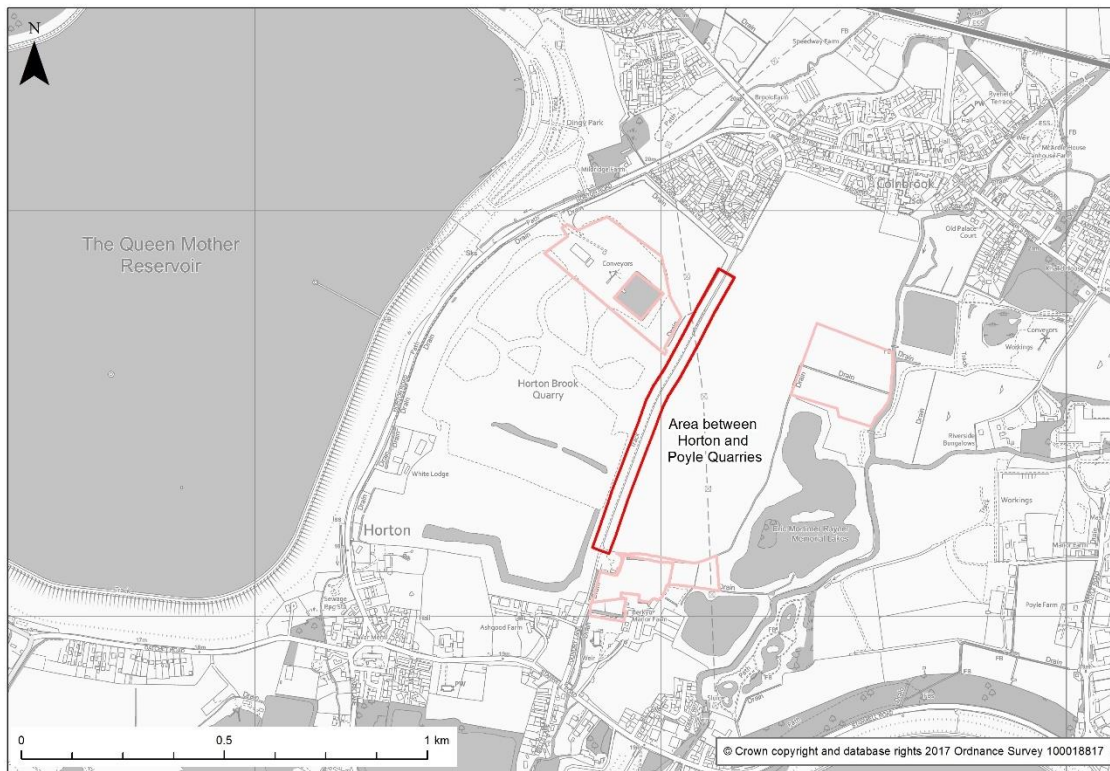
Flood Risk & Water Resources

- A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. The site is adjacent to the Queen Mother Reservoir. Any works will need to demonstrate that they do not impact on the structural stability of the reservoir embankment.
- 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.

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 150,000 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).

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.

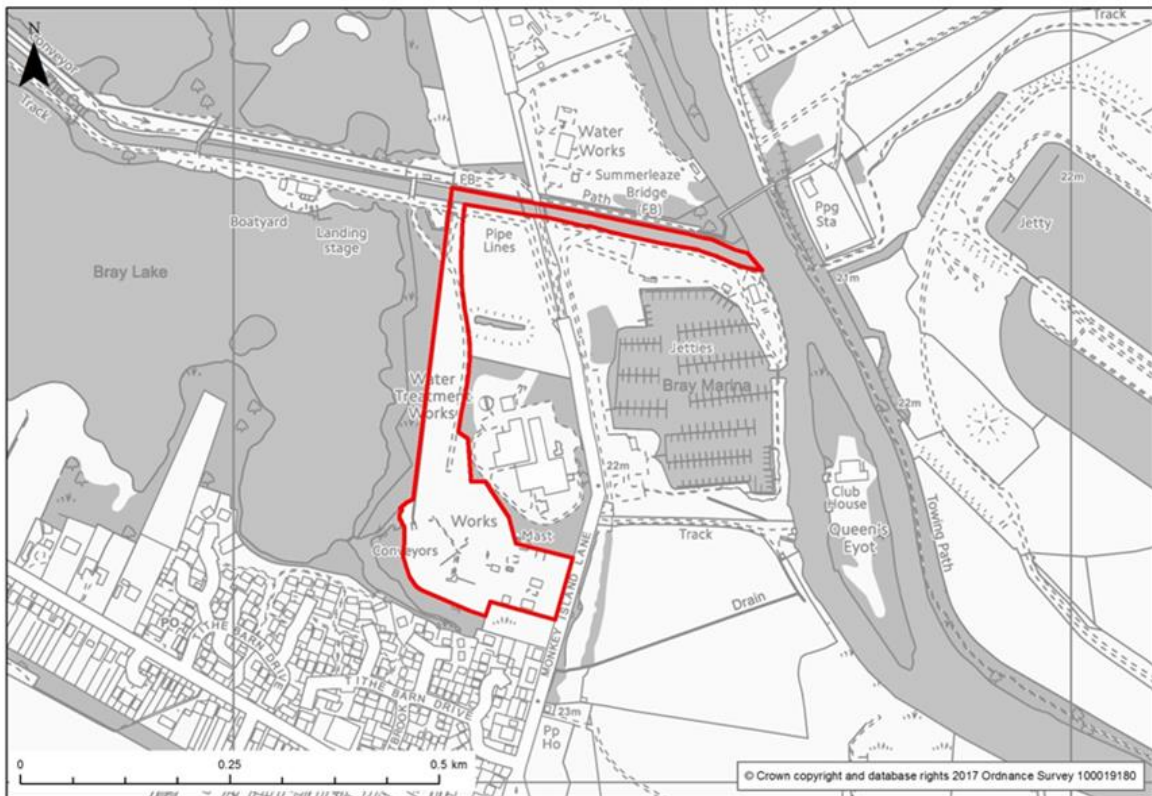
Flood Risk & Water Resources

- A Flood Risk Assessment and Hydrological/Hydrogeological Assessment is required. The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding.
- Consideration of near-by private and licenced abstractions.
- Site located within a principal aquifer.

Utilities

- Statutory safety clearance of National Grid infrastructure.

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.
- An ecological assessment of the impact of making The Cut (Greenway Corridor LWS) navigable will be required.
- Impacts to Bray Pit Reserve LWS.
- Consideration of the Biodiversity Opportunity Area including ecological improvements to the Cut in line with the LWS citation.
- A River restoration compensation scheme will be required and is subject to approval by the Environment Agency. This should consist of habitats restoration for the equivalent amount of the river that will be made navigable

and should be located immediately upstream. River restoration should include bed raising by adding gravels and creating marginal shelves to restore the channel to more natural dimensions.

- Retention of semi-natural habitats within site to accommodate protected species.
- Consideration of pollution impacts to riverine habitats both from construction and the ongoing impacts of using the river for navigation purposes.
- A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.
- A Water Framework Directive Assessment is required.

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.

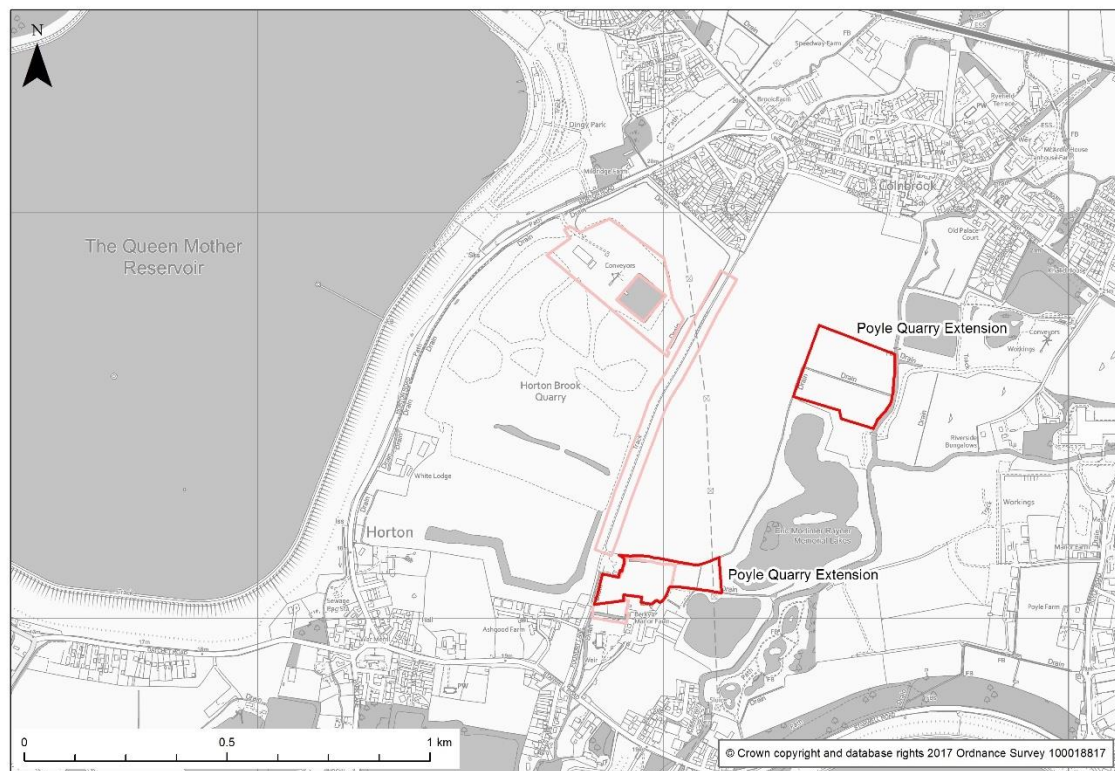
Transport:

- 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 Hydrological/Hydrogeological Risk Assessment will be required. The FRA will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.
- Proximity to major / minor aquifers, in addition to Source Protection Zones.
- A morphological assessment of the impact of making The Cut navigable will be required including related impacts on 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

- A Transport Assessment or Statement is required.
- An HGV Routing Agreement will be required.

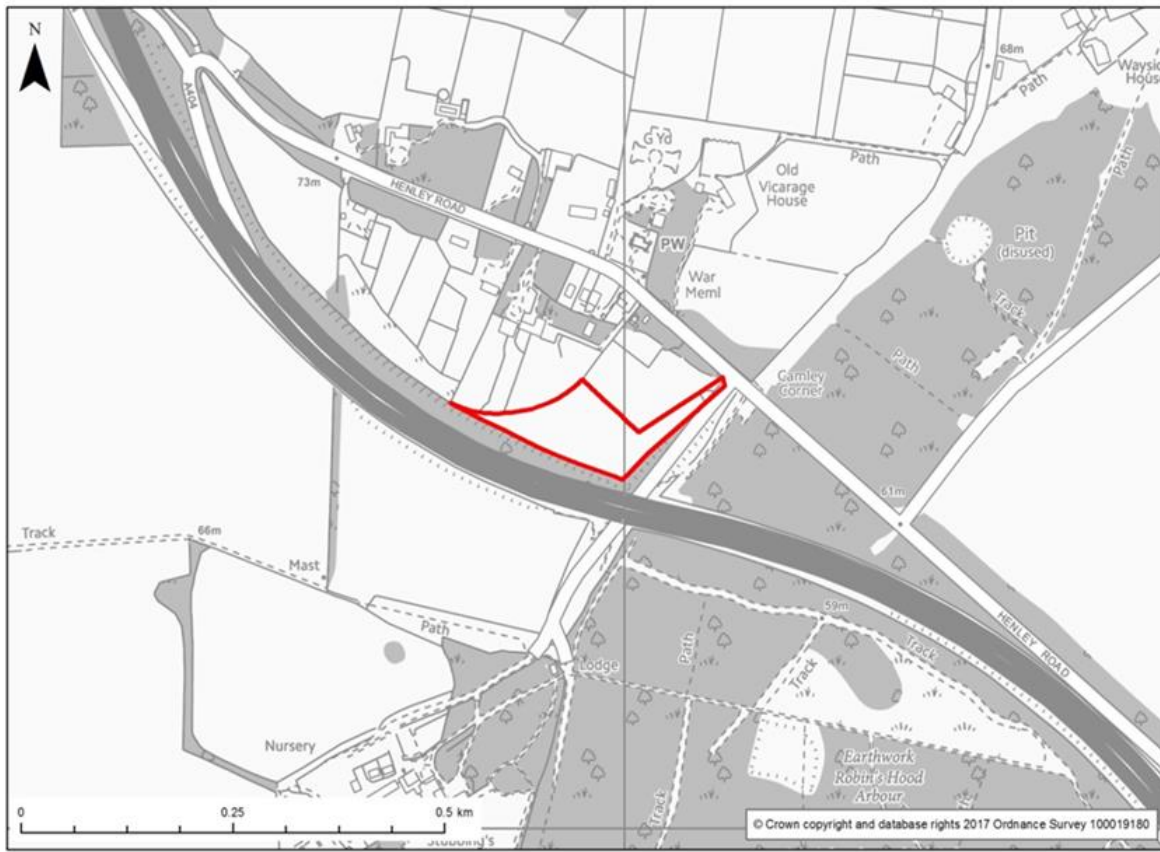
Flood Risk & Water Resources

- 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. The FRA will need to ensure that the development will be safe, not increase off-site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.
- Consideration of the Colne Brook 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.
- Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.

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. A site-specific Flood Risk Assessment (FRA) is required. The FRA will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding.
- 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 activities¹¹². • 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).

¹¹² 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 systems¹¹³. • MBT (Mechanical Biological Treatment) plant (including biological treatment e.g. AD)¹¹⁴. • 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 activities (including site requirements)</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 intensive B2 activities under the Use Classes Order.

¹¹³ 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.

¹¹⁴ 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.

	<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.
Locations where activities would be unsuitable	<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)¹¹⁵. 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.
Locations where activities would be unsuitable	<ul style="list-style-type: none"> • Sites with existing access issues should be avoided where possible.

¹¹⁵ 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.

	<ul style="list-style-type: none">• Areas should be avoided where facilities seeking expansion of existing hardstanding would encroach into flood zones.
--	--

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)¹¹⁶.
<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 inherently noisy which will also affect the choice of site.

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 and produce a Refused Derived Fuel (RDF).

	<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.
--	--

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)¹¹⁷. 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

¹¹⁷ 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)¹¹⁸; 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.

¹¹⁸ 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.
--	---

Category 7: Landfilling

Description / overview	<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 / restored¹¹⁹.
Waste facilities	<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.
Examples of waste streams handled	<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.
Appropriate locations for these activities (including site requirements)	<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.
Locations where activities would be unsuitable	<ul style="list-style-type: none"> • Sites close to housing, commercial or recreational areas etc. should generally be avoided.

¹¹⁹ 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.
--	---

Appendix C – Preferred Waste Areas

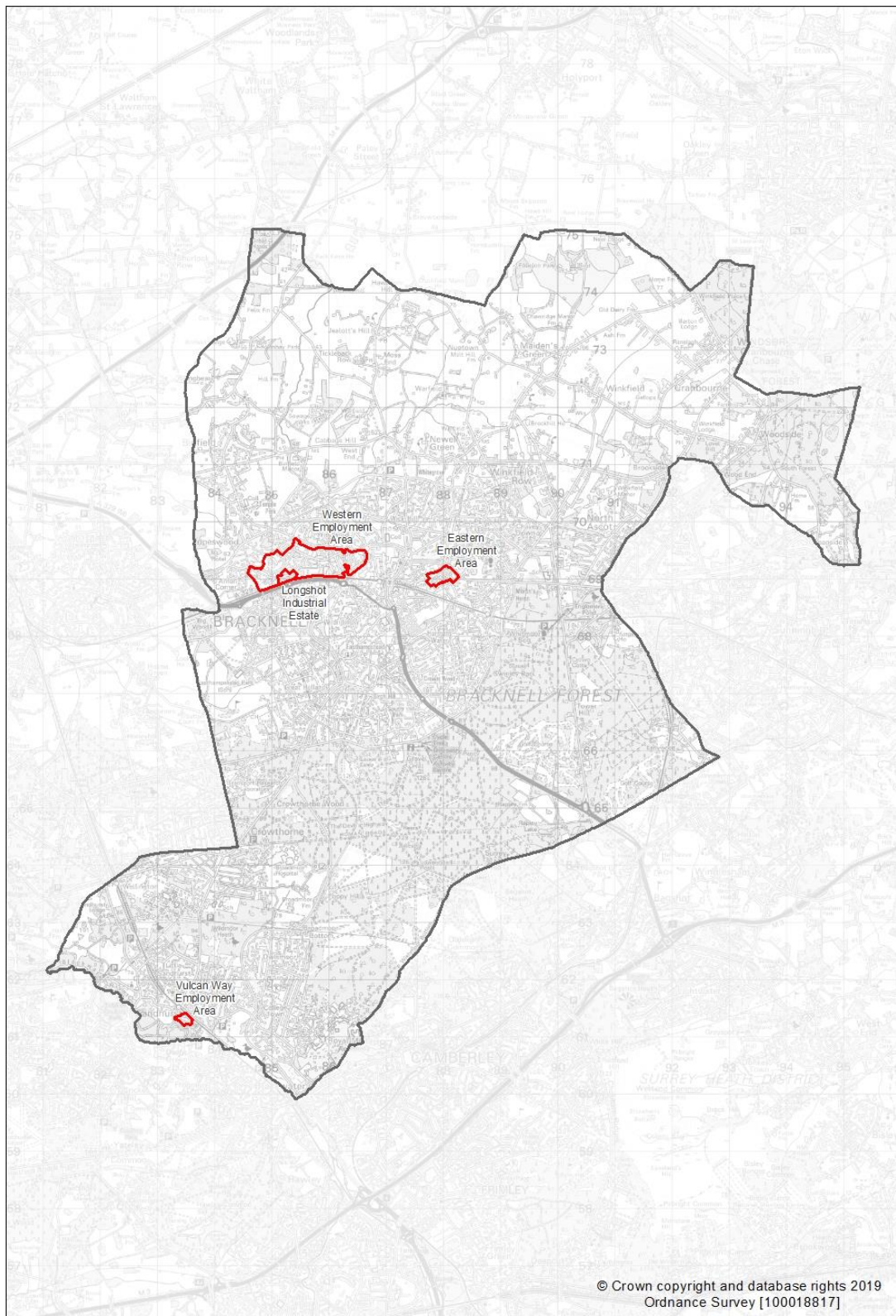
- The following appendix provides information on the industrial estates and industrial land (listed alphabetically by Authority) that are Preferred Waste Areas within the Plan:

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
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
Cutbush Lane Business Area, Wokingham	Wokingham

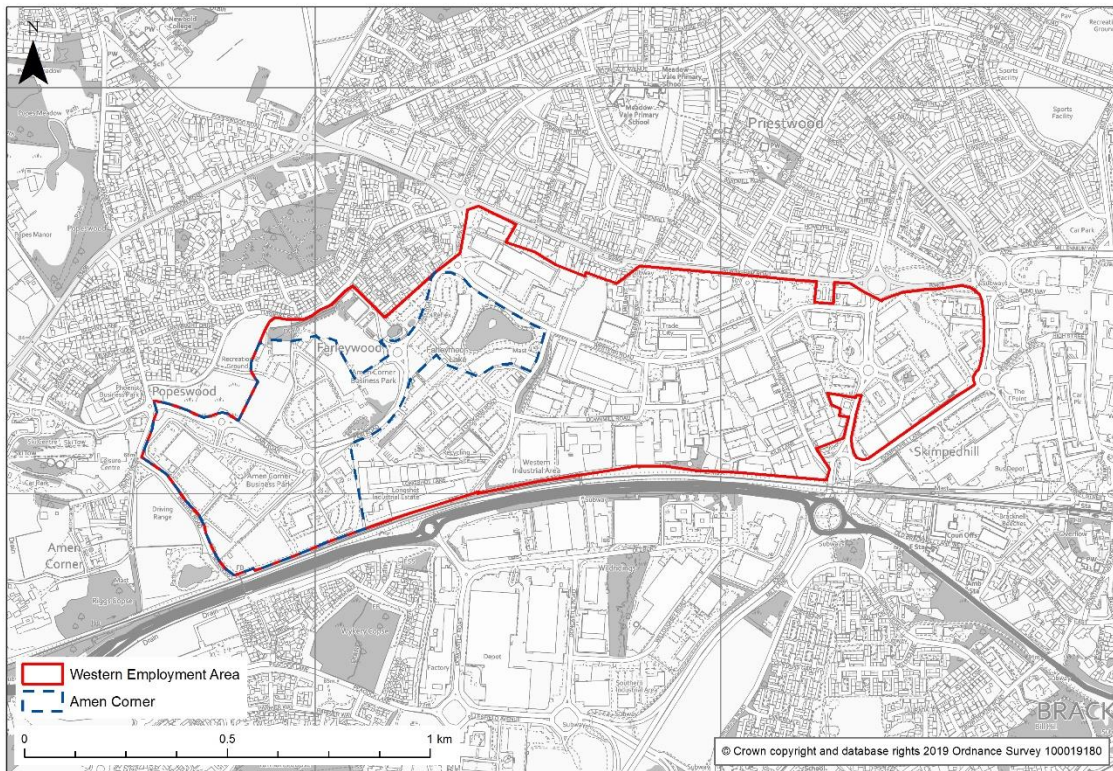
- The delineation of the site is shown by the red boundary. The types of waste activity that are considered suitable are provided. More detail on these activities is provided in Appendix B.
- Development should be designed with appropriate mitigation measures, to avoid or mitigate its impacts on the 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.

Bracknell Forest

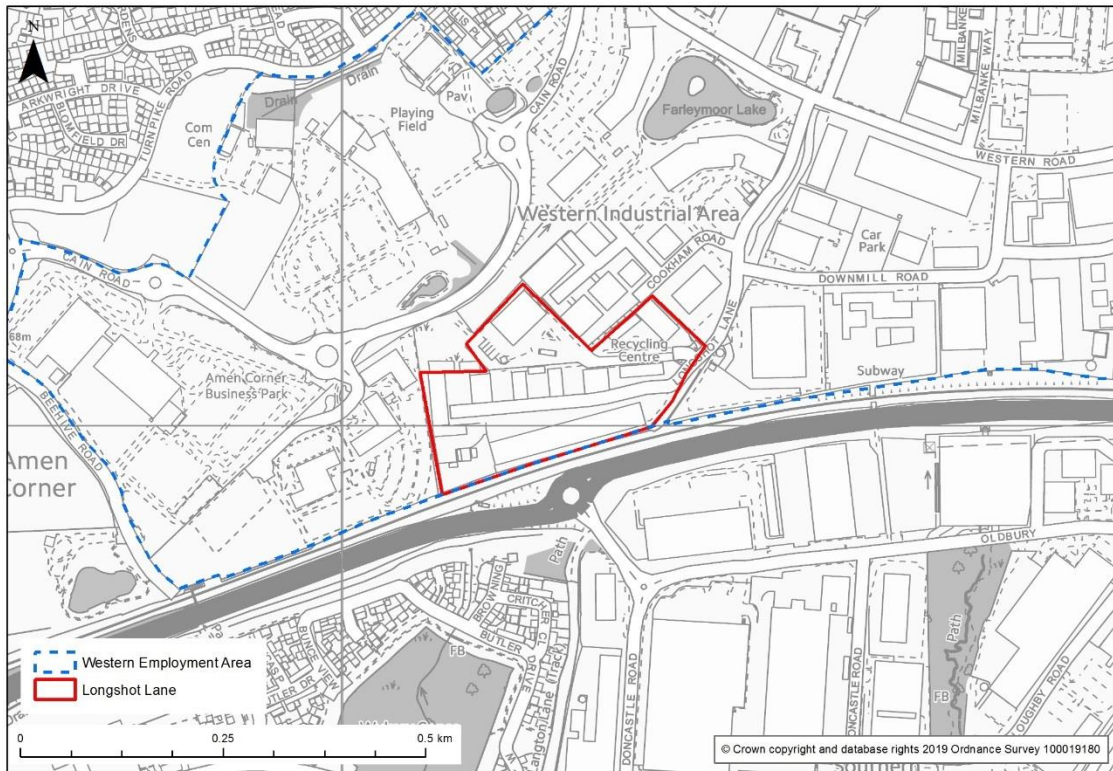


Site Name	Western Employment Area
Location	Western Road, Bracknell, RG12 1RE
Current use (specify class classification)	B1 / B8
Part of this industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) • Category 4: Activities requiring enclosed industrial premises (large scale). 	

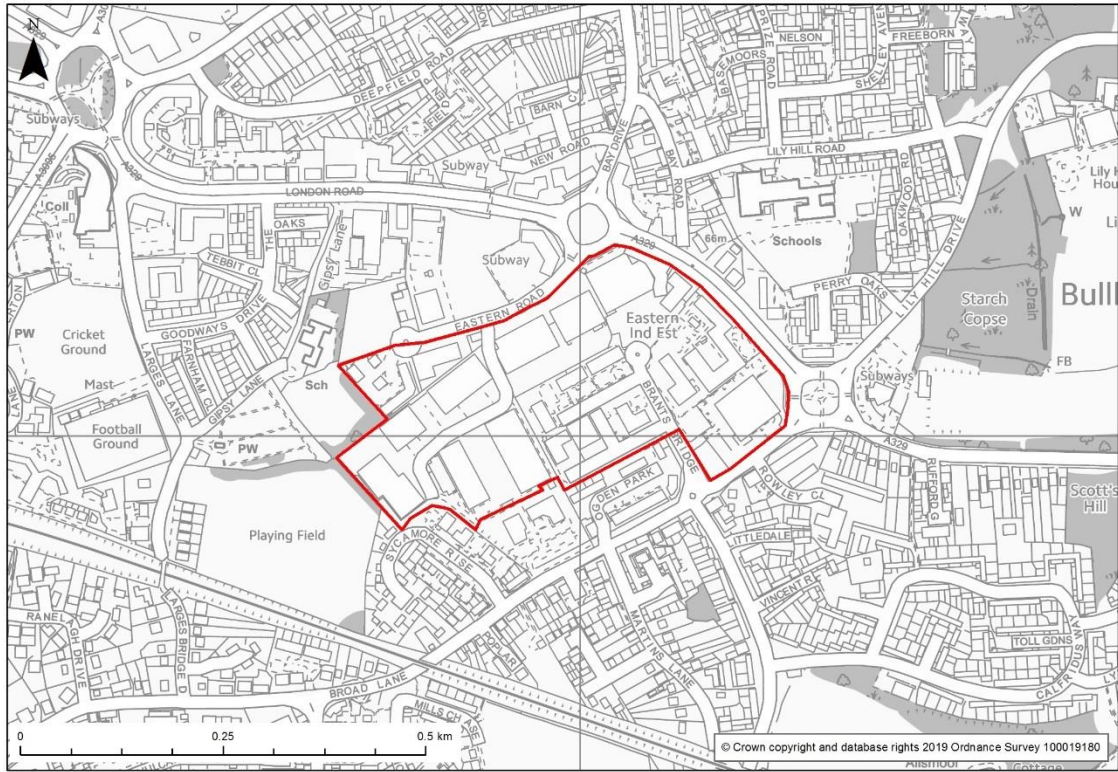


N.B. Amen Corner is an area within the Western Employment Area that is occupied by a number of large HQ style office buildings and is considered to be unlikely to be suitable as waste operations are not considered compatible with high value business parks.

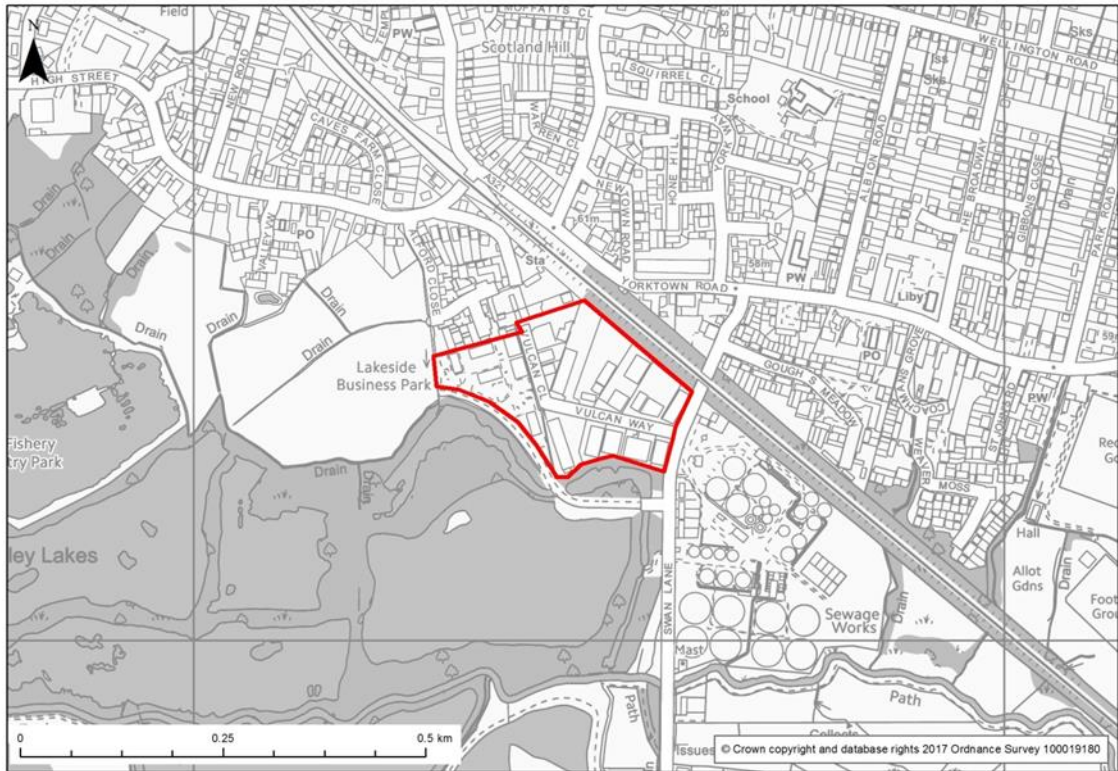
Site Name	Longshot Industrial Estate (within Western Employment Area)
Location	Longshot Lane, Binfield, Bracknell RG12 1RL
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



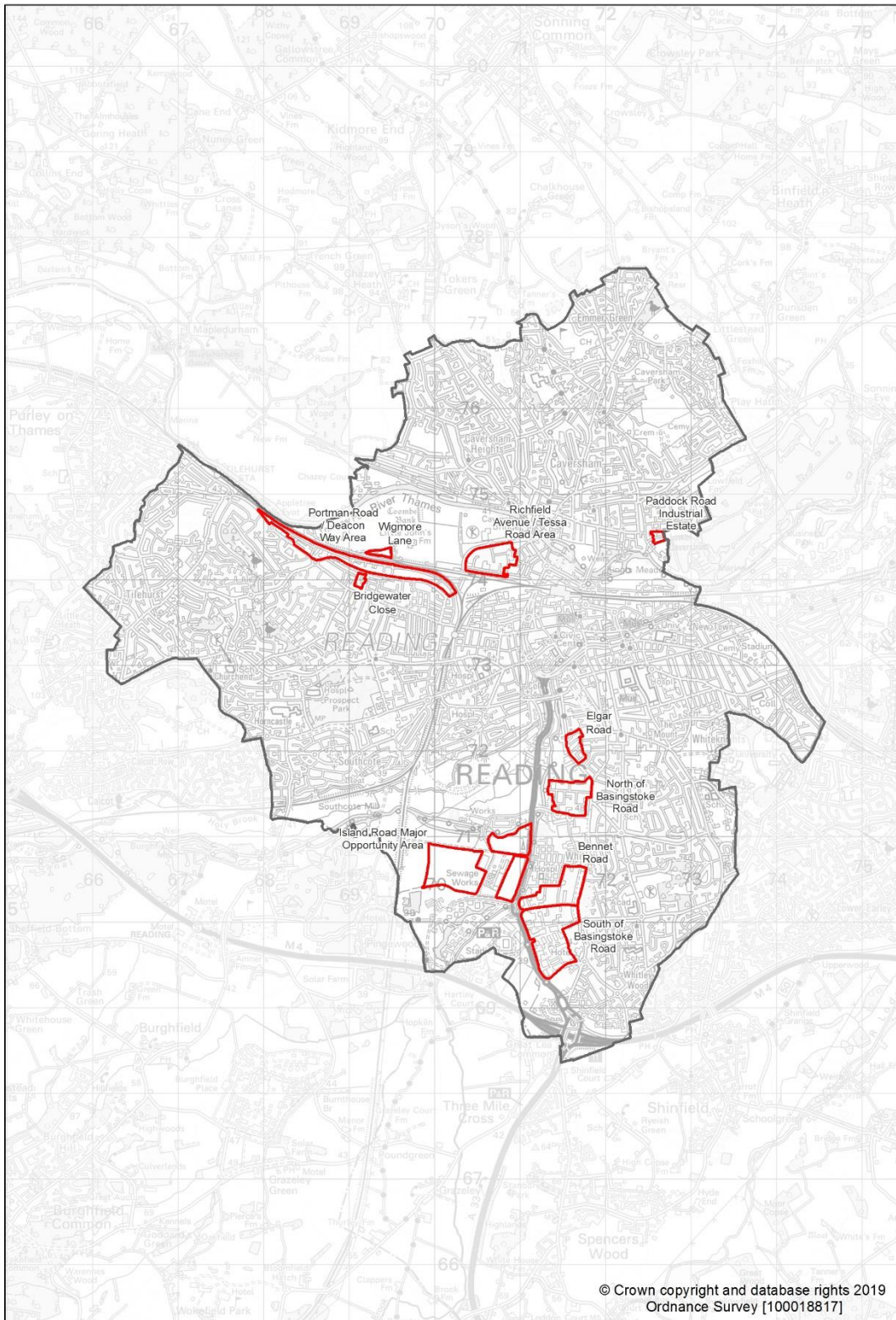
Site Name	Eastern Employment Area
Current use (specify class classification)	B1 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



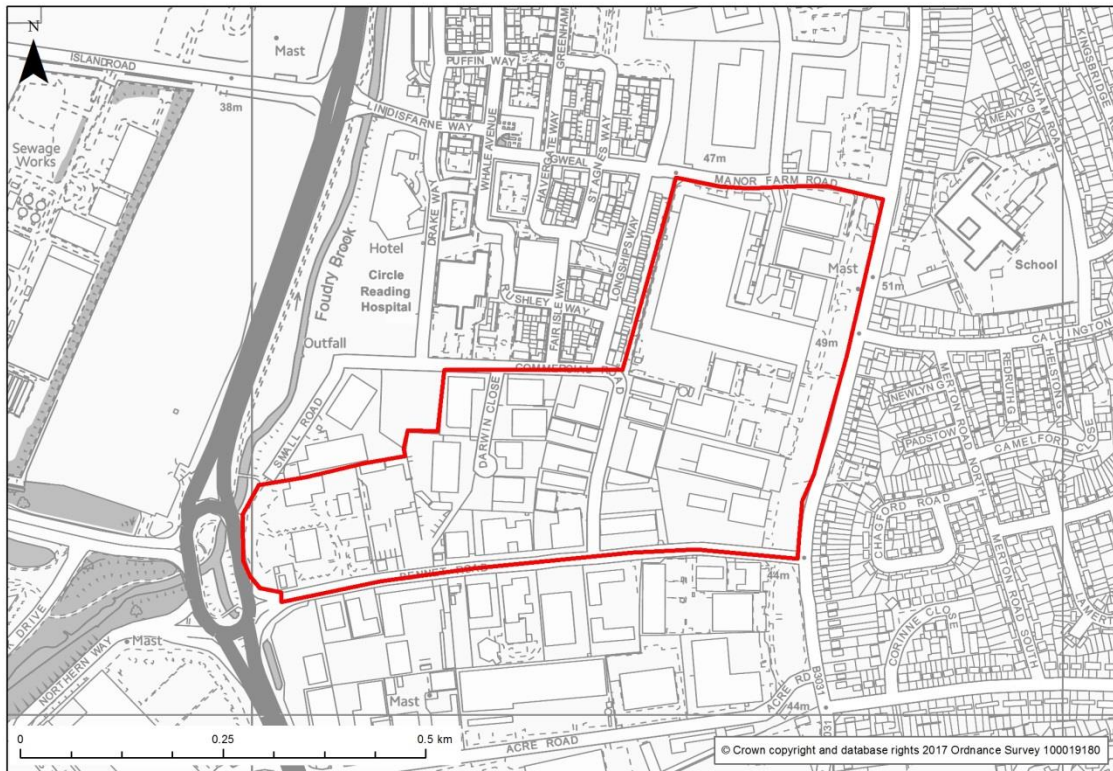
Site Name	Vulcan Way Employment Area (including lakeside Business Park)
Location	Sandhurst, Bracknell, GU47 9DB
Current use (specify class classification)	B2
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



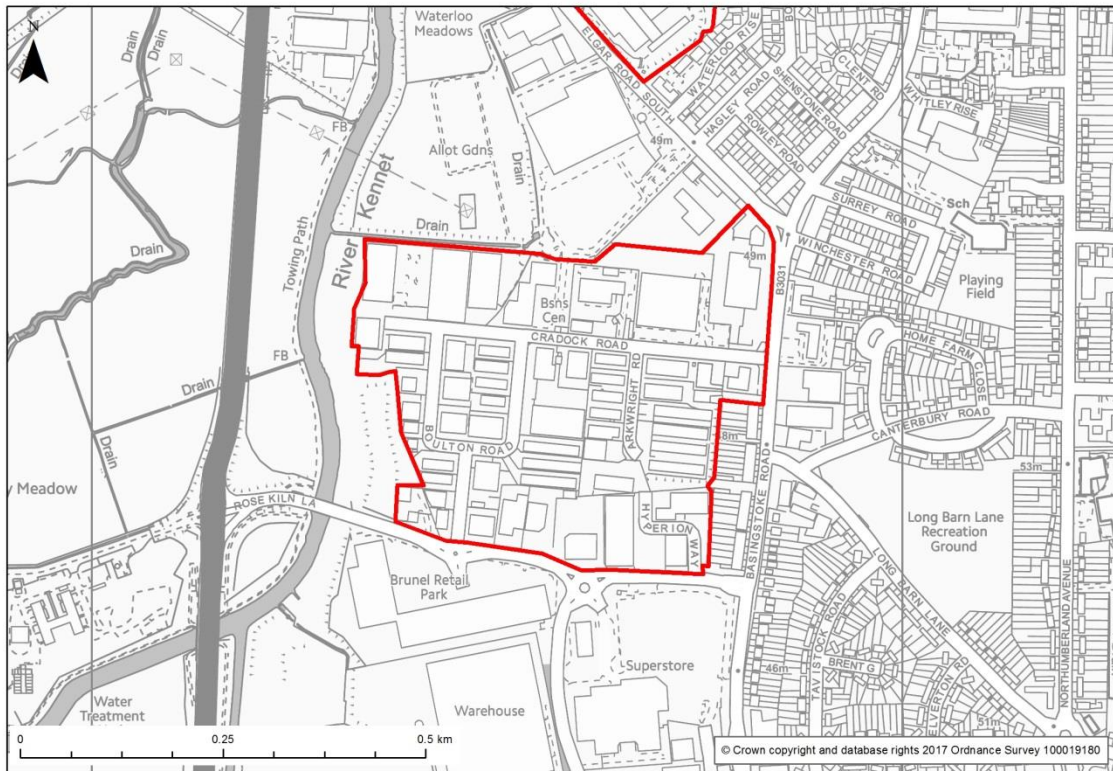
Reading



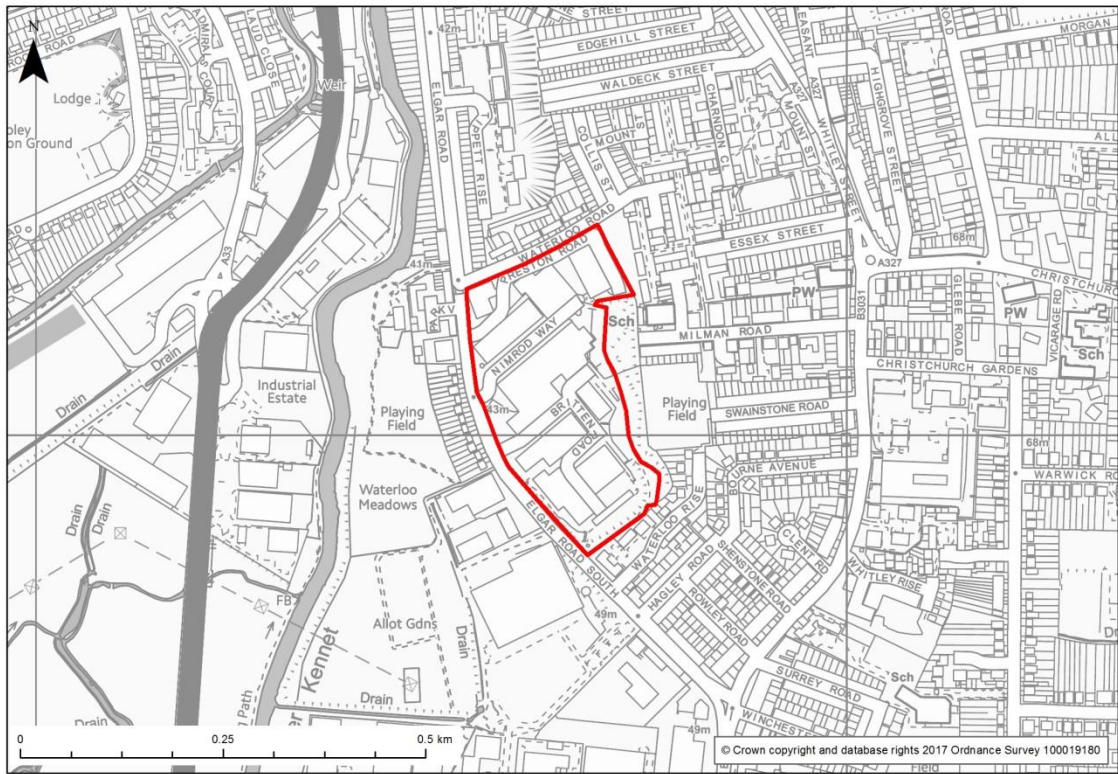
Site Name	Bennet Road Area
Location	Bennet Road, Reading, RG2 0QX
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



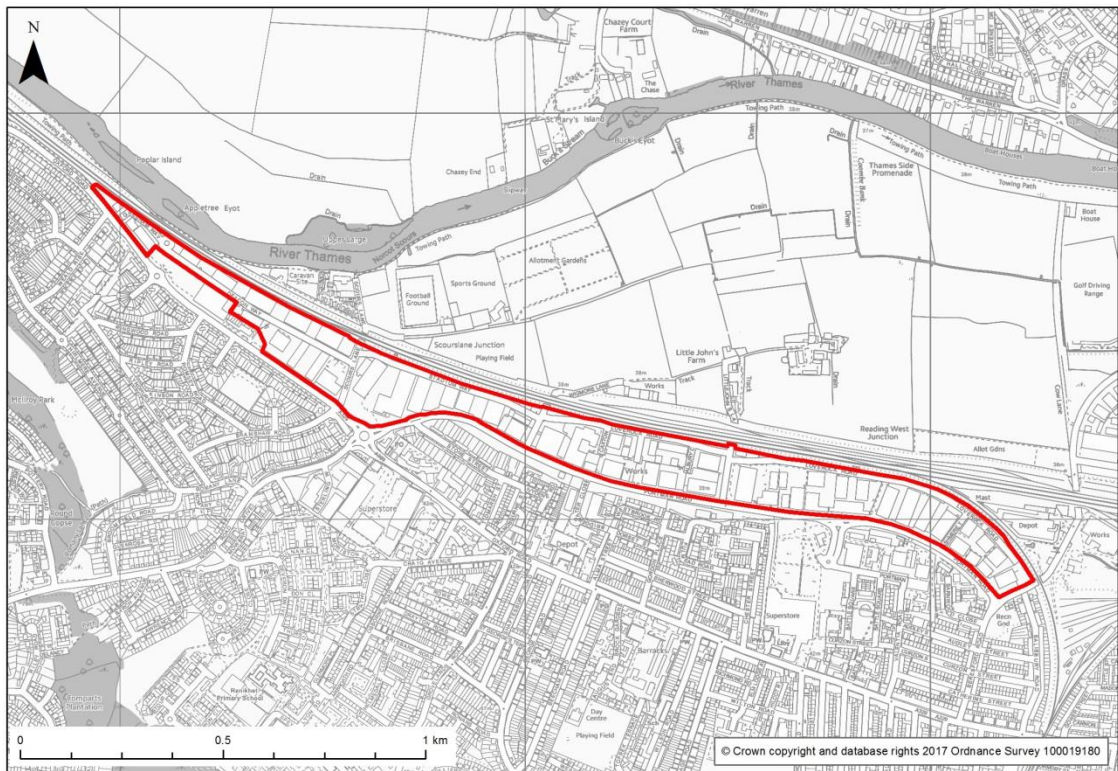
Site Name	North of Basingstoke Road
Current use (specify class classification)	B1(C) / B2 & B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



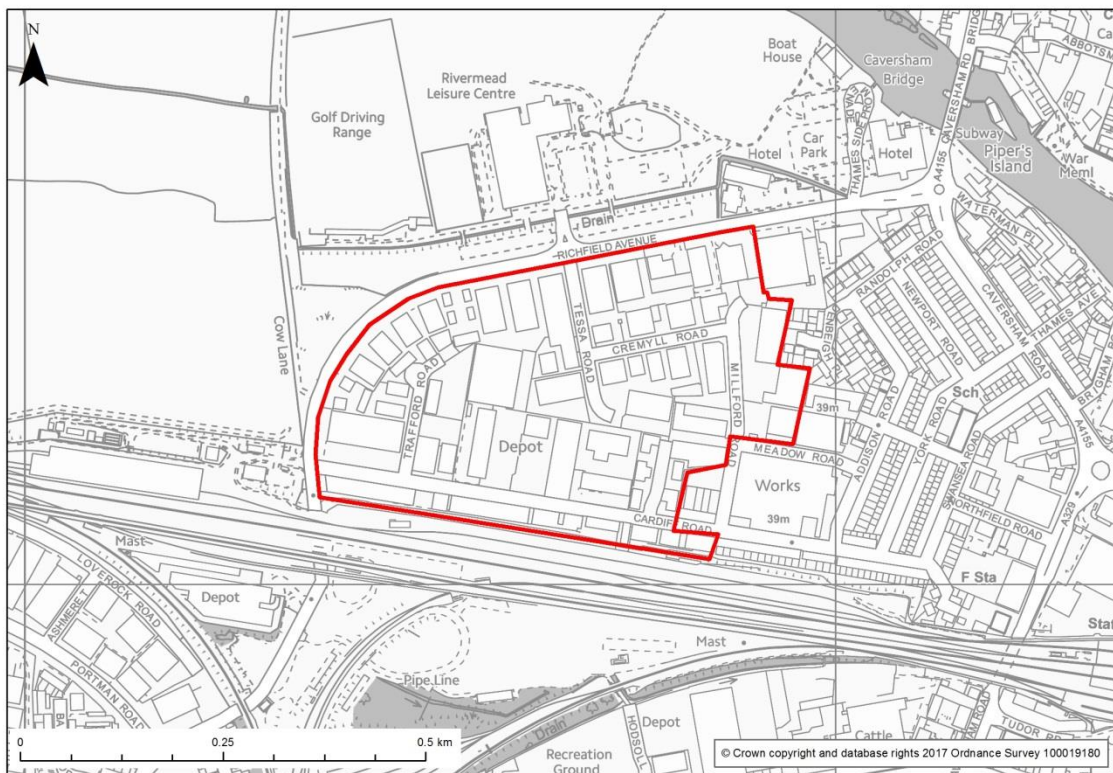
Site Name	Elgar Road
Current use (specify class classification)	B1(C) / B2 & B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



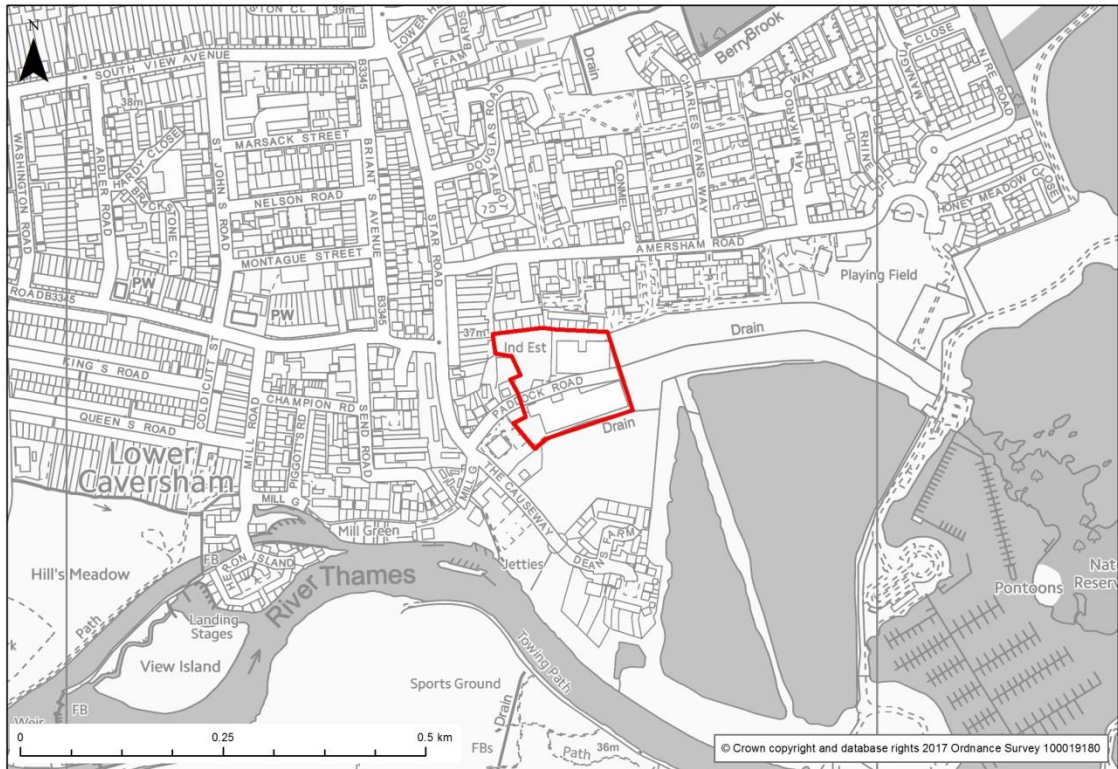
Site Name	Portman Road / Deacon Way Area
Location	Portman Road, Reading, RG30 1EA / Deacon Way, Reading, RG30 6AZ
Current use (specify class classification)	B1(C) & B2 & B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • 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) 	



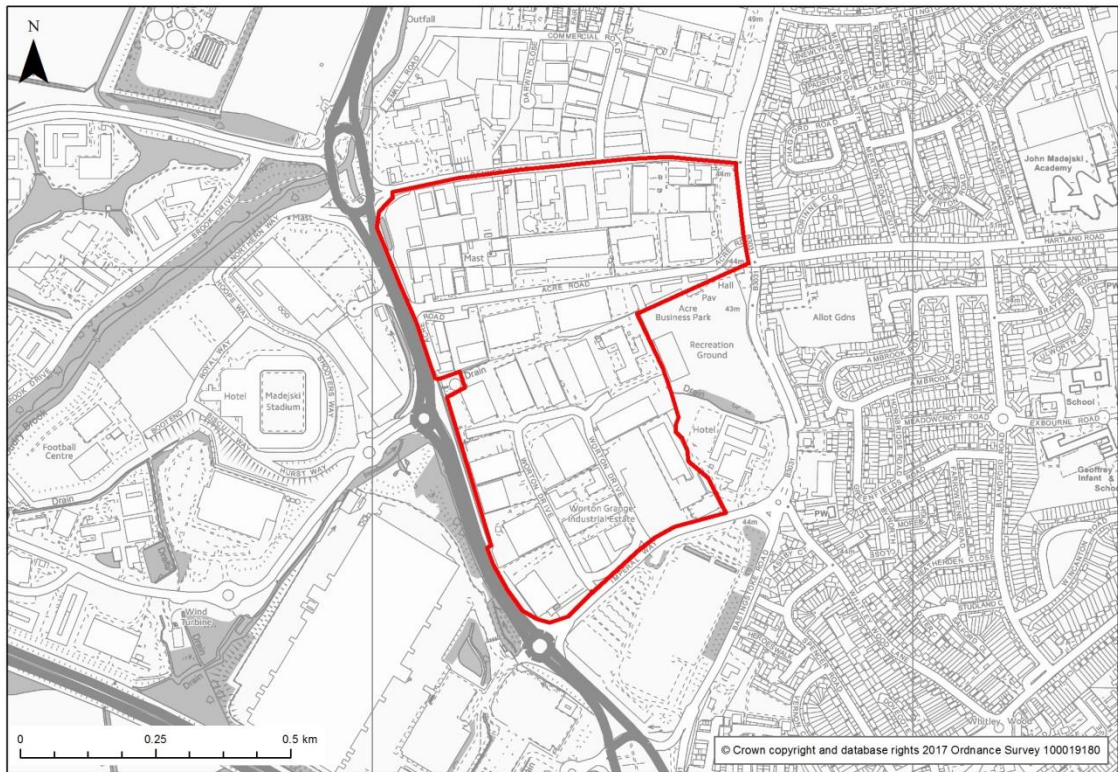
Site Name	Richfield Avenue / Tessa Road Area
Location	Richfield Ave, City Centre, Reading RG1 8EQ
Current use (specify class classification)	E(g)(iii) / B2 & B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary areas (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) <p>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</p>	



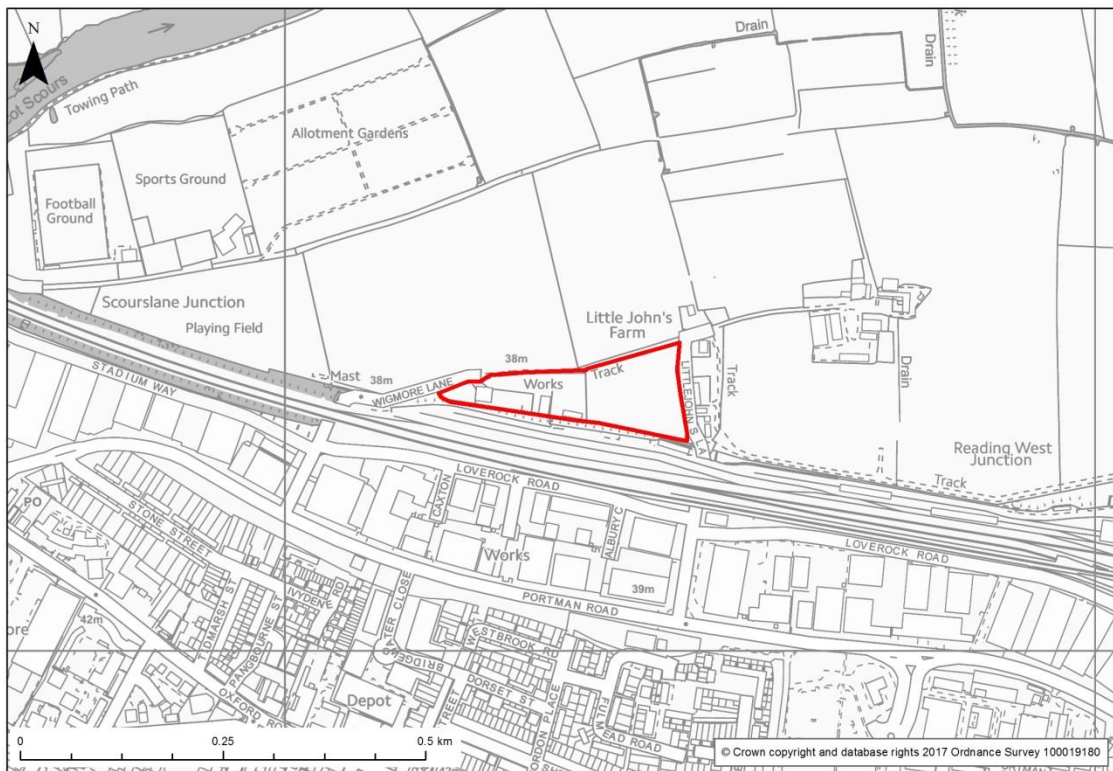
Site Name	Paddock Road Industrial Estate
Location	Paddock Road, Reading, RG4 5BY
Current use (specify class classification)	E(g)(iii) & B2
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) <p>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</p>	



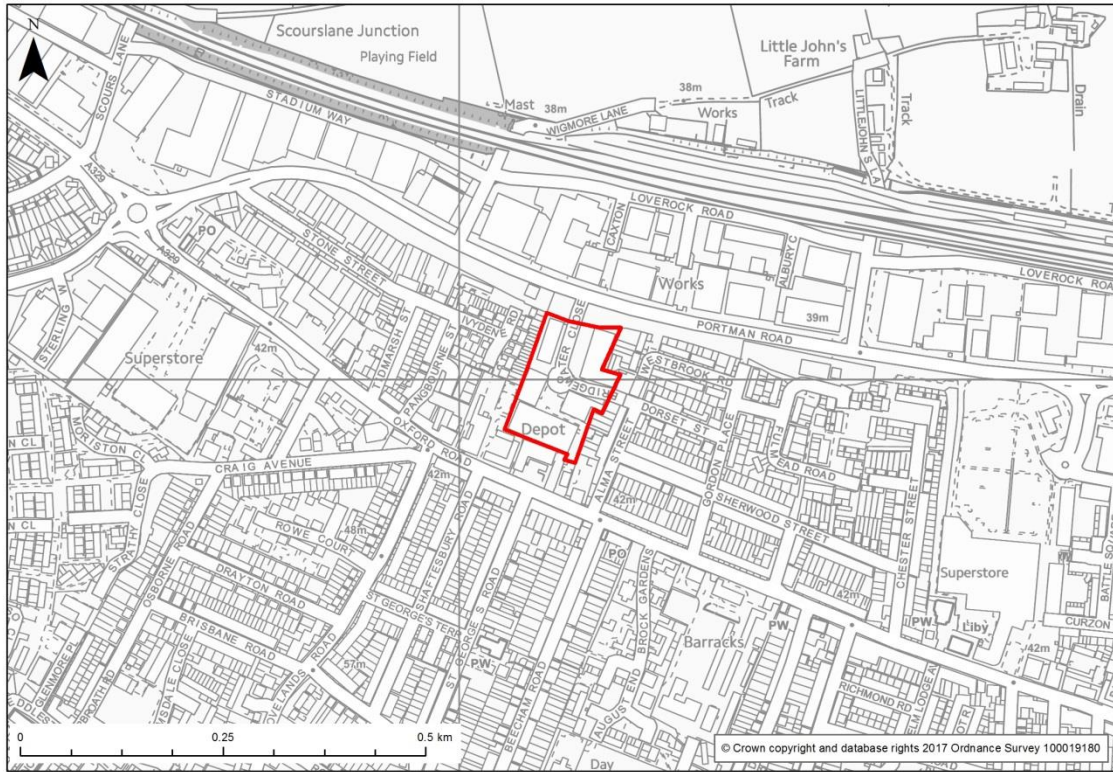
Site Name	South of Basingstoke Road
Location	Whitley
Current use (specify class classification)	B1(C) / B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



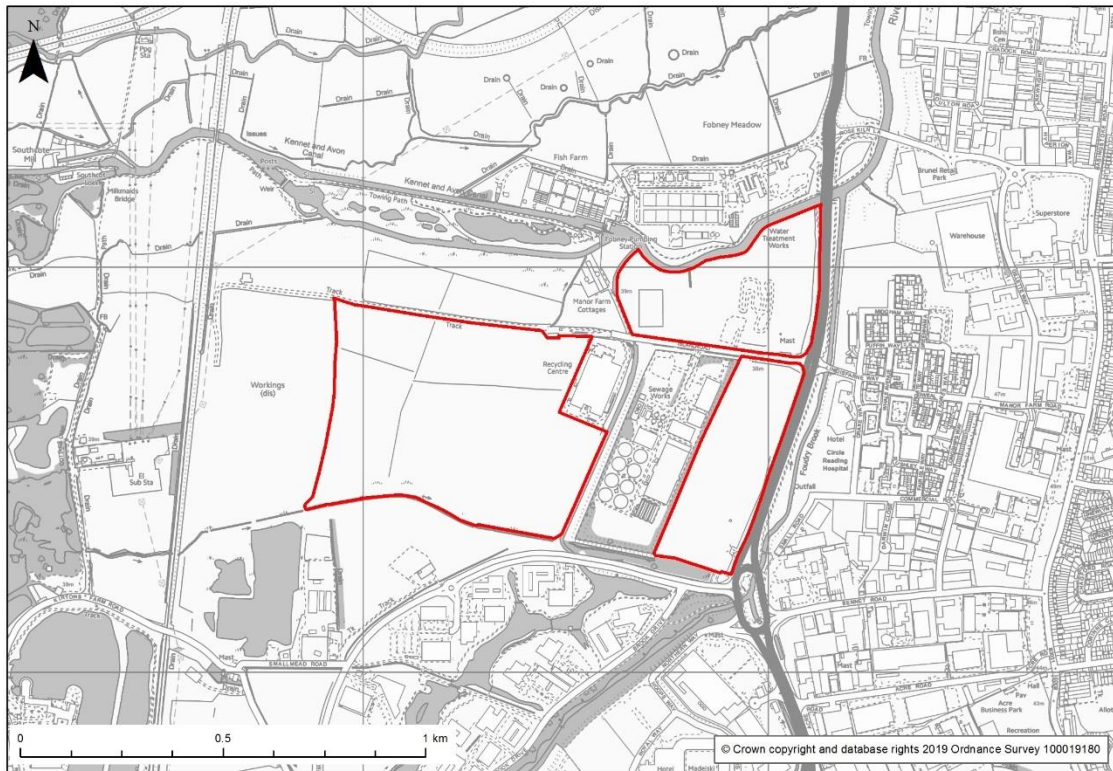
Site Name	Wigmore Lane
Current use (specify class classification)	E(g)(iii) /B2 & B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary areas (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) <p>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</p>	



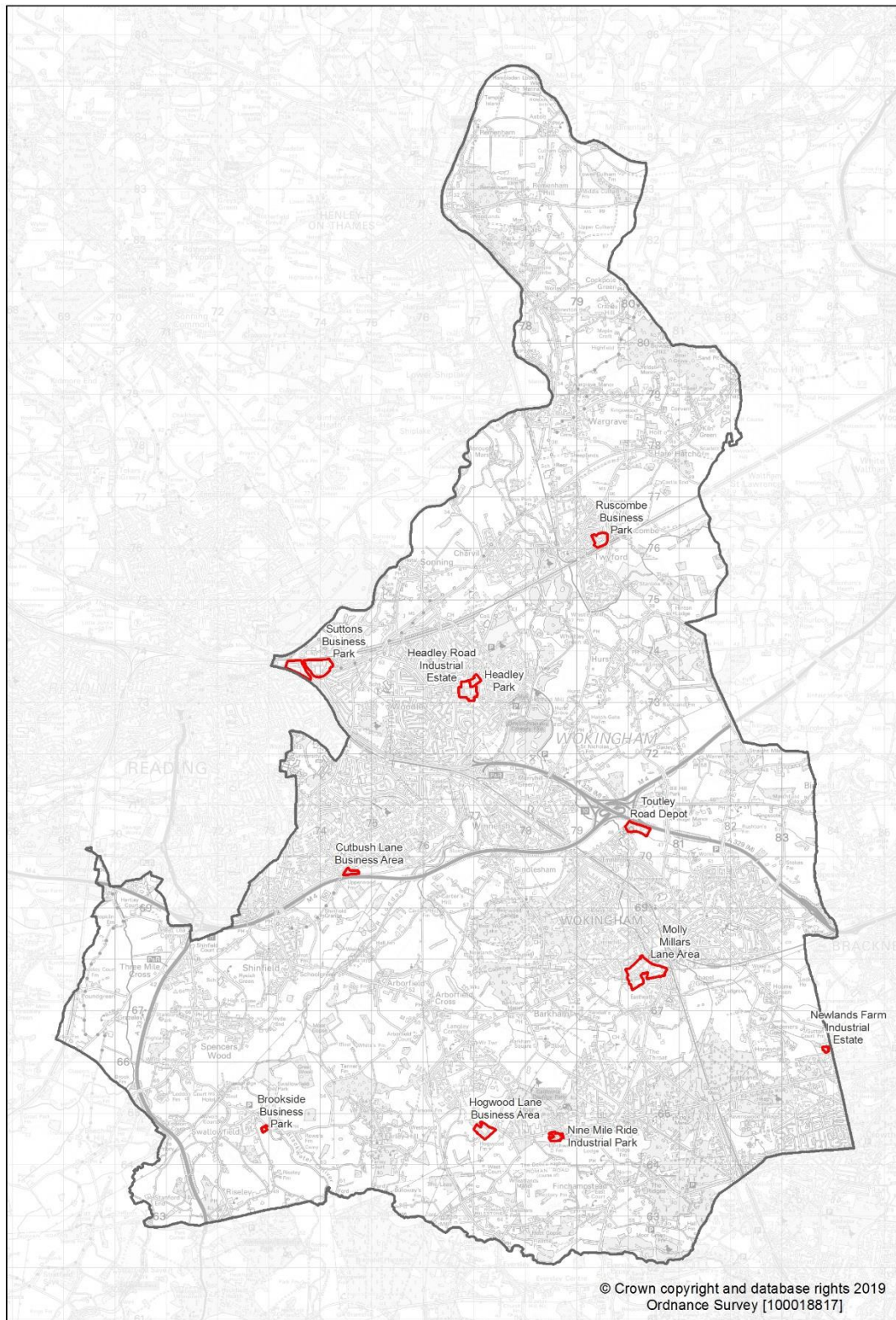
Site Name	Bridgewater Close
Current use (specify class classification)	B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



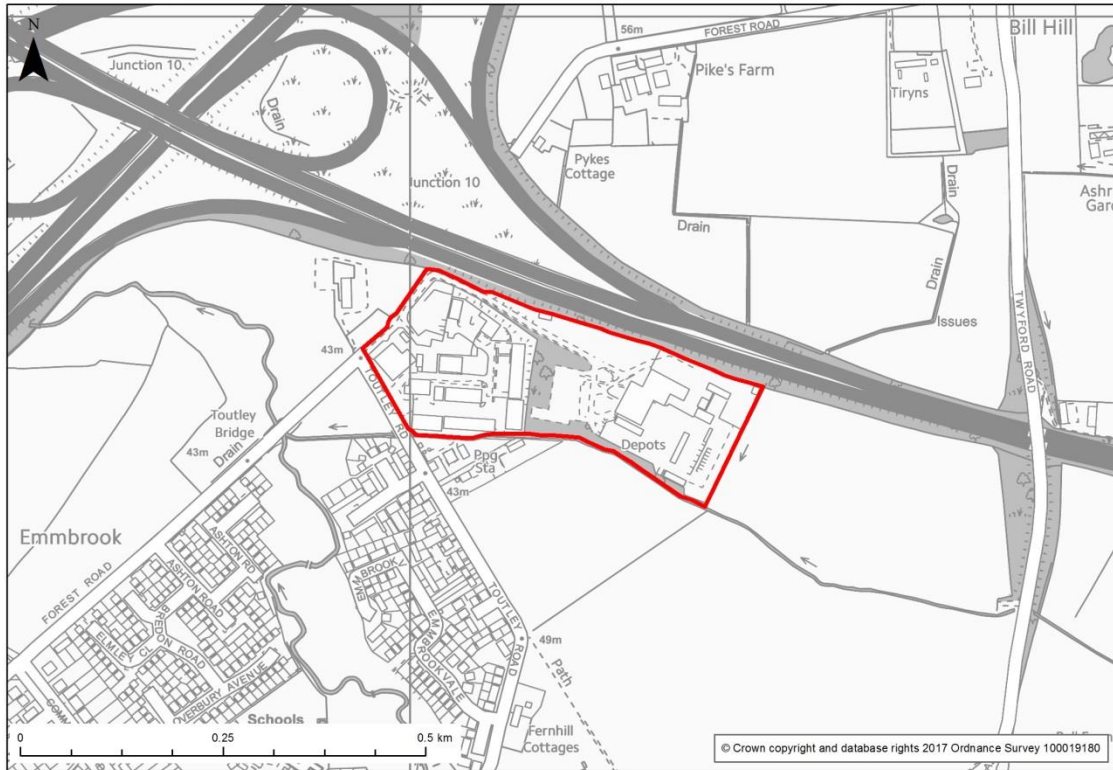
Site Name	Island Road Major Opportunity Area
Location	Reading
Current use (specify class classification)	B2 / B8 - The land is allocated in Reading Local Plan SR1: Island Road Major Opportunity Area.
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale). 	



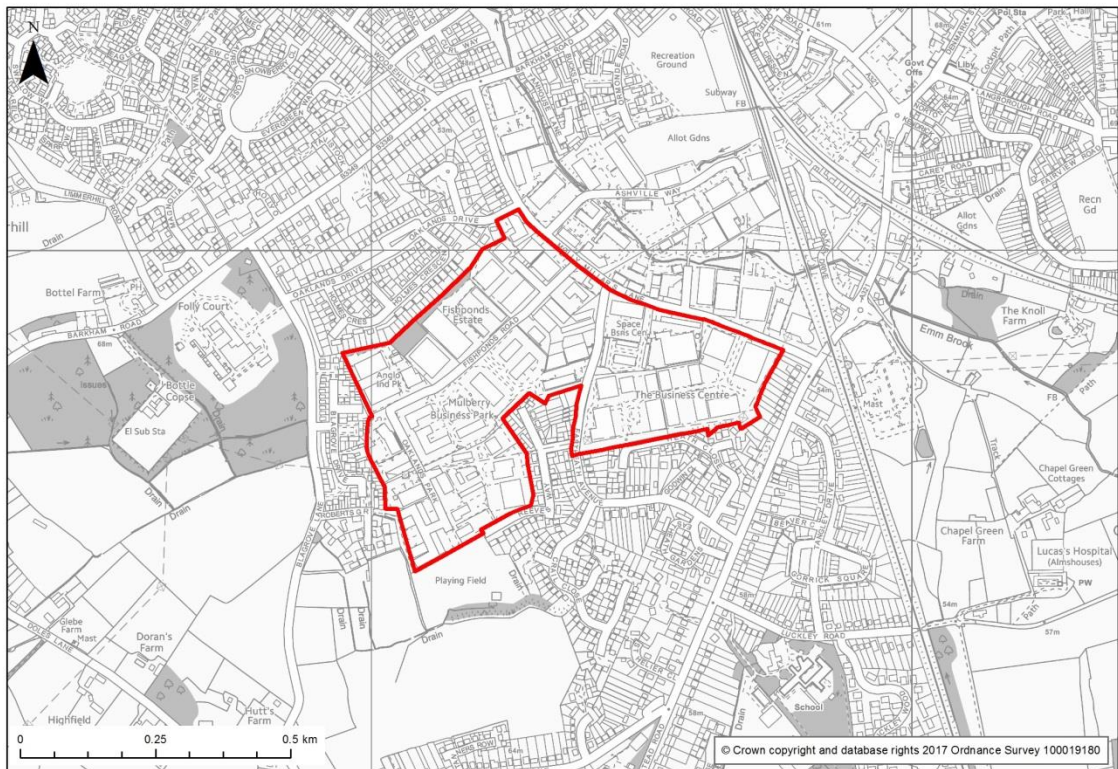
Wokingham



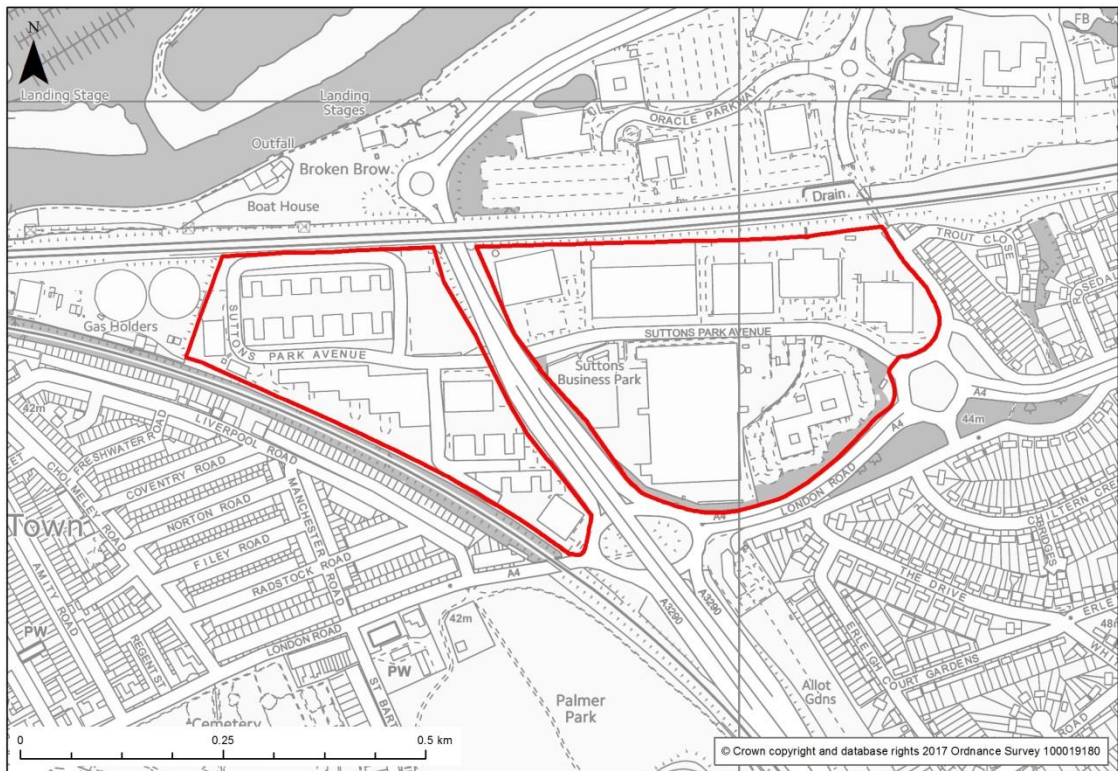
Site Name	Toutley Road Depot
Location	Emmbrook
Current use (specify class classification)	B2
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	



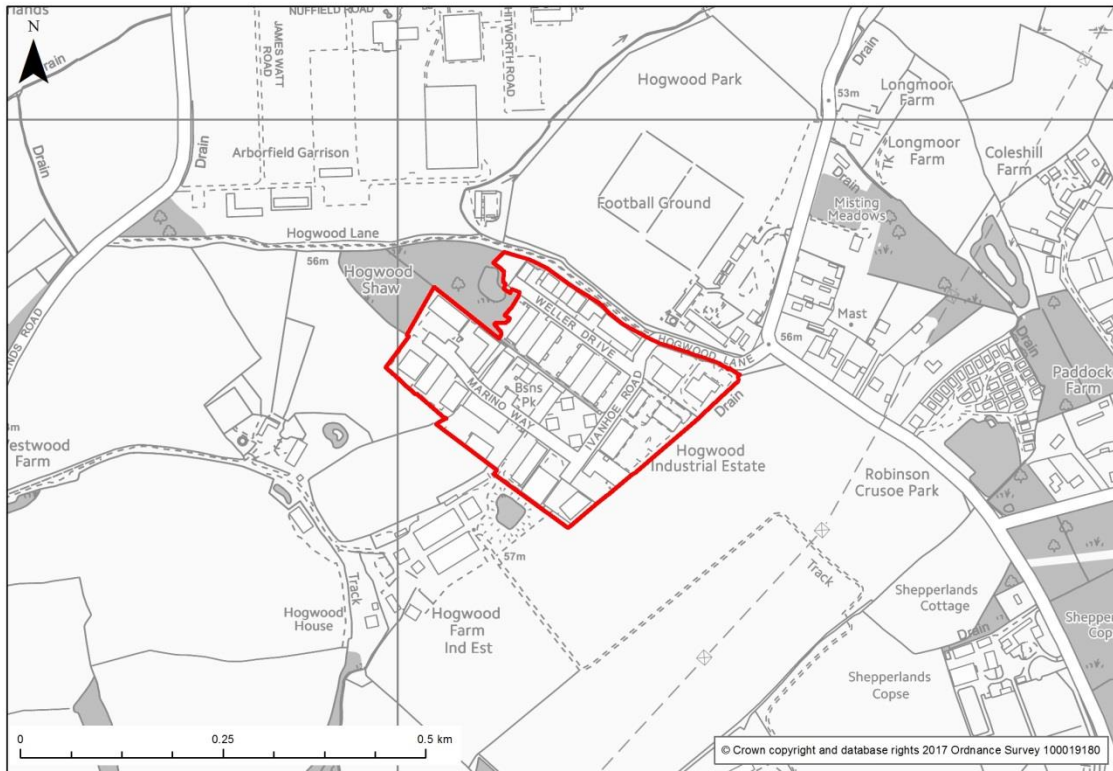
Site Name	Molly Millars Lane Area (excluding Fishponds Business Park and Mulberry Business Park)
Location	Molly Millars Lane, Wokingham, RG41 2RT
Current use (specify class classification)	B1 / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



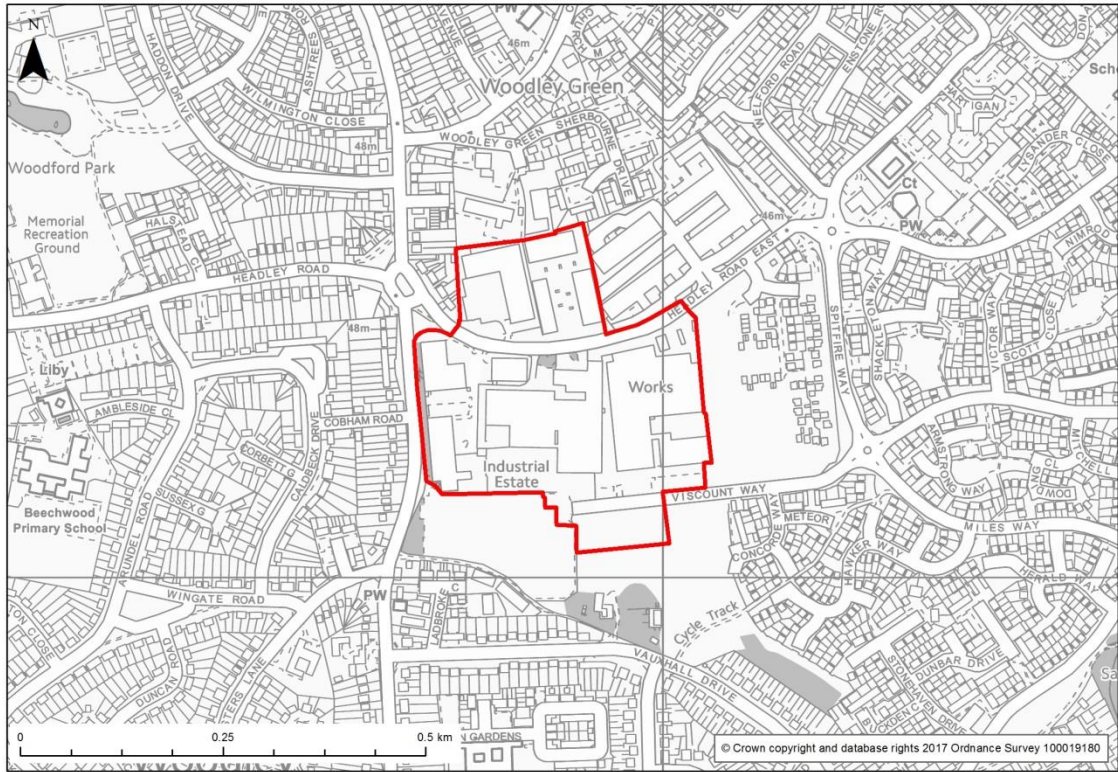
Site Name	Suttons Industrial Park
Location	Earley, Reading, RG6 1AZ
Current use (specify class classification)	B1 / B2 / B8
<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 3: Activities requiring enclosed 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) 	



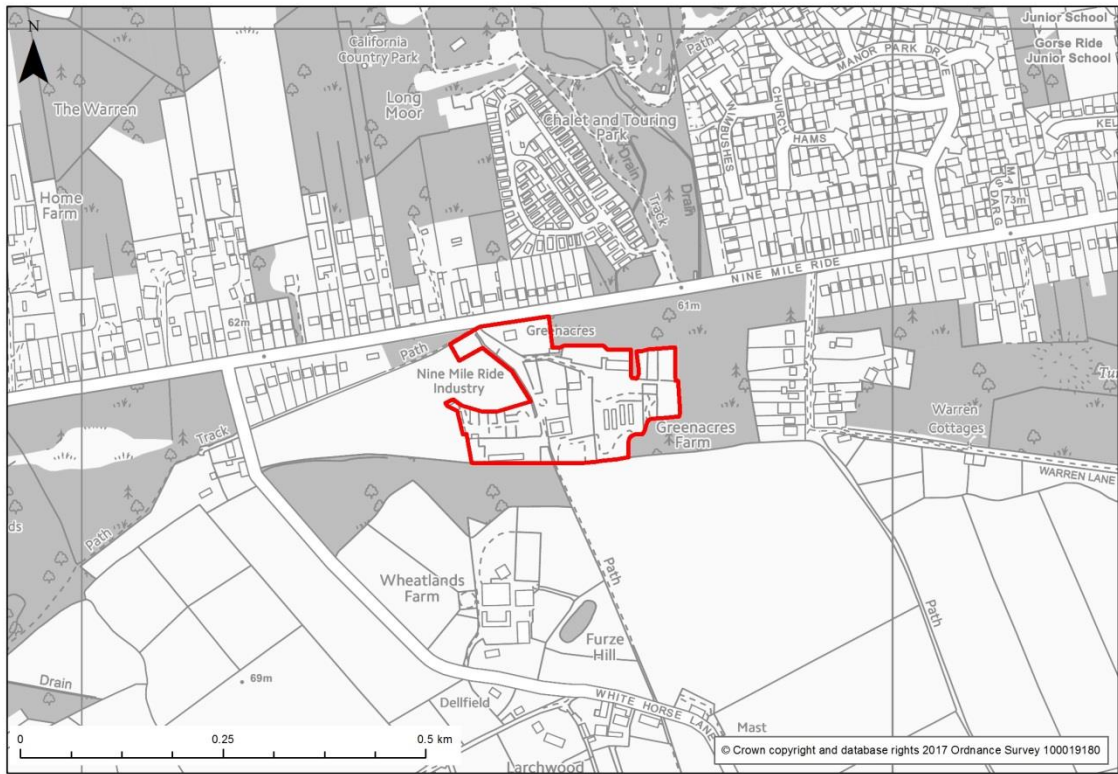
Site Name	Headley Park
Current use (specify class classification)	B1 (C) / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



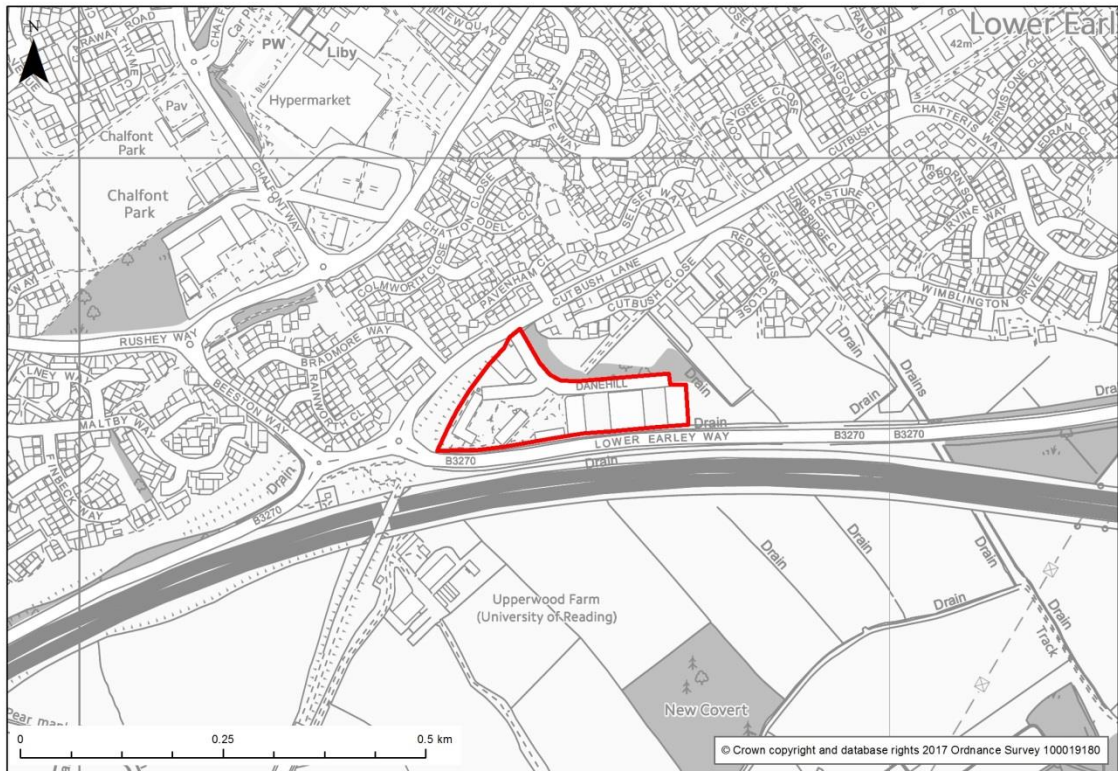
Site Name	Ruscombe Business Park (parts)
Current use (specify class classification)	B1c / B2 / B8
This industrial area is considered potentially suitable for the following waste categories:	
<ul style="list-style-type: none"> • Category 3: Activities requiring enclosed industrial premises (small scale) 	



Site Name	Nine Mile Ride Industrial Park
Current use (specify class classification)	B1c / B2 / B8
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 Plan 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
CDE Recycling Sites				

348

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	Bracknell	HWRC		F C C Environment (Berkshire) Limited
R3 Environmental - Swallowfield	Wyvols Court Farm, Swallowfield	WEEE		R3 Environmental Solutions Ltd
Specialist Waste Sites				
Star Works	Knowl Hill	Clinical waste		Grundon Waste Management Limited
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 ¹²⁰
Sharpsmart	Reading	Waste Transfer Station		Daniels Corporation International Ltd

¹²⁰ 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 undergo 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, 2019 and 2021, 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.

Routeing 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.

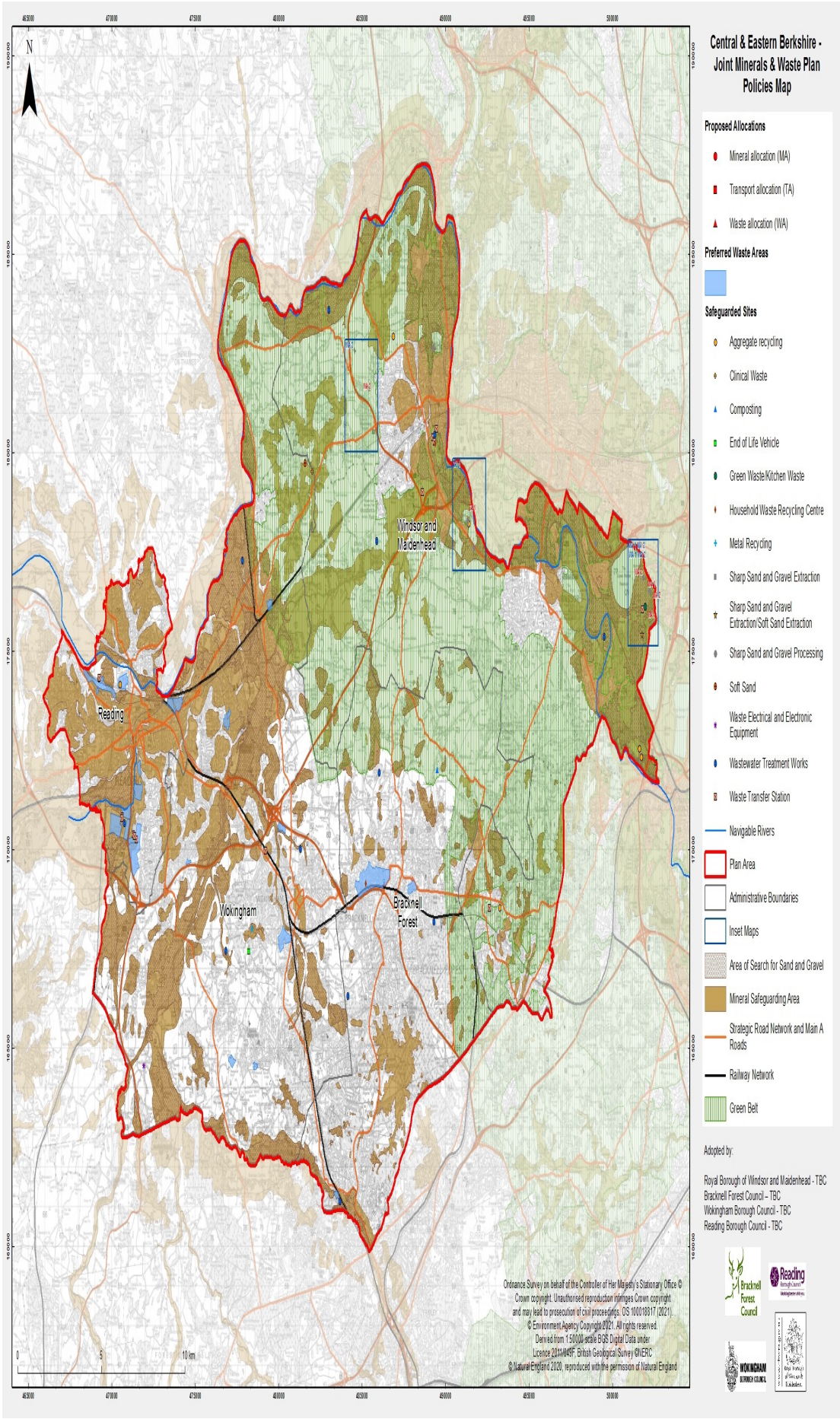
Waste Transfer Station (WTS): A location where waste can be temporarily stored, separated and bulked after being dropped off by domestic waste-collection lorries and before being carried off by larger vehicles for subsequent treatment or ultimate disposal.

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



Central & Eastern Berkshire - Joint Minerals & Waste Plan Policies Map

- Proposed Allocations**
- Mineral allocation (MA)
 - Transport allocation (TA)
 - ▲ Waste allocation (WA)
- Preferred Waste Areas**
-
- Safeguarded Sites**
- Aggregate recycling
 - Clinical Waste
 - ▲ Composting
 - End of Life Vehicle
 - Green Waste/Kitchen Waste
 - Household Waste Recycling Centre
 - ▲ Metal Recycling
 - Sharp Sand and Gravel Extraction
 - ★ Sharp Sand and Gravel Extraction/Soft Sand Extraction
 - Sharp Sand and Gravel Processing
 - Soft Sand
 - Waste Electrical and Electronic Equipment
 - Wastewater Treatment Works
 - Waste Transfer Station
- Other Features:**
- Navigable Rivers
 - Plan Area
 - Administrative Boundaries
 - Inset Maps
 - Area of Search for Sand and Gravel
 - Mineral Safeguarding Area
 - Strategic Road Network and Main A Roads
 - Railway Network
 - Green Belt

Adopted by:

- Royal Borough of Windsor and Maidenhead - TBC
- Bracknell Forest Council - TBC
- Wokingham Borough Council - TBC
- Reading Borough Council - TBC

Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office ©
 Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution of civil proceedings. OS 100018817 (2021).
 © Environment Agency Copyright 2021. All rights reserved.
 Derived from 1:50,000 scale BGS Digital Data under
 Licence 2014/0497. British Geological Survey ©NERC
 © Natural England 2020, reproduced with the permission of Natural England



This page is intentionally left blank

Report to Bracknell Forest Council, Reading Borough Council, The Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (the Central and Eastern Berkshire Authorities)

by Rachael A Bust BSc (Hons), MA, MSc, LL.M, PhD, MInstLM, MCMI, MIEEnvSci, MRTPI and Nick Palmer BA (Hons) BPI MRTPI

Inspectors appointed by the Secretary of State

20 October 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Central and Eastern Berkshire Joint Minerals and Waste Plan

The Plan was submitted for examination on 25 February 2021

The examination hearing was held between 28 September and 12 October 2021

File Ref: PINS/X0360/429/10

Contents

Abbreviations used in this report	3
Non-Technical Summary	4
Introduction	6
Context of the Plan	7
Public Sector Equality Duty	7
Assessment of Duty to Co-operate.....	8
Assessment of Other Aspects of Legal Compliance	9
Assessment of Soundness	10
Issue 1 – Vision, Strategic Plan Objectives and Spatial Strategy	10
Issue 2 – Supply of aggregate minerals	11
Issue 3 – Provision for other minerals	15
Issue 4 – Balancing the needs of competing development, aggregate wharves and rail depots	15
Issue 5 – Strategy for waste management	18
Issue 6 – Development Management policies	21
Issue 7 – Monitoring arrangements	23
Overall Conclusion and Recommendation	24
Schedule of Main Modifications	Appendix

Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
ha	Hectare
LAA	Local Aggregate Assessment
LWS	Local Wildlife Site
MM	Main Modification
Mt	Million tonnes
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SFRA	Strategic Flood Risk Assessment
SoCG	Statement of Common Ground

Non-Technical Summary

This report concludes that the Central and Eastern Berkshire Joint Minerals and Waste Plan (the Plan) provides an appropriate basis for the planning of minerals and waste development in Bracknell Forest Council, Reading Borough Council, The Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (the Authorities), provided that a number of main modifications [MMs] are made to it. The Authorities have specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing, the Authorities prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Policy amendments are made, and references updated to accord with the 2021 National Planning Policy Framework (NPPF).
- The Spatial Strategy is amended to include addressing the causes of climate change and mitigating and adapting to its effects.
- Development Management policies for development in the Green Belt and development affecting heritage assets are amended.
- Policies are amended to ensure that flood risk and water resources are adequately considered.
- A Development Management policy on the past performance of operators has been amended to one of consideration of site history.
- Clarification regarding aggregate material that is not available within the Plan area and its anticipated rates of provision.
- Clarification as to rates of delivery of sand and gravel from allocated sites and future reliance on new sites coming forward within the Area of Search. The criteria used for defining the Area of Search are set out.
- A Minerals Safeguarding Area is defined and safeguarding of waste facilities is covered separately. Amendments are made to mineral safeguarding policy and its monitoring.
- Clarification regarding consultation on developments that could affect mineral resources.
- Policy on chalk and clay extraction is modified to require consideration of recycled and secondary materials as alternatives.
- Amendment to policy on sustainable waste management to ensure that development follows the waste hierarchy.
- Clarification of policy on the safeguarding of waste facilities to ensure that this relates to lawful or permitted development.
- Equal priority is given to waste management facilities on allocated sites and within Preferred Waste Areas.
- Development considerations for the allocated sites to ensure adequate consideration of Green Belt policy, flood risk, ecology and other matters.

- The Preferred Waste Areas listed in Appendix C of the Plan are amended, and an additional site has been added to the list of safeguarded sites in Appendix E.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Central and Eastern Berkshire Minerals & Waste Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Authorities have submitted what they consider to be a sound plan. The Central and Eastern Berkshire Joint Minerals and Waste Plan, submitted in February 2021 is the basis for our examination. It is the same document as was published for consultation in September 2020.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Authorities requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearing, the Authorities prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks from 28 February 2022 to 11 April 2022. We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal and habitats regulations assessment that have been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

5. The Authorities must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Authorities are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this

case, the submission policies map comprises the set of plans identified as the Central and Eastern Berkshire Joint Minerals and Waste Plan Submission Policies Map (June 2020) as set out in document reference SD02, together with inset maps for proposed allocations at Appendix A of the Plan.

6. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require corresponding changes to be made to the policies map.
7. These further changes to the policies map were published for consultation alongside the MMs (the Central and Eastern Berkshire Joint Minerals and Waste Plan Modified Policies Map (December 2021) (MD09).
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Authorities will need to update the adopted policies map to include all the changes proposed in the Submission Policies Map and the further changes published alongside the MMs.

Context of the Plan

9. The Central and Eastern Berkshire Joint Minerals and Waste Plan (the Plan) covers the administrative areas of Bracknell Forest Council, Reading Borough Council, The Royal Borough of Windsor and Maidenhead and Wokingham Borough Council. It replaces the saved policies of the Replacement Minerals Local Plan for Berkshire (2001) and the Waste Local Plan for Berkshire (1998) in so far as they apply to the Plan area.
10. The northern and eastern parts of the Plan area, principally within The Royal Borough of Windsor and Maidenhead, but also including parts of Bracknell Forest and Wokingham are within the Metropolitan Green Belt. There is no designated Area of Outstanding Natural Beauty (AONB) within the Plan area, but the North Wessex Downs AONB and the Chilterns AONB adjoin or are close to the north and west of the Plan area.

Public Sector Equality Duty

11. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including protection of health, safety and amenity and ensuring sustainable accessibility for all persons including those with relevant protected characteristics.

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that we consider whether the Authorities complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. Minerals and waste developments are strategic matters for the purposes of the statutory duty. The Authorities identified a number of issues including the supply of minerals, dependence on minerals and waste treatment infrastructure outside the plan area and major infrastructure projects affecting minerals and waste operations. The inter-connective relationship with Slough Borough was also identified as an issue. The Authorities have engaged with neighbouring minerals and waste planning authorities and those across the south-east of England on strategic minerals and waste planning issues, including the supply of sharp sand and gravel and soft sand, the movement of waste to an energy from waste facility in Slough and the deposit of inert waste on land. The engagement has taken place through the South East England Aggregate Working Party and the South East Waste Planning Advisory Group as well as directly with other authorities.
14. This has led to preparation of Statements of Common Ground (SoCG) and position statements which cover the above identified issues. The SoCG cover soft sand supply, sharp sand and gravel supply, and strategic waste management policies. There are also SoCG with West Berkshire Council regarding strategic mineral issues and with Slough Borough Council regarding movement of waste to an energy from waste facility in that authority's area. The SoCG have been signed by all relevant authorities with the exception of Central Bedfordshire Council which is not party to the SoCG on soft sand. It is clear, however that there has been discussion with that Council and there is no evidence of disagreement. It is also clear that there was constructive, active and ongoing engagement between the authorities prior to submission of the Plan. This took the form of meetings and correspondence between the authorities involved, in order to plan positively and to maximise the effectiveness of the Plan preparation.
15. The Duty to Co-operate Statement indicates that there has been engagement with the bodies prescribed in section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Environment Agency, Highways England, Historic England and Natural England have been actively engaged in the consultation processes on the Plan and comments made by those bodies have been resolved. In particular, detailed comments made by the Environment Agency were subject to discussion in the hearing and the outstanding issues were resolved. For these reasons there has been constructive, active and ongoing engagement with prescribed bodies.

16. We are satisfied that where necessary the Authorities have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

17. The Plan has been prepared in accordance with the Local Development Schemes of the four constituent authorities.
18. Consultation on the Plan and the MMs was carried out in compliance with the adopted Statements of Community Involvement of the four constituent authorities.
19. The Authorities carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under regulation 19. The appraisal was updated to assess the main modifications.
20. The Habitats Regulations (Appropriate Assessment) Report (August 2020) sets out that a full assessment has been undertaken, that the Plan may have some negative impact which requires mitigation, and that this mitigation has been secured through the Plan.
21. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Central and Eastern Berkshire Joint Minerals and Waste Plan area.
22. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the Plan area contribute to the mitigation of, and adaptation to, climate change. Policy DM2 of the Plan requires mitigation and adaption measures, and Policy DM10 provides for no increase in flood risk and for flood protection and resilience measures. Policy DM12 requires consideration of sustainable means of transport and Policy DM13 requires design to reduce greenhouse gas emissions. Policy M5 supports the supply of recycled and secondary aggregates as an alternative to primary material. Policy W1 encourages waste to be managed at the highest achievable level in the waste hierarchy.
23. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Main Issues

24. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing, we have identified 7 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the Vision, Strategic Plan Objectives and Spatial Strategy are appropriate, positively prepared and are soundly based and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.

25. In making provision for minerals and waste developments, the Plan is based on consideration of future patterns of growth in major planned development, assessed by Minerals and Waste Background studies. The provision for sand and gravel is based on the average of 10 years' sales data in accordance with the NPPF.

26. There are currently no active soft sand sites in the Plan area. The Local Aggregate Assessment (LAA) notes that these resources are generally of poor quality, and this has been confirmed by operators. Past soft sand sales are included in the 10 years' sales average, but the Minerals Background Study indicates that the only soft sand production in the Plan area over that period was incidental production at one quarry. Although there is no data for soft sand production over the 10 year period, it is likely that soft sand formed only a small proportion of this.

27. The Minerals Background Study assessed estimated demand for soft sand over the Plan period using different growth scenarios and based its finding on the average level of demand from the four growth scenarios considered. The Soft Sand Study identified a number of sources outside the Plan area which can enable a steady and adequate supply of this mineral.

28. The number of minerals and waste sites available is limited and this restricts the ability to locate sites close to growth areas. However, the Plan incorporates flexibility in that Policy M4 provides for Areas of Search for sand and gravel and Policy W4 provides for waste development to take place in Preferred Waste Areas and other appropriate locations. These are locations which accord with the Plan's development management policies and **MM42, MM46, MM51, MM54, MM62, MM64** and **MM66** are necessary to clarify this to ensure that the Plan is effective. Connectivity to areas of major new development is provided for by Policy W4 and Policy DM12.

29. The location of allocated sites has been informed by the Strategic Flood Risk Assessment (SFRA). This document was amended during the course of the examination to address concerns that had been expressed by the Environment Agency. The Agency has confirmed that it has no objections to the Assessment as amended. The revised SFRA raised some implications for the Preferred Waste Areas which are dealt with under issue 5 in this report.

30. In paragraph 1.9 of the Plan the revisions to the NPPF published in 2018 and 2019 are referred to. This text requires amendment to refer to the 2021 NPPF and **MM1** is necessary to make this change to ensure consistency with national policy. **MM2** is also necessary in this regard to amend footnote 24. Further similar amendments are necessary for consistency with national policy throughout the Plan and **MM29, MM36, MM37, MM44, MM47, MM48, MM49, MM50, MM53, MM55, MM57, MM61** and **MM82** make these changes.

31. Paragraph 3.16 of the Plan sets out the principles which form the basis for the spatial strategy. It is a strategic objective of the Plan to help mitigate the causes of, and adapt to, climate change. However, the principles underlining the spatial strategy do not specifically refer to consideration of the causes of climate change and mitigation to address its effects. These considerations should form part of the spatial strategy in order for it to be effective and **MM3** is necessary to include them.

Conclusion

32. Subject to the MMs identified above the Plan's Vision, Strategic Plan Objectives and Spatial Strategy are appropriate, positively prepared, and are soundly based and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.

Issue 2 – Whether the Plan makes adequate provision for the steady and adequate supply of aggregate minerals.

33. The 10 year sales average for sand and gravel, as identified in the LAA is 0.628 Mt per annum. Economic forecasts and consideration of construction projects have been used to model growth rates. These rates support the use of the 10 year sales average in arriving at the requirement. The 10 year sales average includes sales of soft sand but the proportion of this material is indicated in the Minerals Background Study to be small. Although there is currently no economically viable soft sand quarry, the use of the 10 year sales average figure to determine the requirement for sharp sand and gravel is robust. Policy M3 identifies an annual requirement of 0.628 Mt and a total requirement of 5.447 Mt of sharp sand and gravel and these figures are justified on the basis of the evidence submitted.

34. The Authorities engaged with site operators, agents and landowners and reviewed former allocations in order to identify sites for allocation. The Minerals: Proposal Study sets out the site selection exercise. This shows that the sites that were discounted were subject to objections from statutory consultees or were not sufficiently supported in terms of evidence to demonstrate deliverability and viability. The evidence supporting this exercise demonstrates that it has not been possible to allocate sites to meet the identified requirement.
35. Sites at Bray Quarry and Riding Court Road, Datchet were not included in the submission Plan because of outstanding objections and documents before us indicate that those objections may have been overcome, at least in part. Notwithstanding this, our examination is restricted to the Plan as submitted and not these omission sites.
36. Because the Plan does not allocate sufficient sites to meet the identified requirement, an Area of Search is identified within which proposals for new quarries will be supported. This approach is in accordance with national policy. The methodology used in identifying the Area of Search has been justified. In addition, the Authorities maintain close working relationships with other mineral planning authorities to ensure continuation of the supply of aggregates from outside the Plan area.

Policy M1 – Sustainable minerals development strategy

37. Policy M1 sets out the strategy for sustainable minerals development. It contains five criteria, all of which apply. In order to ensure this, it is necessary to insert the word 'and' after the penultimate criterion. **MM27** makes this change and is necessary to ensure the policy is effective.
38. Criterion (a) of Policy M1 provides for working with relevant minerals planning authorities to maintain the supply of aggregate not available within the Plan area. This means minerals that are not geologically present in the Plan area and minerals that need to be imported to the Plan area due to constraints on supply. Clarification of this is necessary to ensure the policy is effective. **MM28** is necessary to provide this clarification. We have made minor amendments to **MM28** to correct grammatical and typographical errors.

Policy M3 – Sand and gravel supply

39. Paragraph 6.57 relates to Policy M3 and explains that any change in local circumstances, such as increased demand arising from infrastructure projects, may change the level of need for sand and gravel within the Plan area and that this will be regularly monitored and reviewed. The Minerals Background Study predicts the depletion rate of sand and gravel in the Plan area, and from this the anticipated rates of future provision from outside the area can be derived. In

order to provide a full explanation in the Plan and to ensure its effectiveness it is necessary to state those anticipated rates in the supporting text to Policy M3.

MM38 adds this information. Paragraph 6.57 also refers to the 'provision rate' which may change over the Plan period. To ensure clarity, we have amended this to refer to the required supply of sand and gravel.

40. **MM39** is also necessary to provide further explanation of the local circumstances that could influence the importation of aggregates, which could include infrastructure projects. This change is necessary to ensure the effectiveness of Policy M3.
41. In order to ensure that importation of aggregates is effectively monitored, a new monitoring indicator is required in paragraph 6.66. It is also necessary to review policy on the basis of an increasing trend in sales over 3 years, rather than 5 years, to ensure internal consistency. **MM40** is necessary to ensure effectiveness in these respects.

Policy M4 – Locations for sand and gravel extraction

42. Policy M4 allocates two extensions to existing quarries. However, those extensions together with the extraction of remaining permitted reserves are not sufficient to meet the identified requirement. There will be a shortfall over the Plan period of 2.5 Mt and, without additional sites, the ability to meet the annual requirement will cease from 2023. Policy M4 makes provision for new sites to come forward within the identified Area of Search and to maintain the requisite landbank of at least 7 years' worth of supply.
43. **MM43** adds supporting text to explain that the Area of Search excludes designated habitats, ancient woodland and heritage assets as well as built up areas and areas of remaining resource of less than 3 hectares. It takes into account the potential for the Area of Search to change over the Plan period as a result of any review of the policy arising from monitoring but states that the criteria for designation will remain constant. This additional text is necessary to fully explain how the Area of Search has been defined and to ensure consistency with national policy. A minor change is made to **MM43** to correct a grammatical error.
44. The Planning Practice Guidance (PPG) states that, in order of priority, specific sites should be designated, followed by preferred areas and lastly areas of search. This priority reflects greater levels of uncertainty as to the availability of mineral resources within areas of search, and less certainty that planning permission will be granted. There is insufficient evidence in terms of the economic availability of mineral resources in any particular area to justify designating preferred areas and so the Area of Search has been identified. This provides wider coverage of the available sand and gravel resources and provides flexibility.

45. It is necessary for the supporting text to provide full explanation of the reasoning behind the policy including the role of the Area of Search in meeting the requirement. **MM41** adds text to provide further explanation of the policy approach including the times at which the allocations are expected to come forward, the extent of the shortfall and implications for supply and the expectations for the Area of Search. These changes are necessary to ensure the policy is positively prepared and effective. A minor change is made to **MM41** to correct a typographical error.
46. **MM42** amends Policy M4 to make clear that proposals for the allocated quarry extensions must address the development considerations in Appendix A and that the 'appropriate locations' referred to in part (3) of the policy are those which comply with all relevant policies in the Plan. It also states the amount of mineral to be provided by each of the allocated sites. These changes are necessary for effectiveness.

Site Allocations

47. The sites which have been allocated have been demonstrated through the site selection exercise and sustainability appraisal to be acceptable and soundly-based. However, the detailed development considerations require amendment.

MA1 Horton Brook and Poyle Quarry Extension, Horton

48. The development considerations in Appendix A state that site MA1 is expected to deliver 250,000 tonnes but this figure has been amended to 150,000 tonnes in order to retain a tree belt planted 15 years ago. It is necessary to amend this figure accordingly, to ensure that it is justified and effective. **MM70** makes this change.
49. The Strategic Flood Risk Assessment (SFRA) was revised during the course of the examination to include assessment of climate change and to address concerns expressed by the Environment Agency. Additional text is necessary in the development considerations for site MA1 to reflect the findings of the SFRA and to consider water resources. **MM71** adds the necessary text which is required to ensure effectiveness.

MA2 Poyle Quarry Extensions, Horton

50. It is necessary for the development considerations to state the requirements arising from the SFRA in order to ensure effectiveness. **MM73** provides additional text in this regard.

Policy M5 – supply of recycled and secondary aggregates

51. The supporting text to Policy M5 refers to national policy in the NPPF. This has been updated and **MM45** is necessary to ensure the reference to national policy is correct. Policy M5 supports the production of recycled and secondary aggregates in appropriate locations. It is necessary to clarify the meaning of 'appropriate locations' to ensure that the policy is effective. **MM46** inserts text to state that such locations are those which comply with all relevant policies in the Plan.

Conclusion

52. Subject to the MMs identified above, the Plan makes adequate provision for the steady and adequate supply of aggregate minerals.

Issue 3 – Whether the Plan makes adequate provision for other minerals.

53. There is no need to allocate any site for chalk production due to lack of demand. Similarly, there is very limited demand for clay and no brick or tile works in the Plan area and thus no need to allocate any site for clay extraction.

Policy M6 – Chalk and clay

54. Policy M6 supports the extraction of chalk and clay to meet a local requirement in appropriate locations. It is necessary to clarify the meaning of 'appropriate locations' to ensure that the policy is effective. In order to ensure that the policy is justified and effective it is also necessary to clarify that its requirement that there is no suitable, sustainable alternative source of material includes substitute or recycled secondary material. **MM51** inserts text to clarify these points. **MM52** adds to the supporting text regarding the availability of substitute or recycled secondary material.

Conclusion

55. Subject to the MMs identified, the Plan makes adequate provision for other minerals.

Issue 4 – Whether the Plan adequately balances the needs of competing development and whether the policy supporting aggregate wharves and rail depots is sound.

Policy M2 – Safeguarding sand and gravel resources

56. Paragraph 6.31 and Policy M2 of the submitted Plan refers to Minerals and Waste Safeguarding Areas. Because the safeguarding of mineral resources will need to relate to the areas of known resources and waste safeguarding will relate to individual sites, the combination of these into a single area is not justified. Mineral infrastructure is safeguarded under Policy M8 and waste facilities are safeguarded under Policy W2, and sites are listed in Appendix E. It is therefore necessary to amend the designation to Minerals Safeguarding Areas in Policy M2 and its supporting text for effectiveness. **MM30, MM31, MM32, MM33** and **MM34** make the required amendments.
57. Consultation areas around minerals and waste sites have also been established by the Authorities. These are used by the Authorities to establish the need for consultation both within the Plan area and with neighbouring authorities in respect of proposals within defined buffer distances of minerals and waste sites. Because this is an internal tool, inclusion of the consultation distances in the Plan is not necessary and this could potentially be misleading. Therefore, to ensure effectiveness **MM34** deletes references to the consultation distances.
58. In order to be effective, Policy M2 should require the preparation of a Mineral Resources Assessment for non-minerals development within Minerals Safeguarding Areas. To be consistent with national policy it should make clear that prior extraction is maximised where this is practical and environmentally feasible. It is also necessary to clarify for effectiveness that temporary development may take place without sterilising the mineral. **MM32** is required to make these changes.
59. The supporting text explains the approach that will be taken to safeguarding mineral resources. A threshold of 3 hectares is used for such assessment which is based on the Minerals and Waste Safeguarding study. This is justified on the basis of economic viability by way of comparison with guidance in Hampshire and Essex. The Authorities did also test this threshold in relation to site areas of planning permissions to further justify and assess the impact of the policy in practice. The Minerals and Waste Safeguarding study was updated in February 2022 [HS74a], and it is necessary to include reference to the updated document for effectiveness. **MM33** makes this change.
60. The monitoring indicator in paragraph 6.48 would not be effective in that it is restricted to sites above 3 hectares in size and would not cover piecemeal

sterilisation by smaller developments. There is no provision for monitoring of the amount of sand and gravel extracted through prior extraction. For these reasons monitoring of Policy M2 would be ineffective. Amendments are therefore required to the monitoring indicator to cover all developments, whatever their size, and an additional monitoring indicator is necessary in respect of prior extraction of sand and gravel. **MM35** makes these changes.

Policy M7 - Aggregate wharves and rail depots

61. It is necessary to ensure the policy requires proposals to address the development considerations in respect of the allocated site, which are set out in Appendix A, and to explain the meaning of the term 'appropriate locations' in the policy. **MM54** adds text to include these requirements and explanation. This is necessary to ensure the policy is effective.

Site Allocation TA1 (Monkey Island Wharf, Bray)

62. The site at Monkey Island Wharf would be accessed via a waterway from the River Thames which is known as The Cut. This is designated as the Greenway Corridor Local Wildlife Site (LWS). Use of this waterway by minerals barges would require cutting back of vegetation and would be likely to require dredging. While works to make this accessible would impact biodiversity, compensatory measures elsewhere within the LWS could be provided. The development considerations should require an ecological assessment and consideration of ecological improvements in order to ensure effectiveness and consistency with national policy in terms of using opportunities to improve biodiversity. **MM72** adds these development considerations in Appendix A.
63. Allied to this there would be implications for the morphology of The Cut and the River Thames in order to provide for navigation of mineral barges. It is necessary to require assessment of changes to the channel profile and to require restoration, and compensation for loss, of habitat along the river. **MM72** adds requirements in these regards, which are necessary to ensure effectiveness and consistency with national policy. These changes address concerns that were expressed by the Environment Agency.
64. It is also necessary to add detailed ecological considerations to reflect alterations to the waterway and flood risk considerations to reflect the updated SFRA. **MM72** adds further development considerations, and this change is necessary to ensure the policy is effective. Deletions are made to text that is not necessary, in part because Section 60 Accommodations Licensing is a separate means of control.

Policy M8 - Safeguarding minerals infrastructure

65. For the reasons given above in respect of Policy M2, it is necessary to delete reference to 'waste' in the Minerals and Waste Safeguarding Area and to the consultation area as this is not justified or effective. **MM56** is necessary to make this change.

Conclusion

66. Subject to the MMs set out above, the Plan adequately balances the needs of competing development and the policy supporting aggregate wharves and rail depots is sound.

Issue 5 – Whether the strategy for waste management is appropriate, soundly based and meets needs for waste facilities.

Policy W1 - Sustainable waste development strategy

67. The National Planning Policy for Waste requires waste planning authorities to drive waste management up the waste hierarchy. The first principle of the strategy as set out in the policy is to 'encourage' waste to be managed at the highest achievable level within the waste hierarchy. This is a less rigorous requirement and for this reason is not consistent with national policy. It is necessary that proposals demonstrate how waste will be managed at the highest achievable level, and **MM58** makes this change to the policy.

Policy W2 - Safeguarding of waste management facilities

68. Policy W2 safeguards existing and proposed waste management facilities. The policy as worded would safeguard unauthorised developments, however. It is necessary for the policy to make clear that the safeguarding requirement applies only to developments that are permitted or lawful, and when such developments are subject to time-limited permissions, the time limits have not expired. This ensures that other policies in the Plan can be given proper consideration. **MM59** makes these changes which are necessary to ensure effectiveness.
69. The supporting text refers to the Minerals and Waste Safeguarding Area. This requires amendment to delete reference to the Minerals and Waste Safeguarding Area and to ensure consistency with Policy M2. It is also necessary to make clear that a list of safeguarded sites is in Appendix E of the Plan and that this will be updated to reflect new permissions and closed facilities. **MM60** is necessary for effectiveness.
70. The Star Works at Knowl Hill manages clinical waste and this facility is not included in the list of safeguarded sites in Appendix E of the Plan. Interested

parties have objected to the safeguarding of Star Works on the basis that the clinical waste facility is not lawful or permitted. The objectors state that this use has been in existence since 2004 but that it does not fall within the authorised B2 use. The Authorities indicated that the representations that have been made as to lawfulness have been fully considered and they are of the view that the use is lawful. On this basis the Authorities say that it should be included in the list of safeguarded sites in Appendix E.

71. The lawfulness or otherwise of the clinical waste facility can only be determined under an application for a Certificate of Lawfulness. We have taken into account the representations made by the local residents but find no reason to disagree with the Authorities' view on this matter.
72. Policy W2 as modified by **MM59** only safeguards lawful or permitted waste management facilities and if the facility at Star Works was subsequently found to be unlawful it would not be protected by the policy. Neither would inclusion in the list of safeguarded sites prevent any subsequent enforcement action should this be deemed necessary.
73. The list at Appendix E would also be subject to review. For these reasons we find that inclusion of the clinical waste facility at Star Works to be appropriate and justified. **MM81** adds this site to the list of safeguarded sites.

Policy W3 - Waste capacity requirements

74. Policy W3 sets out the required waste management capacities, which are based on the future need for the Plan area as set out in the Waste Background Report. The policy identifies a greater amount of non-hazardous recycling capacity than recovery capacity, in accordance with the waste hierarchy. Notwithstanding that waste may cross administrative boundaries for treatment as determined by the market, the policy makes provision for the need identified for the Plan area so that this could be self-sufficient.
75. Clarification is required of the term 'appropriate locations' which are those that comply with all relevant policies in the Plan. **MM62** adds this explanation and is necessary to ensure effectiveness.

Policy W4 - Locations and sites for waste management

76. The supporting text states that smaller scale facilities will normally be compatible with most general industrial estates. Paragraph 7.93 states that such sites would be those within the B2 and B8 use classes and that sites in B1 use would have limited suitability for waste management uses. This reference should be updated to refer to Class E(g)(iii) of the amended Use Classes Order. **MM63** makes this change which is necessary for effectiveness.

77. Policy W4 allocates three sites for waste management, all of which are within the Green Belt. Any built form on these sites would be likely to be inappropriate development unless one of the exceptions as set out in the NPPF applies. Harm arising from inappropriate development would need to be balanced against other considerations which could include benefits from sustainable treatment of waste and potentially production of energy. The sites are identified for specific waste types including inert waste and green waste which are likely to have specific locational requirements.
78. The policy provides flexibility by identifying Preferred Waste Areas which include industrial estates. These are outside the Green Belt. Consideration was given as to whether the facilities to be located on the allocated sites could be located within the Preferred Areas, however this was not possible. Given that the allocated sites are identified for specific types of waste processing, there is no need to prioritise waste development within Preferred Waste Areas before allocated sites. This priority could discourage development of the facilities identified for the allocated sites. Because this approach is not justified it is necessary to ensure that the policy gives equal priority to allocated sites and Preferred Waste Areas. **MM64** makes this change.
79. It is also necessary to ensure that the development considerations for allocated sites in Appendix A form part of the policy and **MM64** includes this requirement which is necessary for effectiveness. The last part of the policy refers to 'appropriate locations' and it is necessary to explain this term to ensure effectiveness. **MM64** provides this explanation.
80. The policy requires that Preferred Waste Areas, together with site allocations, are considered in the first instance before other appropriate locations. In order to ensure clarity and effectiveness it is necessary for the supporting text to explain the reasoning for the allocations within the Green Belt and the priority order of the policy. **MM65** makes these changes.

Site Allocations

WA1 Berkyn Manor, Horton

81. It is necessary for the development considerations in Appendix A to refer to national policy on Green Belt, to ensure consistency with national policy. It is also necessary to include reference to matters arising from the SFRA to ensure effectiveness.
82. The Colne and Crane Valleys Green Infrastructure Strategy (2019) should also be taken into account and this should be included in the development considerations. **MM67** makes these changes which are necessary for effectiveness and consistency with national policy.

WA2 Horton Brook Quarry, Horton

83. The area of the site is incorrectly stated as '55 ha'. **MM68** makes the necessary correction to 5.5 ha to ensure effectiveness.
84. It is necessary for the development considerations to include consideration of national policy on Green Belt, to consider the Colne and Crane Valleys Green Infrastructure Strategy and to include considerations arising from the SFRA. **MM69** makes the necessary changes which are required for effectiveness and consistency with national policy.

WA3 Stubbings Compound, Pinkneys Green, Maidenhead

85. Consideration must be given in Appendix A to national policy on Green Belt and to the findings of the SFRA in respect of WA3. **MM74** adds these development considerations which are necessary to ensure effectiveness and consistency with national policy.

Preferred Waste Areas

86. The revised SFRA, which includes an allowance for climate change, indicates that two of the Preferred Waste Areas at Newlands Farm, Crowthorne and Brookside Business Park, Swallowfield will be at unacceptable risk of flooding. For this reason, their inclusion as Preferred Waste Areas is not justified. **MM75**, **MM79** and **MM80** are necessary for this reason to remove those sites from the list in Appendix C of the Plan. In addition, **MM76**, **MM77** and **MM78** identify that site specific flood risk assessments would be required for three of the Preferred Waste Areas (Richfield Avenue/Tessa Road Area; Paddock Road Industrial Estate; and Wigmore Lane) to demonstrate that the proposals would be safe for the lifespan of the development. These changes are necessary for effectiveness.

Policy W5 - Reworking landfills

87. It is necessary for the policy to explain the meaning of the term 'appropriate locations' which comply with all relevant policies in the Plan. **MM66** provides this explanation and is necessary for effectiveness.

Conclusion

88. The Plan adequately provides for the identified waste needs and is positively prepared in this respect. Subject to the above MMs, the strategy for waste management is appropriate, soundly based and meets needs for waste facilities.

Issue 6 – Whether the Development Management policies are justified, effective and consistent with national policy.

89. Throughout the Plan reference was made to the NPPF 2019 which needs to be updated to the NPPF 2021. With regard to the development management policies section a number of updates are required. As such the supporting text of Policies DM2 (Climate Change – Mitigation and Adaptation) and DM3 (Protection of Habitats and Species) has been amended through **MM4**, **MM5** and **MM6** to refer to the NPPF 2021. The supporting text of Policies DM12 (Sustainable Transport Movements) and DM13 (High Quality Design of Minerals and Waste Development) has been amended through **MM23** and **MM24** to refer to the NPPF 2021.
90. Policy DM4 (Protection of Designated Landscape) does not effectively set out criteria for how development which affects the setting of an Area of Outstanding Natural Beauty should be assessed. In this respect it is not fully consistent with national policy. Re-wording of the policy and its supporting text addresses this through **MM7** (including an updated reference to the NPPF 2021) and **MM8**.
91. Policy DM5 (Protection of the Countryside) is not effective in setting out whether or not proposals would be acceptable in the countryside and the criteria for their assessment. An alteration to the policy, together with its introductory text, addresses this in **MM9** and **MM10**.
92. Policy DM6 (Green Belt) is inconsistent with national policy because it does not allow for consideration of effects on openness and the purposes of including land in the Green Belt as part of the assessment of whether development would be inappropriate. Neither does it differentiate between minerals and waste development in these respects. It is also not effective in terms of providing policy for waste development that may be inappropriate development. Consequently, the restructuring of the policy to differentiate between mineral extraction and waste management proposals and additional policy wording to deal with the above matters are necessary. These matters are addressed by **MM13**. A change to the supporting text in paragraph 5.55 is also dealt with in **MM14**. This provides explanation of circumstances in which waste proposals may be acceptable in the Green Belt and matters that will be considered and is necessary for effectiveness. Updates to the supporting text relating to the NPPF 2021 are dealt with in **MM11**, **MM12** and **MM14**.
93. Policy DM7 (Conserving the historic environment) is inconsistent with national policy in relation to the difference between designated and non-designated heritage assets. The policy should be re-worded to be consistent with national policy. **MM16** sets this out. An update to the supporting text to reflect the changes in NPPF 2021 is made in **MM15**.

94. Policy DM8 (Restoration of Minerals and Waste Developments) is ineffective in relation to what restoration information would be required for proposals, together with the omission of flood risk management being a matter for inclusion within restoration proposals. Re-wording of the policy is necessary to deal with these matters. **MM17** sets these out.
95. Policy DM10 (Flood Risk) is not fully consistent with national policy as supplemented by the Planning Practice Guidance, or effective because the sequential approach is not clearly stated, and neither is the approach to reducing flood risk overall. The requirements of site drainage systems are not stated. The supporting text should refer to restoration of mineral workings for effectiveness and further explanation of the exception test requirements for waste development is necessary for consistency with national policy. A series of changes to the policy and the supporting text secure the necessary consistency and effectiveness in **MM18**, **MM19**, **MM20** and **MM21**.
96. Policy DM11 (Water Resources) is not fully effective in relation to its approach to the protection of groundwater. **MM22** addresses this issue by requiring assessment of impact on nearby private and licensed abstractions and by requiring hydrogeological as well as hydrological risk assessments and stating the requirements of those assessments.
97. Policy DM15 (Past operator performance) is fundamentally unsound in that it deals with the past performance of site operators rather than land use planning matters. As such it is not positively prepared, or consistent with national policy which states that it must be assumed that separate pollution control regimes will operate effectively. In order for Policy DM15 to be effective, positively prepared and consistent with national policy, **MM25** significantly re-focuses the policy onto land use matters and re-names it DM15 (Site History). A consequential change is also made to the accompanying monitoring framework in paragraph 5.150 through **MM26**.

Conclusion

98. Subject to the above MMs the development management policies are justified, effective and consistent with national policy.

Issue 7 – Whether the monitoring arrangements will be effective.

99. Whilst the monitoring and review provisions are generally sound there were a small number of amendments that were consequentially required in relation to modifications made to Policy DM15; Policy M2 and Policy M3. The reasoning for these amendments were set out in relation to these policies earlier in this report.

Conclusion

100. Subject to the above mentioned modifications the monitoring arrangements are effective.

Overall Conclusion and Recommendation

101. The Central and Eastern Berkshire Joint Minerals and Waste Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

102. The Authorities have requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Central and Eastern Berkshire Joint Minerals and Waste Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Rachael A Bust and Nick Palmer

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

Central and Eastern Berkshire Joint Minerals & Waste Plan

Schedule of Main Modifications

Text to be inserted is shown **bold and underlined**.

Text to be deleted is shown ~~struck through~~.

399

Ref.	Policy / Para.	Page	Main Modification
MM1	1.9	3	<p>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 Guidance² launched in 2014 as a live document, updated as necessary by the Government. The NPPF was subsequently revised in 2018, <u>2019</u> and <u>2021</u>2019³. The Waste Management Plan for England⁴ was published in December 2013, followed by the National Planning Policy for Waste⁵ which was published in October 2014. The 25 Year Environment Plan⁶ 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 2018⁷. The Strategy seeks to preserve material resources by minimising waste, promoting resource efficiency, and encouraging a move towards a circular economy.</p> <p>³ National Planning Policy Framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf <u>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</u></p>
MM2	1.20	6	<p>The NPPF²⁴ 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</p>

Ref.	Policy / Para.	Page	Main Modification
			<p>should decide whether the policies need updating and if not, the reasons for this decision must be published.</p> <p>²⁴ 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 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM3	3.16	16	<p><u>xii. Address both the causes of climate change and seek ways to mitigate and adapt to its potential effects.</u></p>
MM4	Policy DM 2 / 5.10 & 5.11	22	<p>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 infrastructure³⁰.</p> <p>National planning policy also states that <u>'Plans should take a proactive approach to mitigating and adapting to climate change'</u> local planning authorities should adopt proactive strategies to mitigate and adapt to climate change³¹. 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 temperatures³².</p> <p>³⁰ National Planning Policy Framework (Para. 152148): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³¹National Planning Policy Framework (Para. 153149)</p> <p>³²National Planning Policy Framework (Para. 153149)</p>

Ref.	Policy / Para.	Page	Main Modification
MM5	Policy DM3 / 5.19 & 5.20	25	<p>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’³⁴</p> <p>The Environment Act³⁵ 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’³⁶ 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.</p> <p>³⁴National Planning Policy Framework 2019-(Para. 175474) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³⁵ Environment Bill currently going through Parliament Environment Act 2021 - https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted</p>
MM6	Policy DM3 / 5.24 & 5.25	28	<p>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”³⁷.</p>

Ref.	Policy / Para.	Page	Main Modification
			<p>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 reasons³⁸ and a suitable compensation strategy exists”³⁹.</p> <p>³⁷National Planning Policy Framework (NPPF) (Para 180(b))2019 (Para 175(b)). - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³⁸ 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</p> <p>³⁹ National Planning Policy Framework (NPPF) (Para 180(c))2019 (Para 175(e))</p>
MM7	Policy DM4 / 5.33	31	<p>Central and Eastern Berkshire contains a diverse range of landscapes. National planning policy requires that ‘great weight is should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’⁴⁰.</p> <p>⁴⁰National Planning Policy Framework (Para. 176172) - https://www.gov.uk/government/publications/nationalplanning-policy-framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM8	Policy DM4	31	<p>1. <u>Development which affects the setting of an Area of Outstanding Natural Beauty (AONB) should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</u></p> <p>2. 1. Development Proposals 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.</p>

Ref.	Policy / Para.	Page	Main Modification
MM9	Policy DM5 / 5.40	33	Landscapes outside designated areas and sites are highly valued, and it is important to respect their special qualities intrinsic character and beauty . 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
MM10	Policy DM5	33	<p>Policy DM5 Protection of the Countryside</p> <p>1. Minerals and waste development in the open countryside will only be permitted where:</p> <p>a. It is a time-limited mineral extraction or time-limited related development; or</p> <p><u>b. the nature of the development is related to countryside activities or requires an isolated location;</u></p> <p>bc. The development provides a suitable reuse of previously developed land; or</p> <p>ed. The development is within redundant farm or forestry buildings and their curtilages or hard standings.</p> <p>2. Where appropriate and applicable, development in the countryside will be expected to:</p> <p>a. m<u>Meet the highest standards of design, operation and restoration; including being subject to a requirement that it is restored</u></p> <p><u>b. consider the intrinsic character and beauty of the landscape which would be determined by the relevant Local Character Assessment;</u> in particular,</p> <p><u>c. ensure any</u> the network of statutory and permissive countryside access routes should be protected, and where possible, enhanced; <u>and</u></p>

Ref.	Policy / Para.	Page	Main Modification
			d. be subject to the requirement that it is restored in the event it is no longer required for minerals and waste use.
MM11	Policy DM6 / 5.50	35	<p>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 permanence⁴².</p> <p>⁴² National Planning Policy Framework (Para. 137143) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>
MM12	Policy DM6 / 5.52	35	<p>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 circumstances⁴³.</p> <p>⁴³ National Planning Policy Framework (Para. 147143)</p>
MM13	DM6	35	<p>Policy DM6 Green Belt</p> <p>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.</p> <p><u>1. Mineral extraction will be permitted where it is not inappropriate development. In determining whether a proposal is inappropriate development or not consideration will be given to the effect upon openness and the purposes of including land within the Green Belt.</u></p> <p>2. Where the proposals do not conflict with the preservation of the openness of the Green Belt, w <u>W</u>aste management facilities, including aggregate recycling facilities, will be permitted where <u>the</u></p>

Ref.	Policy / Para.	Page	Main Modification
			<p><u>proposal does not conflict with the preservation of the openness of the Green Belt and suitable mitigation can be provided to ensure that the proposal would not harm the purposes of including land within the Green Belt. Where a proposal would be considered inappropriate development, consideration will be given to whether</u> it can be demonstrated <u>that:</u></p> <ul style="list-style-type: none"> • that the site is the most suitable location in relation to arisings and recycle markets; • <u>i.</u> there are no appropriate sites outside the Green Belt that could fulfil the same role; and <u>ii. the site is the most suitable location in relation to arisings and recycle markets.</u> <p>• that suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt.</p>
MM14	Policy DM6 / 5.55	36	<p>National planning policy⁴⁴ 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.</p> <p><u>Other exceptions include the re-use of buildings which could be relevant to waste proposals in the Green Belt^{xx}. Consideration will also be given to the proposed duration of the development and the vehicle movements likely to be generated^{xx}.</u></p> <p>⁴⁴ National Planning Policy Framework (Para. 150146) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>^{xx}Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) - https://www.gov.uk/guidance/green-belt</p>

Ref.	Policy / Para.	Page	Main Modification
MM15	Policy DM7 / 5.63	38	<p>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 generations⁴⁵</p> <p>⁴⁵ National Planning Policy Framework (Para. 189184) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM16	Policy DM7	39	<p>Policy DM7 Conserving the Historic Environment</p> <p>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 non-designated.</p> <p>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.</p> <p>32. Any planning application Proposals should be supported by an assessment of the significance of heritage assets including their setting, 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 and other evidence. For mineral proposals this should to establish the potential for archaeological remains within the overburden and the mineral body itself.</p> <p>3. Proposals that would cause substantial harm to, or loss of, a designated heritage asset and its significance including its setting, will be required to set out a clear and convincing justification as to why that harm is considered acceptable on the basis of achieving substantial public benefits that outweigh that harm or loss, or where all the specific</p>

Ref.	Policy / Para.	Page	Main Modification
			<p><u>circumstances in the NPPF apply. Proposals will not be supported where this cannot be demonstrated.</u></p> <p><u>4. Proposals that cause less than substantial harm to the significance of a designated heritage asset will be required to weigh the level of harm against the public benefits that may be gained by the proposal including securing its optimum viable use.</u></p> <p>4. <u>5. When there is clear and convincing justification that</u> the public benefits of development outweigh the <u>harm to, or loss of, a</u> significance of the <u>designated</u> heritage assets and <u>its significance including its setting</u> harm to, or loss to heritage assets would unavoidably occur, mitigation of that harm, <u>should be secured.</u> including archaeological work ahead or during development, should be</p> <p><u>6. Proposals which would affect the significance of a non-designated heritage asset should be assessed. In assessing proposals there will need to be a balanced judgement which weighs the direct and indirect effects upon the significance of the non-designated heritage asset.</u></p> <p><u>7. Where appropriate, mitigation measures should include archaeological work ahead of or during development, the recording of designated and non-designated heritage assets, the protection, conservation, enhancement or reinstatement of a heritage asset's setting.</u></p> <p><u>8. Evidence and results of archaeological excavation, field evaluations, technical studies and other recordings should be made publicly accessible</u> (including depositing the results in a public archive <u>and Historic Environment Record</u>).</p>
MM17	Policy DM8	42	<p>Policy DM8 Restoration of Minerals and Waste Developments</p> <p>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</p>

Ref.	Policy / Para.	Page	Main Modification
			<p>aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.</p> <p>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, <u>flood risk management</u> or community use where these are consistent with the Development Plan and national policies and guidance.</p> <p>3. <u>Proposals for all mineral extraction and landfill sites must be accompanied by a restoration and aftercare scheme and</u> The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.</p>
MM18	Policy DM10 / 5.96	48	<p>Minerals and waste development can have significant impacts on flooding. National planning policy on flooding <u>states “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”</u> aims to ‘steer inappropriate new development to areas with the lowest probability of flooding’⁵³</p> <p>⁵³National Planning Policy Framework (Para <u>159</u>158) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM19	Policy DM10	48	<p>1. Minerals and waste development in areas at risk of flooding should:</p> <p>a. Apply the <u>sequential approach which involves applying the</u> sequential test, <u>and if needed the</u> exception test, where required, and sequential approach within the <u>to specific</u> development site <u>proposals</u> directing the most vulnerable development to the areas at lowest risk <u>probability</u> of from flooding;</p>

Ref.	Policy / Para.	Page	Main Modification
			<p>b. Not result in an increased flood risk elsewhere and, where possible, reduce flood risk overall;</p> <p>c. Ensure development is safe from flooding for its lifetime including an assessment of climate change impacts;</p> <p>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;</p> <p>e. Include site drainage systems designed to take account of events which exceed the normal design standard; <u>include site drainage systems designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change;</u></p> <p>f. Not increase net surface water run-off; and</p> <p>g. If appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.</p>
MM20	Policy DM10 / 5.98	48/49	<p>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 increase either within the site or downstream <u>including during the restoration phases.</u> Applications for minerals and waste proposals within Source Protection Zones should be accompanied by a Hydrogeological Risk Assessment.</p>
MM21	Policy DM10 / 5.100	49	<p>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. <u>Landfill and hazardous waste facilities are classed as More Vulnerable and as such are not permitted in Flood Zone 3b with an exception test required if they are proposed in Flood Zone 3a. Proposals will only be permitted in line with the vulnerability categories and classification</u></p>

Ref.	Policy / Para.	Page	Main Modification
			<p>in the National Planning Policy framework and Practice Guidance. Historic landfills in areas of flood risk may need to be protected by flood defences.</p>
MM22	DM11	50	<p>1. Planning permission will be granted for minerals and waste development where proposals do not:</p> <ul style="list-style-type: none"> 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 <u>or</u> b. cause unacceptable risk to the quantity of water resources; and <u>or</u> c. cause changes to groundwater and surface water levels which would result in unacceptable impacts on: <ul style="list-style-type: none"> i. adjoining land; <u>ii. nearby private and licensed abstractions;</u> iii. potential groundwater resources; and <u>or</u> iiii. the potential yield of groundwater resources, river flows or natural habitats. <p>2. Where proposals are in a groundwater source protection zone a <u>Hydrogeological</u>/Hydrological Risk Assessment must be provided <u>to determine whether there is a hazard to water resources, quality or abstractors.</u> If the <u>Hydrogeological</u>/Hydrological Risk Assessment identifies unacceptable risk, the developer must provide appropriate mitigation.</p>
MM23	Policy DM12 / 5.117	53	<p>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 way⁵⁷.</p>

Ref.	Policy / Para.	Page	Main Modification
			<p>⁵⁷National Planning Policy Framework (Para. <u>110</u>408) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>
MM24	Policy DM13 / 5.127	57	<p>National planning policy⁵⁸ attaches great importance to the design of the built environment and is a key aspect of sustainable development.</p> <p>⁵⁸National Planning Policy Framework (Para. <u>126</u>424) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>

MM25	Policy DM15	61	<p>Operator past performance <u>Site History</u></p> <p>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.</p> <p>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. <u>The history of an established minerals or waste site can provide information on how appropriately the impacts of development can be managed at that site.</u> In some circumstances, where there is sufficient evidence, this information can be a useful indicator of how proposed future minerals or waste uses might need to be managed by that operator.</p> <p>This Plan seeks to protect communities near minerals and waste development from any significant adverse effects.</p> <p>Policy DM15 <u>Past operator performance Site History</u></p> <ol style="list-style-type: none"> 1. Where an applicant or operator has been responsible for an existing or previous minerals or waste development site <u>there is a history of minerals or waste activities at a proposed site</u>, an assessment of their <u>the environmental and amenity impacts</u> operational performance at that existing or previous site will be made. 2. Where issues have been raised about the <u>environmental or amenity impacts of a</u> operation of an existing or previous development site, how the operator or applicant has responded, particularly where there is evidence of any significant adverse <u>environmental or amenity</u>
------	-------------	----	---

			<p><u>impacts effects, these issues</u> will be taken into consideration in decision-making on minerals or waste applications submitted by the same applicant or operator <u>on that site</u>.</p> <p>Implementation</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The (re)occurrence of any significant adverse <u>environmental or amenity impacts effects</u> and how they have been addressed will be an indicator of whether an operator or applicant can deliver future development effectively <u>a particular land use can be made acceptable on a particular site</u>. The applicant will need to provide information and relevant records on existing development site performance as part of the 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 <u>Particularly relevant will be those activities, impacts, potential impacts, or mitigation measures that are similar to the ones proposed.</u></p> <p><u>The applicant will need to provide information and relevant records on the existing site history as part of the planning application, as well as submitting information on how any previously occurring adverse environmental or amenity impacts will be avoided and/or addressed in the future for the proposed development.</u></p>
--	--	--	--

			<p>A Monitoring Assessment information 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 <u>collates the monitoring information</u> with relevant input (e.g. monitoring officer, <u>site operator, Liaison Panel, environmental health officer or Environment Agency</u>). <u>The monitoring information will need to include how many and what types of adverse environmental or amenity impacts have arisen, as well as whether and how they have been addressed.</u></p> <p><u>It is sometimes the case that new proposals amend the boundaries of an existing site. Therefore, a proposed site may overlap or adjoin an existing site. Monitoring information may still be required, if the operations at the existing site are considered to be relevant to the new proposals.</u></p> <p>The record of performance of an operator or applicant <u>site history</u>, as assessed, will form a material consideration in the decision-making process and may be used:</p> <ul style="list-style-type: none"> • As a basis to request additional information to support an application in relation to any <u>potential adverse environmental or amenity impacts</u> issues raised through the Assessment and how <u>or whether</u> these may <u>can</u> be mitigated as part of the proposal; • To apply an appropriate condition to a permission to address <u>any potential adverse environmental or amenity impacts</u> 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 other matters are equal in relation to impacts. <u>To influence the monitoring regime of the use permitted by the mineral and waste planning authority.</u>
--	--	--	---

MM26	Policy DM15 / 5.150	63	Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review
			Taking past performance site history into account	Permissions for proposals by existing operators accompanied by Monitoring Assessments Issues from monitoring information taken into account.	Number of permissions where issues outlined in from Monitoring Assessments information are not addressed through additional information requests and/or conditions > 0
MM27	Policy M1	68	<p>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:</p> <p>a) Work with relevant minerals planning authorities to maintain the supply of aggregate not available within Central and Eastern Berkshire;</p> <p>b) Deliver and/or facilitate the identified aggregate demand requirements (Policy M3);</p> <p>c) Facilitate the supply of other mineral to meet local demands (Policy M6);</p> <p>d) Be compliant with the spatial strategy for minerals development (Policy M4); and</p> <p>e) Take account of wider Local Plans and development strategies for Central and Eastern Berkshire.</p>		
MM28	Policy M1 / 6.25	68	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. <u>Aggregate that is not available to Central and Eastern Berkshire includes those not geologically present such as hard rock and those that cannot be sourced from within the Plan area due to constraints on supply. The constraints on supply will be explored within the Statements of Common Ground and monitored through the Local Aggregate Assessment (see Policy M3).</u>
MM29	Policy M2 / 6.30	70	<p>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 policy⁶⁵ 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 use⁶⁶.</p> <p>⁶⁵ National Planning Policy Framework (Para. 210204 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf ⁶⁶ National Planning Policy Framework (Para. 212206)</p>
MM30	Policy M2 / 6.31	70	Minerals of local and national importance will be safeguarded and defined by the 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.
MM31	Policy M2 / 6.38	71	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.

MM32	Policy M2	72	<p>Policy M2 Safeguarding sand and gravel resources</p> <ol style="list-style-type: none"> 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 <u>through the preparation of a Mineral Resources Assessment</u>, that the option of prior extraction has been fully considered as part of an application, and: <ol style="list-style-type: none"> a. Prior extraction, <u>where practical and environmentally feasible</u>, is maximised, taking into account site constraints and phasing of development; or b. It can be demonstrated that the mineral resources will not be <u>permanently</u> sterilised; or c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.
MM33	Policy M2 / 6.39 & 6.40	72	<p>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.</p> <p>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</p>

			<p>hectares⁶⁷ will apply in the safeguarding process to 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.</p> <p>⁶⁷Minerals and Waste Safeguarding Study (February 2022July 2020) – www.hants.gov.uk/berksconsult</p>	
MM34	Policy M2 / 6.46	74	<p>The Central & Eastern Berkshire Authorities have produced a Minerals Consultation Area in line with National Planning Guidance⁶⁸ 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 which will be used to determine whether they need to consult a neighbouring Mineral Planning Authority or each other on an application which could impact mineral resources or supply. and to ensure that minerals and waste issues are taken into consideration when determining non-minerals or waste applications.</p> <p>⁶⁸ National Planning Practice Guidance (Paragraph: 003 Reference ID: 27-003-20140306)</p>	
MM35	Policy M2 / 6.48	74	Monitoring Indicator (Threshold) for Policy Review	
			<p>Area (Hectares) of MWSA on completed sites above 3 ha in size, safeguarded resource sterilised by non-minerals development not subject to prior extraction</p>	<p>Year on year increase over 5 years.</p>
			<p>Amount of sand and gravel (including soft sand) extracted through prior extraction in tonnes per annum.</p>	<p>No increase over 5 years.</p>

MM36	Policy M3 / 6.49	75	<p>The requirement under national planning policy⁶⁹ 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'.</p> <p>⁶⁹ National Planning Policy Framework (Para. 213207) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM37	Policy M3 / 6.53	75	<p>National planning policy⁷⁰ also requires mineral planning authorities to make provision for the maintenance of a landbank of at least seven years for sand and gravel.</p> <p>⁷⁰ National Planning Policy Framework (Para. 213207(f))</p>
MM38	Policy M3 / 6.57 (New Para. 6.58)	76	<p>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.</p> <p>[split of para. 6.57]</p> <p>It is therefore, accepted that the <u>required supply of sand and gravel</u> 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. <u>If sufficient sand and gravel is not provided within the Plan area, there will be a reliance on imports from other Mineral Planning Authority areas until such time development is delivered within Central and Eastern Berkshire. Imports will be regularly monitored. Taking into account existing reserves, the permitted throughput of these sites and the proposed allocations, it is anticipated, that there will be a remaining requirement for sand and gravel to be delivered from outside of the Plan area throughout the Plan period at the following rates^{xx}:</u></p> <ul style="list-style-type: none"> • <u>0.228 Mt at 2026;</u>

			<ul style="list-style-type: none"> • <u>0.378 Mt at 2031; and</u> • <u>0.628 Mt at 2036.</u> <p>xx Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult</p>								
MM39	Policy M3 / 6.65	77	The effectiveness of the policy will need to be carefully monitored through the Local Aggregate Assessment including import levels to ensure that changes in local circumstances are reflected in any future provision rate. Local circumstances include issues specific to the Plan area which may impact either demand or supply such as a major infrastructure project or delivery constraints associated with quarries or minerals infrastructure supplying Central and Eastern Berkshire. However, it should also be recognised that these changes maybe time-limited due to their association with specific large-scale infrastructure projects such as the proposed Heathrow airport expansion, rather than a long-term trend.								
MM40	Policy M3 / 6.66	78	<table border="1"> <thead> <tr> <th>Monitoring Indicator</th> <th>(Threshold) for Policy Review</th> </tr> </thead> <tbody> <tr> <td>Sand and gravel sales fail to achieve provision rate.</td> <td>Breach over 3 consecutive years.</td> </tr> <tr> <td>Sand and gravel sales exceed provision rate.</td> <td>Increasing trend in sales (above provision rate) over 5 <u>3</u> consecutive years.</td> </tr> <tr> <td><u>Imports of sand and gravel increase.</u></td> <td><u>Increasing trend over Plan period.</u></td> </tr> </tbody> </table>	Monitoring Indicator	(Threshold) for Policy Review	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 <u>3</u> consecutive years.	<u>Imports of sand and gravel increase.</u>	<u>Increasing trend over Plan period.</u>
			Monitoring Indicator	(Threshold) for Policy Review							
			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 <u>3</u> consecutive years.										
<u>Imports of sand and gravel increase.</u>	<u>Increasing trend over Plan period.</u>										
MM41	Policy M4 / 6.69, 6.70, 6.71 & 6.72 (& New Para).	79	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.								

		<p>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. <u>The allocations in seek to provide 0.4 Mt in terms of contribution to supply.</u></p> <p>The exact timings of sites coming forward will depend on the market conditions, extraction rates at existing sites and planning permission being granted. <u>However, it is anticipated that the allocations are likely to be delivered at the following points within the Plan period, subject to planning permission being granted:</u></p> <ul style="list-style-type: none"> • <u>Horton Brook & Poyle Quarry Extension, Horton (MA1) – from 2024+;</u> • <u>Poyle Quarry Extensions, Horton (MA2) – from 2024+.</u> <p>Despite new site allocations; <u>and the existing reserves, the permitted throughputs of these sites means that the ability to provide 0.628 Mt per year will cease from 2023 and</u> there is still likely to <u>will</u> be a shortfall in supply during <u>for the remainder of</u> the Plan period⁷⁴. <u>This shortfall amounts to 2.5 Mt.</u> The aggregate industry has not identified sufficient sites to plug this gap at present. The minerals industry is market-led, and it <u>is</u> 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.</p> <p>[split of Para. 6.72]</p> <p>In order to provide flexibility in supply and to allow industry to bring forward appropriate sites, Policy M4 (3) outlines a contingency <u>criteria-based</u> approach to ensure that the landbank is maintained and therefore a steady and adequate supply. <u>Sites will be expected to come forward within the Area of Search for sand and gravel which demonstrates the potential resource in the Plan area. This approach is supported by a Statement of Common Ground with neighbouring mineral planning authorities as outlined in Policy M1. Preferred Areas cannot be provided due to the lack of evidence, and it is considered that this may limit the potential for proposals to come forward across the Plan area.</u></p>
--	--	--

			⁷⁴ Minerals Background Study (July 2020) – www.hants.gov.uk/berksconsult
MM42	Policy M4	80	<p>Policy M4 Locations for sand and gravel extraction</p> <p>A steady and adequate supply of locally extracted sand and gravel will be provided by:</p> <ol style="list-style-type: none"> 1. The extraction of remaining reserves at the following permitted sites: <ol style="list-style-type: none"> 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, <u>provided the proposals address the relevant development considerations outlined in Appendix A:</u> <ol style="list-style-type: none"> a. Horton Brook & Poyle Quarry, Horton (MA1) – <u>0.15 Mt</u> b. Poyle Quarry, Horton (MA 2) – <u>0.25 Mt</u> 3. Proposals for new sites not outlined in Policy M4 (1 and 2) will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, where: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i. The site contains soft sand; ii. The resources would otherwise be sterilised; or

			iii. The proposal is for a specific local requirement.
MM43	Policy M4 / 6.74 (New Para. 6.75)	80	<p>The Area of Search is shown on the Policies Map. <u>The Area of Search^{xx} is based on the presence of soft sand, sharp sand and gravel resources but excludes designations (including SPAs, SACs, Ramsar sites, SSSIs, Ancient Woodland, Listed Buildings and Conservation Areas, Scheduled Monuments, Historic Parks and Gardens, and Registered Battlefields) which are identified in the NPPF as areas that should be avoided for development to be sustainable. The settings of designations could not be excluded as these are not clearly defined. However, built up areas and those areas of remaining resource of less than 3 hectares were excluded as being unlikely to be viable^{xx}.</u></p> <p>[split Para. 6.74]</p> <p>It is recognised that the Area of Search However, the criteria defining the Area and therefore, the extent will change as land uses change and new designations are made or amended. <u>However, the application of the criteria (the presence of sand and gravel resources and the exclusion of designations, built up areas and any remaining areas of resource less than 3 ha) will remain constant and will determine the extent of the Area of Search.</u> Sites identified within the Area of Search will still be subject to planning permission.</p> <p><u>xx Minerals: Background Study (July 2020) – www.hants.gov.uk/berksconsult</u></p> <p><u>xx Minerals and Waste Safeguarding Study (February 2022 July 2020) – www.hants.gov.uk/berksconsult</u></p>
MM44	Policy M4 / 6.77	81	<p>National planning policy⁷⁵ states that provision should be made to maintain the landbank at ‘at least’ 7 years for sand and gravel.</p> <p>⁷⁵ National Planning Policy Framework (para. <u>213207</u>-(f)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>

MM45	6.91	83	<p>National policy requires the ‘contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials to be taken into account, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously’⁷⁶.</p> <p>⁷⁶ National Planning Policy Framework (Para. 210204-(b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM46	Policy M5	84	<p>Policy M5 Supply of recycled and secondary aggregates</p> <p>1. Recycled and secondary aggregate production will be supported, in appropriate locations which comply with all relevant policies in the Plan, to encourage investment in new and existing infrastructure to maximise the availability of alternatives to local land-won sand and gravel.</p> <p>2. The supply of recycled aggregate will be provided by maintaining a minimum of 0.05 million tonnes per annum.</p>
MM47	6.106	86	<p>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 policy⁷⁸ to determine any application for oil and gas.</p> <p>⁷⁸ National Planning Policy Framework (most notably Para. 211205) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM48	6.108	86	<p>Whilst it is considered unlikely that an application will come forward for coal extraction, in such event, national planning policy⁷⁹ would provide sufficient guidance in determining any such application.</p> <p>⁷⁹ National Planning Policy Framework (most notably Para. 217244) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>

MM49	Policy M6 / 6.112	87	<p>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 policy⁸⁰.</p> <p>⁸⁰ National Planning Policy Framework (Para. 214208 (c)) – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/PPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>
MM50	Policy M6 / 6.118	88	<p>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 policy⁸¹.</p> <p>⁸¹ National Planning Policy Framework (Para. 214208 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>
MM51	Policy M6	88	<p>Policy M6 Chalk and clay</p> <p>1. Proposals for the extraction of chalk and clay to meet a local requirement will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, subject to there being no other suitable, sustainable alternative source of mineral <u>including substitute or recycled secondary material</u> available.</p>
MM52	Policy M6 / 6.119	88	<p>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. <u>Sustainable alternative sources should include substitute or recycled and secondary materials, where suitable^{xx}</u>. 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.</p> <p>^{xx}<u>National Planning Policy Framework (Para. 210 (b))</u></p>

MM53	Policy M7 / 6.124	90	National policy encourages the use of sustainable transport ⁸² ⁸² National Planning Policy Framework (Para. 104 102) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf
MM54	Policy M7	91	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) <u>provided the proposal addresses the relevant development considerations outlined in Appendix A</u> ; and b. In appropriate locations <u>which comply with all relevant policies in the Plan</u> , with good connectivity to: i. The Strategic Road Network; and/or ii. The rail network; and/or iii. Minerals infrastructure.
MM55	Policy M8 / 6.132	92	Safeguarding minerals infrastructure is a requirement of national planning policy ⁸⁵ 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 <u>aggregate material</u> ”. ⁸⁵ National Planning Policy Framework (Para. 210 204 (e)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf
MM56	Policy M8 / 6.136	93	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.
MM57	Policy M8 / 6.138	93	<p>In line with the “agent of change” principle in national planning policy⁸⁶, 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.</p> <p>⁸⁶National Planning Policy Framework (Para. 187-182) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM58	Policy W1	98	<p>Policy W1 Sustainable waste development strategy</p> <p>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:</p> <p>a. Encourage Demonstrate how waste to will be managed at the highest achievable level within the waste hierarchy;</p> <p>b. Locate near to the sources of waste, or markets for its use;</p> <p>c. Maximise opportunities to share infrastructure at appropriate existing mineral or waste sites;</p> <p>d. Deliver and/or facilitate the identified waste management capacity requirements (Policy W3);</p> <p>e. Be compliant with the spatial strategy for waste development (Policy W4).</p> <p>f. Where W1 (e) cannot be achieved, work with other waste planning authorities to provide the most sustainable option for waste management.</p>
MM59	Policy W2	100	Policy W2 Safeguarding of waste management facilities

			<p>1. All lawful or permitted existing, planned and allocated waste management facilities shall be safeguarded against development that would prejudice or jeopardise their operation by creating incompatible land uses.</p> <p>2. New waste management facilities will be automatically safeguarded for the duration of the permission.</p> <p>3. Non-waste development that might result in a loss of permanent waste management capacity may be considered in the following circumstances:</p> <p>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</p> <p>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</p> <p>c. It can be demonstrated that the waste management facility is no longer required and will not be required within the Plan period</p>
MM60	Policy W2 / 7.30	101	<p>Safeguarded waste sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area. <u>A list of safeguarded sites (operational and planned) is outlined in Appendix E. It will be maintained by the Central & Eastern Berkshire Authorities and reported in the Monitoring Report. This will be updated as permissions are granted, and sites are closed and no longer require safeguarding.</u></p>
MM61	Policy W2 / 7.36	102	<p>In line with the “agent of change” principle in national planning policy⁹², 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.</p>

			<p>⁹²National Planning Policy Framework (Para. 187) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>
MM62	Policy W3	109	<p>Policy W3 Waste capacity requirements</p> <p>1. Additional waste infrastructure capacity within the Plan area will be granted in appropriate locations, to provide a minimum of:</p> <ul style="list-style-type: none"> • 300,000 tpa non-hazardous recycling capacity; • 245,000 tpa non-hazardous recovery capacity; • 575,000 tpa of inert recycling or recovery capacity. <p>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 which comply with all relevant policies in the Plan, where there is a clear and demonstrable need.</p>
MM63	Policy W4 / 7.93	112	<p>Sites suitable for general industrial uses are those identified as suitable for B2 (including mixed B2/B8), or some uses within the B8 use class¹⁰¹ (namely open-air storage). Waste management uses would not normally be suitable on land identified only for B4 E(g)(iii) (light industrial processes), 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.</p> <p>¹⁰¹ The Town and Country Planning (Use Classes) Order 1987 - http://www.legislation.gov.uk/ukSI/1987/764/schedule/made - as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 - http://www.legislation.gov.uk/ukSI/2010/653/article/2/made</p>
MM64	Policy W4	115	<p>Policy W4 Locations and sites for waste management</p> <p>1. The delivery of waste management infrastructure will be supported within:</p>

			<p>a. Preferred Waste Areas listed in Appendix C; or</p> <p>2. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas:</p> <p><u>ab. Allocated sites, provided the proposals address the relevant development considerations outlined in Appendix A:</u></p> <p>i. Berkyn Manor Farm, Horton (WA 1);</p> <p>ii. Horton Brook Quarry, Horton (WA 2);</p> <p>iii. The Compound, Stubbings, Maidenhead (WA 3); <u>or</u></p> <p><u>b.c. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas, Appropriate locations which comply with all relevant policies in the Plan,</u> where the site has good connectivity to the strategic road network; and</p> <p>i. Areas of major new development; or</p> <p>ii. Sources of waste; or</p> <p>iii. Markets for the types of waste to be managed; and</p> <p>iv. One or more of the following features:</p> <ul style="list-style-type: none"> - 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.
--	--	--	--

MM65	Policy W4 / 7.106, 7.107 & 7.108	116	<p>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 Policy¹⁰³.</p> <ul style="list-style-type: none"> a) Consideration ishas been 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. <p>The Preferred Waste Areas identified in Appendix C have been assessed on their suitability for waste management and are therefore prioritised over other locations. 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.</p> <p><u>Where proposals cannot be accommodated in the Preferred Waste Areas, they will need to demonstrate this, in which case they</u> 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.</p>
MM66	Policy W5	119	<p>Policy W5 Reworking landfills</p> <p>1. Proposals for the re-working of landfill sites will only be permitted in appropriate locations <u>which comply with all relevant policies in the Plan</u>, where the proposals would result in beneficial use of the land and of the material being extracted; and, where appropriate, the landfill by-products.</p>

MM67	Appendix A (Berkyn Manor, Horton (WA1))	124	<ul style="list-style-type: none"> • 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 consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹⁰⁶. <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Existing vegetation should be conserved and protected, and additional buffer planting established to all boundaries. • Enhanced screening is required. • <u>Green Belt compensation due to development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.</u> • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Historic Environment:</p> <ul style="list-style-type: none"> • A Heritage Impact Statement is required. • The setting of Grade II Listed Building to the south needs to be considered. <p>Transport:</p> <ul style="list-style-type: none"> • A new access onto Poyle Road is required for mineral use and further Further investigation is required for a suitable access onto Stanwell Road for waste uses. • A Transport Assessment or Statement is required.
------	---	-----	---

			<ul style="list-style-type: none"> • A HGV Routeing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Only development classified as water compatible or essential infrastructure (with exception test) will be permitted in Flood Zone 3b.</u> • Proximity to major / minor aquifers, in addition to Source Protection Zones. <p>⁴⁰⁶ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>
MM68	Appendix A – Horton Brook	125	Area: 5.5 ha
MM69	Appendix A (Horton Brook Quarry, Horton (WA2))	126	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> • 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 <u>Green Belt compensation due to development</u> of the site must give <u>take into consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles</u> and to the Joint Connectivity Statement⁴⁰⁷. • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Flood Risk & Water Resources</p>

			<ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. The site is adjacent to the Queen Mother Reservoir. Any works will need to demonstrate that they do not impact on the structural stability of the reservoir embankment.</u> • Proximity to major / minor aquifers, in addition to Source Protection Zones. • Consideration of the Colne Brook and its river corridor. <p>⁴⁰⁷Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>
MM70	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	127	Proposal: Extension to Horton Brook and Poyle Quarry extracting 250,000 <u>150,000</u> tonnes of sand and gravel with no processing on site.
MM71	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	128	<p>Landscape & Townscape</p> <ul style="list-style-type: none"> • The Colne Valley Way Trail will need to be temporarily diverted and reestablished <u>re-established</u> 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 Statement⁴⁰⁸. <p>Transport:</p> <ul style="list-style-type: none"> • A Transport Assessment or Statement is required. • An HGV Routeing Agreement will also be required (or maintain existing). <p>Historic Environment</p>

			<ul style="list-style-type: none"> The archaeological potential is high and will need to be addressed during the determination of the planning application. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> A Flood Risk Assessment and Hydrological/Hydrogeological Assessment is required. <u>The Flood Risk Assessment will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding.</u> <u>Consideration of near-by private and licenced abstractions.</u> <u>Site located within a principal aquifer.</u> <p>⁴⁰⁸ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>
MM72	Appendix A (Monkey Island Lane Wharf, Bray (TA 1))	129/130	<p>Ecology</p> <ul style="list-style-type: none"> 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. <u>An ecological assessment of the impact of making The Cut (Greenway Corridor LWS) navigable will be required.</u> Impacts to Bray Pit Reserve LWS. <u>Consideration of the Biodiversity Opportunity Area including ecological improvements to the Cut in line with the LWS citation.</u> <u>A River restoration compensation scheme will be required and is subject to approval by the Environment Agency. This should consist of habitats restoration for the equivalent amount of the river that will be made navigable and should be located immediately upstream. River restoration should include bed raising by adding gravels and creating marginal shelves to restore the channel to more natural dimensions.</u> Retention of semi-natural habitats within site to accommodate protected species. Consideration of pollution impacts to riverine habitats <u>both from construction and the ongoing impacts of using the river for navigation purposes.</u>

			<ul style="list-style-type: none"> • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • <u>A Water Framework Directive Assessment is required.</u> <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • 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. <p>Historic Environment</p> <ul style="list-style-type: none"> • Archaeological issues would remain a material consideration and will need to be addressed during the determination of the planning application. <p>Transport:</p> <ul style="list-style-type: none"> • A Transport Assessment or Statement is required. • An HGV and Barge Routeing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • Site largely within Flood Zone 2/3 and Groundwater Source Protection Zone (1) – a Flood Risk Assessment and <u>Hydrological/Hydrogeological Risk Assessment</u> will be required. <u>The FRA will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u> • Proximity to major / minor aquifers, in addition to Source Protection Zones. • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • 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.
--	--	--	--

			<ul style="list-style-type: none"> • Consideration of The Cut, the River Thames and its river corridors.
MM73	Appendix A (Poyle Quarry (Extensions), Horton (MA2))	132	<p>Transport</p> <ul style="list-style-type: none"> • 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. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • 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. <u>The FRA will need to ensure that the development will be safe, not increase off-site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u> • Consideration of the River Colne Brook and its river corridor.
MM74	Appendix A (Stubblings Compound, Pinkneys Green, Maidenhead (WA3))	134	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Flood Risk & Water Resources:</p> <ul style="list-style-type: none"> • Site in Groundwater Source Protection Zone (3) – a Hydrogeological Risk Assessment will be required. <u>A site-specific Flood Risk Assessment (FRA) is required. The FRA will need to</u>

			<p><u>ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding.</u></p> <ul style="list-style-type: none"> Proximity to major / minor aquifers, in addition to Source Protection Zones. 	
MM75	Appendix C	149	Preferred Waste Area	Local Planning Authority
			Newlands Farm, Crowthorne	Wokingham
			Brookside Business Park, Swallowfield	Wokingham
MM76	Appendix C	161	Site Name	Richfield Avenue / Tessa Road Area
			Location	Richfield Ave, City Centre, Reading RG1 8EQ
			Current use (specify class classification)	B4 <u>E(g)(iii)</u> / B2 / <u>&</u> 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 <u>areas</u> (possibly involving biological treatment); and Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>	

MM77	Appendix C	162	Site Name	Paddock Road Industrial Estate
			Location	Paddock Road, Reading RG4 5BY
			Current use (specify class classification)	B1-(G) <u>E(g)(iii)</u> & B2
			<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) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>	
MM78	Appendix C	164	Site Name	Wigmore Lane
			Current use (specify class classification)	B1-(G) <u>E(g)(iii)</u> / B2 / <u>&</u> 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 <u>areas</u> (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) 	

			<u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u>
MM79	Appendix C	168	[Removal of Newlands Farm as a Preferred Waste Area – Table and Map]
MM80	Appendix C	177	[Removal of Brookside Business Park as a Preferred Waste Area – Table and Map]
MM81	Appendix E	182	[Additional line to be added after listed Household Waste Recycling Centre (HWRCs)] <u>Specialist Waste Sites</u> <u>Site Name: Star Works</u> <u>Location: Knowl Hill</u> <u>Primary Function/Use: Clinical Waste</u> <u>Planning Permission / End Date: [blank]</u> <u>Operator: Grundon Waste Management Limited</u>
MM82	Glossary & Acronyms	195	National Planning Policy Framework (NPPF): Published in March 2012 and subsequently updated in 2018, and 2019; and 2021 , the NPPF sets out the Government's planning policies for England and how these are expected to be applied.

Central and Eastern Berkshire Authorities

Joint Minerals and Waste Plan

SA/SEA Post Adoption Statement

2022



www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead



**WOKINGHAM
BOROUGH COUNCIL**

Contents

1. Introduction	1
The Joint Minerals and Waste Plan	1
Purpose	1
2. How environmental considerations have been integrated into the Joint Plan	3
3. How the Environmental Report has been taken into account during the preparation of the Joint Plan	4
4. Action taken by the Authorities to provide public access to consultation documents .	6
5. How opinions expressed in response to consultation have been taken into account ...	7
6. Reasons for choosing the Joint Plan as adopted, in the light of the other reasonable alternatives	9
7. The measures that are to be taken to monitor the significant environmental effects of the implementation of the Joint Plan.	10
8. Concluding Statement	11

Prepared by Hampshire Services
Hampshire County Council
www.hants.gov.uk/sharedexpertise



© Crown copyright and database rights
2022 Ordnance Survey 100018817
Derived from 1:50000 scale BGS Digital
Data under
Licence 2011/049F, British Geological
Survey ©NERC

1. Introduction

The Joint Minerals and Waste Plan

- 1.1 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') worked in partnership to produce the Joint Minerals and Waste Plan (referred to herein as 'the Joint Plan'), which will guide minerals and waste decision-making in the Joint Plan area.
- 1.2 These Authorities also worked in partnership to undertake a Sustainability Appraisal (SA) of the Joint Plan, which incorporates requirements for a Strategic Environmental Assessment (SEA). These combined assessments assessed the social, economic and environmental effects of implementing the Joint Plan, and reasonable alternatives, with the purpose of promoting the objectives of sustainable development and ensuring their integration within the Joint Plan. The Joint Plan has been through Examination and with the incorporation of Main Modifications, has been found sound.

Purpose

- 1.3 SA/SEA Adoption Statements are a key tool for improving transparency in the decision making process. This document allows stakeholders to see how environmental and sustainability factors have been considered throughout the Joint Plan's preparation. It demonstrates how consultation comments have been taken into account throughout the process and outlines the measures for monitoring the significant environmental effects of implementing the Joint Plan.
- 1.4 This Post-Adoption Statement is required by the SEA Regulations¹ to consider and report on the following:
 - how environmental (and sustainability) considerations have been integrated into the Joint Plan;
 - how the Environmental Report (contained within the SA Report) has been taken into account during the preparation of the Joint Plan;
 - action taken by the Authorities to provide public access to consultation documents;
 - how opinions expressed by the public, consultation bodies and where appropriate with EU Member States, during consultation on the Joint Plan and Environmental Report, have been taken into account;
 - the reasons for choosing the Joint Plan as adopted, in the light of the other reasonable alternatives dealt with; and
 - the measures that are to be taken to monitor the significant environmental effects of the implementation of the Joint Plan.

The required information is set out under these headings in the remainder of this report.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 16) - <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

1.5 This Post Adoption Statement should be read in conjunction with the following documents prepared as part of the SA/SEA of the Joint Plan during its preparation:

- SA/SEA Revised Scoping Report (June 2017)².
- SA/SEA Revised Baseline Report (June 2017)³.
- SA/SEA Interim Report (June 2018)⁴.
- Bray Quarry Extension Regulation 18 Consultation (June 2019)⁵.
- Focussed Regulation 18 Consultation: Sand and Gravel Provision and Operator Performance (February 2020)⁶.
- SA/SEA Updated Baseline Report (May 2020).
- SA/SEA Environmental Report (August 2020)⁷.
- Environmental Report SA/SEA Main Modifications Addendum (November 2021)⁸.

² Central and Eastern Berkshire Joint Minerals and Waste Plan Sustainability Appraisal (incorporating Strategic Environmental Assessment): Revised Scoping Report June 2017 - www.hants.gov.uk/berksconsult.

³ Central and Eastern Berkshire Joint Minerals and Waste Plan Sustainability Appraisal (incorporating Strategic Environmental Assessment): Revised Baseline Report June 2017 www.hants.gov.uk/berksconsult.

⁴ Central and Eastern Berkshire Joint Minerals and Waste Plan Interim SA/SEA Report June 2018 - www.hants.gov.uk/berksconsult.

⁵ Central and Eastern Berkshire Joint Minerals and Waste Plan Bray Quarry Extension Regulation 18 Consultation (June 2019) - www.hants.gov.uk/berksconsult.

⁶ Central and Eastern Berkshire Joint Minerals and Waste Plan Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance (February 2020) - www.hants.gov.uk/berksconsult.

⁷ Central and Eastern Berkshire Joint Minerals and Waste Plan Environmental Report SA/SEA August 2020 - www.hants.gov.uk/berksconsult.

⁸ Central and Eastern Berkshire Joint Minerals and Waste Plan Environmental Report SA/SEA Main Modifications Addendum November 2021 - www.hants.gov.uk/berksconsult.

2. How environmental considerations have been integrated into the Joint Plan

- 2.1 As an integral part of the SA/SEA process, various environmental, social and economic issues have been identified through: a review of a wide range of relevant plans, programmes and policies; the collection of a comprehensive environmental and wider sustainability baseline; and the identification of sustainability issues and problems. The review and baseline are set out in the SA/SEA Revised Scoping Report and SA/SEA Updated Baseline Report, respectively, as listed above.
- 2.2 Identified issues have informed the development of the sustainability appraisal framework, which include a set of sustainable development policy objectives (sustainability objectives). This framework was used to appraise the emerging Joint Plan and the reasonable alternatives to its proposals. In this way, environmental considerations have underpinned the appraisal of the Joint Plan and helped to ensure that these are integrated into it. The sustainability objectives used for the assessment are set out in Table 1, below.

Table 1: SA/SEA Sustainability Appraisals used to test the Joint Plan

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 mineral and aggregate resources.
9) Economic growth	To reduce 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.

3. How the Environmental Report has been taken into account during the preparation of the Joint Plan

- 3.1 The preparation of the SA/SEA was undertaken iteratively, in tandem with Joint Plan preparation. The SA/SEA informed decision making around issues and options, preferred options and policy formulation within the draft Joint Plan. The SA/SEA findings and recommendations have been taken into account when making modifications to the Joint Plan throughout its development.
- 3.2 As options for policies and proposals emerged, the recommendations from the SA/SEA for the enhancement of positive effects and the mitigation of negative effects, have been used to inform those options that have gone forward for further consideration.
- 3.3 An update to the SA/SEA Environmental Report was undertaken to review the proposed Main Modifications, following the Hearings for the Examination in Public. This confirmed that the implementation of the Main Modifications do not affect the findings of the SA/SEA Environmental Report.
- 3.4 It is important to note that the work undertaken on the SA/SEA has been developed alongside the development of an extensive set of evidence base documents to support plan preparation. These include a Habitats Regulations Assessment (HRA) and a Strategic Flood Risk Assessment (SFRA). The findings of these documents were considered in the plan-making process alongside the SA/SEA at each relevant stage and these documents have also informed the SA/SEA process.
- 3.5 A summary of how the SA/SEA has been integrated into the Joint Plan is shown in Table 2, below.

Table 2: Integration of SA/SEA process with Joint Plan preparation stages

SA/SEA Stages and Tasks⁹	Deliverable
CEB Joint Plan Pre-Production	
<u>Stage A: Setting the context, establishing the baseline and deciding on the scope</u> A1: identifying other relevant policies, plans and programmes, and sustainability objectives A2: collecting baseline information A3: identifying sustainability issues and problems A4: developing the SA/SEA Framework A5: consulting on the scope of the SA/SEA	<ul style="list-style-type: none"> • Scoping and Baseline Reports (March 2017) • Revised Scoping and Baseline Reports (June 2017) • Updated Baseline Report (May 2020)
CEB Joint Plan Production	
<u>Stage B: Developing and refining options assessing effects</u> B1: testing the Joint Plan's objectives of the SA/SEA framework B2: developing and refining the options B3: predicting the effects B4: evaluating the effects B5: considering ways of mitigating adverse effects and maximising beneficial effects B6: proposing measures to monitor the significant effects of implementing the Joint Plan	<ul style="list-style-type: none"> • Interim SA/SEA Report (June 2018) • Bray Quarry Extension Regulation 18 Consultation (June 2019) (included SA/SEA) • Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance (February 2020) (included SA/SEA) • Environmental Report (August 2020)
<u>Stage C: Preparing the Environmental Report</u> C1: preparing the Interim SA/SEA Report C2: preparing the Environmental Report	<ul style="list-style-type: none"> • Interim SA/SEA Report (June 2018) • Environmental Report (August 2020)
<u>Stage D: Consulting on the Draft Plan</u> D1: consultation on the Draft Joint Plan and accompanying Interim SA/SEA Report D2: consultation on Proposed Submission Joint Plan and accompanying Environmental Report	
CEB Joint Plan Examination	
D3: appraising significant changes resulting from representations	<ul style="list-style-type: none"> • Environmental Report Main Modifications Addendum (November 2021)
CEB Joint Plan Adoption	
<u>Stage E: Monitoring significant effects of implementing the Plan</u> E1: Finalising aims and methods of monitoring E2: responding to adverse effects	<ul style="list-style-type: none"> • Joint Minerals and Waste Plan Monitoring Reports

⁹ Tasks as Defined in 'A Practical Guide to the Strategic Environmental Assessment Directive, September 2005'.

4. Action taken by the Authorities to provide public access to consultation documents

- 4.1 SA/SEA documentation was made available in line with the Statements of Community Involvement of the Central and Eastern Berkshire Authorities.
- 4.2 A dedicated website¹⁰ was created to provide a central location where all documentation relating to all key stages of Joint Plan preparation (including SA/SEA) can be accessed, for the benefit of statutory bodies, key stakeholders and the general public.
- 4.3 Interested parties have been able to view documents in hard copy format at the offices of each of the Central and Eastern Berkshire Authorities, with necessary adjustments made during COVID-19 restrictions. All documents were also available in large print, Braille, audio cassette or alternative language formats, upon request.

¹⁰ Central and Eastern Berkshire Joint Minerals & Waste Plan Website - www.hants.gov.uk/berksconsult.

5. How opinions expressed in response to consultation have been taken into account

5.1 Statutory bodies, key stakeholders and the public have had opportunities to comment on the various stages of Joint Plan preparation including the associated stages of SA/SEA, as follows:

- ‘Regulation 18 Issues and Options Consultation’ that ran for six weeks from 9 June to 21 July 2017 (included Revised SA/SEA Scoping and Baseline Reports June 2017);
- ‘Regulation 18 Draft Plan Consultation’ that ran for ten weeks from 6 August to 12 October 2018 (included SA/SEA Interim Report June 2018);
- ‘Additional Regulation 18 (Site Specific) Consultation’ that ran for six weeks, from 9 July to 19 August 2019 (included SA/SEA of the new site – Bray Quarry Extension);
- ‘Focussed Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance’ that ran for six weeks from 11 February to 23 March 2020 (included SA/SEA of two additional sites, an ‘Area of Search’ approach and inclusion of a new draft Policy 15: Past Operator Performance);
- ‘Regulation 19 Proposed Submission Consultation’ that ran for six weeks from 3 September to 15 October 2020 (included SA/SEA Environmental Report August 2020); and
- ‘Regulation 24 Public Examination Main Modifications Consultation’ that ran for six weeks from 28 February 2022 to 11 April 2022 (included Environmental Report SA/SEA Main Modifications Addendum November 2021).

5.2 The Central and Eastern Berkshire Authorities published the following consultation documents relating to the consultations listed above, detailing the representations made and how they were addressed (including for the SA/SEA process and associated documentation):

- Consultation Statement: Post Regulation 18 – Issues and Options (September 2017)¹¹.
- Consultation Summary Report: Post Regulation 18 – Draft Plan (April 2019)¹².
- Consultation Summary Report: Addendum (August 2019)¹³.
- Focussed Regulation 18 Consultation: Summary Report (April 2020)¹⁴.
- Consultation Statement (Proposed Submission) (July 2020)¹⁵.

¹¹ Central and Eastern Berkshire Joint Minerals & Waste Plan – Consultation Statement: Post Regulation 18 – Issues and Options September 2017 - www.hants.gov.uk/berksconsult.

¹² Central and Eastern Berkshire Joint Minerals & Waste Plan – Consultation Summary Report: Post Regulation 18 – Draft Plan April 2019 - www.hants.gov.uk/berksconsult.

¹³ Central and Eastern Berkshire Joint Minerals & Waste Plan – Consultation Summary Report: Addendum August 2019 - www.hants.gov.uk/berksconsult.

¹⁴ Central and Eastern Berkshire Joint Minerals & Waste Plan – Focussed Regulation 18 Consultation: Summary Report April 2020 - www.hants.gov.uk/berksconsult.

¹⁵ Central and Eastern Berkshire Joint Minerals & Waste Plan – Consultation Statement (Proposed Submission) July 2020 - www.hants.gov.uk/berksconsult.

- Consultation Statement (Regulation 22) document (February 2021)¹⁶.
- Consultation Statement (Regulation 22) Annex 1 (February 2021)¹⁷.

5.3 The Authorities considered the representations made at Examination when preparing the schedule of Main Modifications for consultation. When preparing the final report of the Joint Plan’s Examination in Public, the Inspectors considered the representations made in response to the Main Modifications consultation held between 28 February 2022 and 11 April 2022.

5.4 Although the SA/SEA process began pre-Brexit and in compliance with the European SEA Directive, no transboundary consultations were deemed necessary as part of the Joint Plan preparation process.

¹⁶ Central and Eastern Berkshire Joint Minerals & Waste Plan – Consultation Statement (Regulation 22) February 2021 - www.hants.gov.uk/berksconsult.

¹⁷ Central and Eastern Berkshire Joint Minerals & Waste Plan – Consultation Statement (Regulation 22) Annex 1 February 2021 - www.hants.gov.uk/berksconsult.

6. Reasons for choosing the Joint Plan as adopted, in the light of the other reasonable alternatives

- 6.1 The SEA Regulations requires that ‘reasonable alternatives’ are taken into account. Sustainability considerations have been taken into account throughout the development of the Joint Plan. Early drafts and subsequent iterations of the Joint Plan (including the vision, objectives, policies and sites) have been subjected to SA. At each stage the likely effects of emerging options were appraised against the SA Framework.
- 6.2 A full explanation of the options considered during Joint Plan preparation are set out in the Environmental Report SA/SEA: Proposed Submission (August 2020), in particular the following sections:
- Section 3: Developing and refining options;
 - Appendix D: Objectives options;
 - Appendix E: Development Management Policy options;
 - Appendix F: Waste Policy options; and
 - Appendix G: Minerals Policy options.
- 6.3 Three potential scenarios were considered in the SA/SEA with respect to managing minerals and waste resources: ‘no plan’; ‘business as usual’ and the development of a new Joint Minerals and Waste Plan. The SA/SEA also considered reasonable options with respect to: the Joint Plan in its entirety; alternative policies; and alternative sites.
- 6.4 Only ‘reasonable’ policy options were taken forward for SA/SEA. For the purposes of the assessment, the criteria used to determine whether a policy was ‘reasonable’ included whether it complied with the National Planning Policy Framework (NPPF) and/or it was applicable.
- 6.5 The NPPF states that Mineral Planning Authorities should make provision, in the form of specific sites or locations, to meet the requirements identified in the Local Aggregate Assessment (LAA). The LAA sets out how a steady and adequate supply of aggregate will be achieved including the maintenance of a minimum of a seven year landbank (seven years-worth of permitted mineral reserves based on an average rate of depletion). Therefore, the scenario of ‘no plan’ was not considered a reasonable option and was eliminated as it would not comply with national planning policy.
- 6.6 The ‘business as usual’ option, effectively meaning a continuation of the existing plan, was also discounted due to the need to update and improve policies in line with statutory requirements.
- 6.7 Due to the limited number of site options, the approach was taken to assess the sites on their own merits / constraints allowing plan-makers to determine whether each site should be considered as an allocation taking all factors into consideration.

7. The measures that are to be taken to monitor the significant environmental effects of the implementation of the Joint Plan.

- 7.1 The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires local planning authorities to prepare reports containing information on how plan preparation is progressing and the extent to which policies set out in those plans are being achieved. This report, known as an Authority Monitoring Report (AMR), which will be made publicly available, monitors and assesses:
- the effectiveness of adopted minerals and waste planning policies;
 - progress in preparing new local development documents; and
 - how well the Authorities are achieving the Statement of Community Involvement.
- 7.2 The report helps the Authorities assess the effectiveness and relevance of the Joint Plan and can prompt alterations to policies to reflect changing circumstances. Although the plan has been produced jointly, there is no requirement to produce a joint monitoring report.
- 7.3 Each of the policies contained within the Joint Plan has associated monitoring indicators to measure its 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, the inter-relationship of the policies will be monitored in order to measure the effectiveness of the policies to provide mitigation and adaption to the effects of climate change.
- 7.4 Additional to the above monitoring indicators, Policy DM2 – Climate change mitigation and adaption requires applicants to submit a Climate Change Assessment. This must outline a commitment to supply the data to the relevant Authority for reporting in the Authority Monitoring Report. Furthermore, Policy DM15 – Site history requires monitoring information to be submitted by applicants to support the determination of a planning application, particularly where developments have a long or complex history of issues.
- 7.5 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.
- 7.6 Annual aggregate monitoring will be 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.

8. Concluding Statement

- 8.1 This SA/SEA Post Adoption Statement shows that the Central and Eastern Berkshire Authorities have undertaken a comprehensive, rigorous and robust integrated Sustainability Appraisal and Strategic Environmental Assessment of the Joint Minerals and Waste Plan that is compliant with the SEA Regulations (and EU SEA Directive pre-Brexit), and the Planning and Compulsory Purchase Act requirements on SA.
- 8.2 This document also shows that the Authorities have met the statutory requirements for consultation with statutory agencies and the general public, that the SA/SEA has effectively informed the Joint Plan through its development and that appropriate measures have been established to monitor the significant effects of the implementation of the Joint Plan.

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 and Eastern Berkshire

Joint Minerals & Waste Plan

**Habitats Regulations Assessment
Record of Assessment and Determination**

2022



www.rbwm.gov.uk



Contents

1. Introduction	1
Purpose	1
The Joint Minerals & Waste Plan	1
2. Habitats Regulations Assessment Process	3
Requirement for HRA.....	3
HRA Baseline and Methodology	4
HRA Screening	5
HRA Appropriate Assessment	9
Joint Plan Main Modifications.....	10
3. Conclusion.....	12
Glossary.....	13
Appendix 1: Natural England Response to Baseline and Methodology Report Consultation	15
Appendix 2: Natural England Response to Regulation 18 Issues and Options Consultation.....	19
Appendix 3: Natural England Response to Regulation 18 Draft Plan Consultation.....	22
Appendix 4: Natural England Response to Additional Regulation 18 Draft Plan Consultation (Bray Quarry Extension).....	27
Appendix 5: Natural England Response to Focussed Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance.....	28
Appendix 6: Natural England Response to Regulation 19 Proposed Submission Consultation ...	29
Appendix 7: Natural England Response to Main Modifications Consultation.....	32

Prepared by Hampshire Services
Hampshire County Council
www.hants.gov.uk/sharedexpertise



© Crown copyright and database rights 2022
Ordnance Survey 100018817
Derived from 1:50000 scale BGS Digital
Data under
Licence 2011/049F, British Geological
Survey ©NERC

1. Introduction

Purpose

- 1.1 This report (HRA Record) summarises the Habitats Regulations Assessment (HRA) of the Central and Eastern Berkshire Authorities Joint Minerals and Waste Plan (herein referred to as ‘the Joint Plan’) to support its adoption by the relevant minerals and waste planning authorities. The Joint Plan has been through Examination and with the incorporation of Main Modifications, has been found sound.
- 1.2 This report should be read in conjunction with:
- HRA Baseline and Methodology Report Revised June 2017¹ (Issues and Options stage of Plan preparation);
 - HRA Screening Report June 2018² (Regulation 18 consultation stage of Plan preparation);
 - Bray Quarry Extension Regulation 18 Consultation June 2019³ (includes HRA screening of this additional site);
 - Focussed Regulation 18 Consultation: Sand and Gravel Provision and Operator Performance February 2020⁴ (includes HRA of two additional sites, ‘Area of Search’ and Policy DM15: Past Operator Performance);
 - HRA Screening Report Proposed Submission August 2020⁵ (Regulation 19 consultation stage of Plan preparation);
 - HRA Appropriate Assessment August 2020⁶ (Regulation 19 consultation stage of Plan preparation); and
 - HRA Addendum February 2022⁷ (Regulation 24 Public Examination Main Modifications Consultation).

The Joint Minerals & Waste Plan

- 1.3 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’) worked in partnership to produce the Joint Plan which will guide minerals and waste decision-making in the Joint Plan area.

¹ Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - www.hants.gov.uk/berksconsult.

² Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Screening Report (June 2018) - www.hants.gov.uk/berksconsult.

³ Central and Eastern Berkshire Joint Minerals and Waste Plan Bray Quarry Extension Regulation 18 Consultation (June 2019) - www.hants.gov.uk/berksconsult.

⁴ Central and Eastern Berkshire Joint Minerals and Waste Plan Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance (February 2020) - www.hants.gov.uk/berksconsult.

⁵ Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment (Screening Report) Proposed Submission (August 2020) - www.hants.gov.uk/berksconsult.

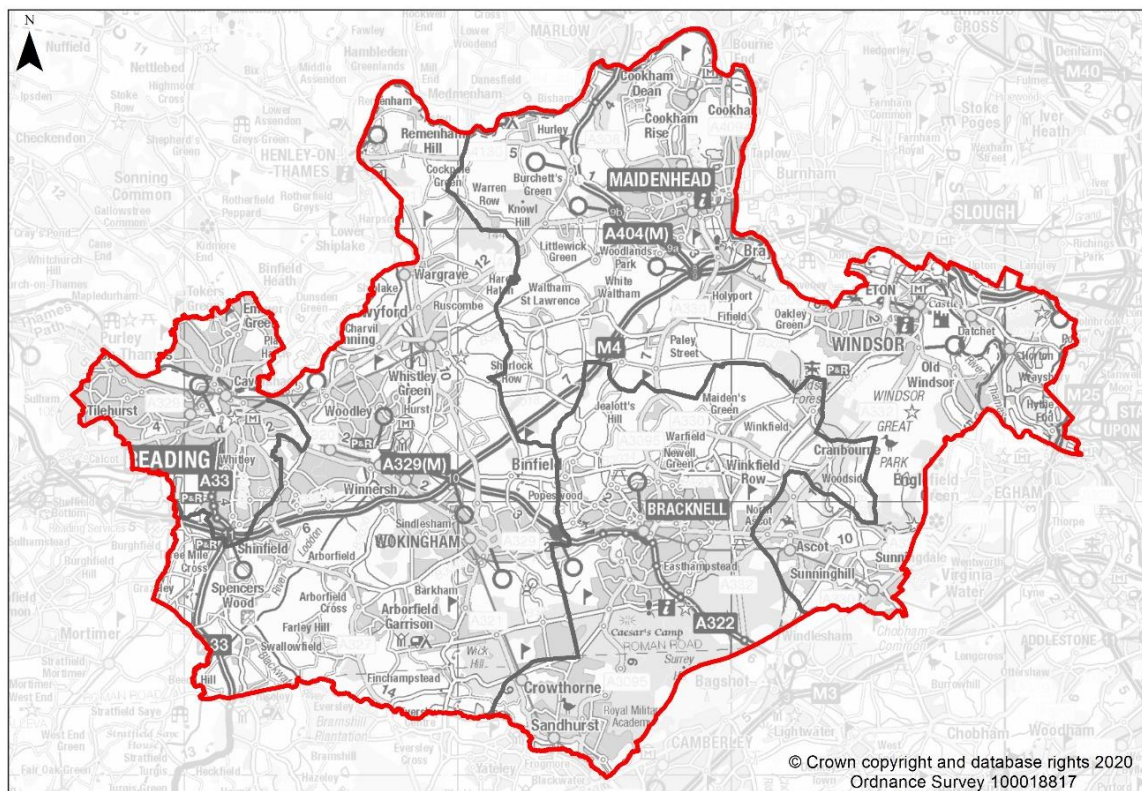
⁶ Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment (Appropriate Assessment (August 2020) - www.hants.gov.uk/berksconsult.

⁷ Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Addendum (February 2022) - www.hants.gov.uk/berksconsult.

These Authorities also worked in partnership to undertake the HRA of the Joint Plan during its preparation.

- 1.4 The Joint Plan builds upon the formerly adopted minerals and waste plans for the Berkshire area, and improve, update and strengthen the policies and provide details of strategic sites that are proposed to deliver the vision.
- 1.5 This is important as out of date plans limit the ability for planning authorities to enable the right development, in the right location, at the right time, and may lead to a greater number of planning applications determined at appeal.
- 1.6 Mineral and waste planning issues are most appropriately addressed jointly so that strategic issues can be satisfactorily resolved. The Joint Plan covers the minerals and waste planning authority administrative areas of Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham (see Figure 1).

Figure 1: Central & Eastern Berkshire Authorities administrative areas



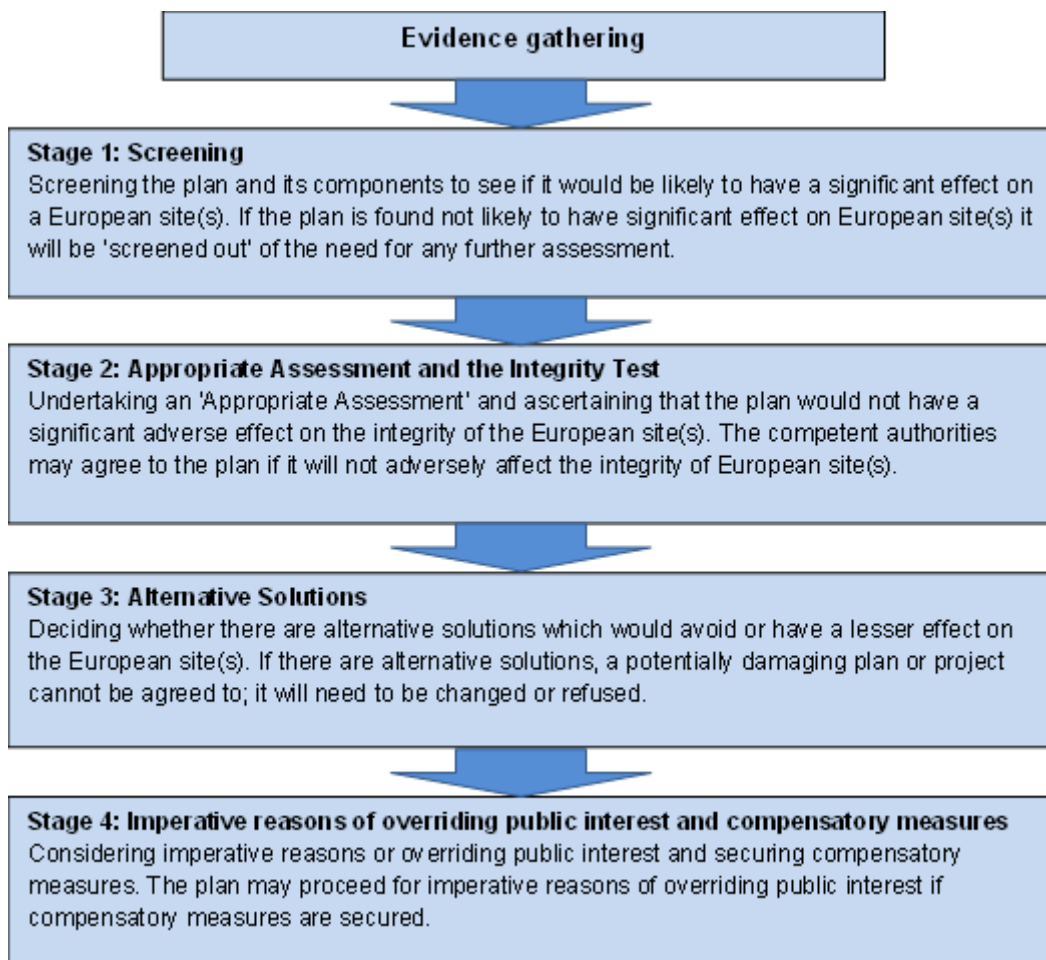
2. Habitats Regulations Assessment Process

Requirement for HRA

- 2.1 The need for HRA is set out in the Conservation of Habitats and Species Regulations 2017 (as amended)⁸, commonly referred to as the Habitats Regulations. The Regulations transposed two pieces of retained European law – Directive 2009/147/EC on the conservation of wild birds (the Birds Directive) and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna (the Habitats Directive) – into domestic law.
- 2.2 On 31st December 2020, the implementation Period following the UK's departure from the European Union in January 2020 came to a close. As such the Conservation of Habitats and Species Regulations 2017 are now amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and collectively referred to as 'the Habitats Regulations'.
- 2.3 However, at the time the HRA was undertaken for the preparation of the Joint Plan, the post-Brexit changes had not come into effect. As such, the term '*European Sites*' (collectively used for Special Areas of Conservation (SAC), Special Protection Areas (SPA) and international Ramsar Sites in the HRA documents) will continue to be used here for consistency.
- 2.4 The four-stage approach to Habitats Regulations Assessment set out in 'The Habitats Regulations Assessment Handbook' is summarised in Figure 2, below.

⁸ Conservation of Habitats and Species Regulations 2017 (as amended) - <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

Figure 2: Four stage approach to HRA



Adapted from The Habitats Regulations Assessment Handbook, www.dtapublications.co.uk
© DTA Publications Limited (Mat 2015) All rights reserved.

HRA Baseline and Methodology

- 2.5 The methodological basis for the HRA together with baseline information relating to potentially affected European Sites is provided in detail in the HRA Revised Baseline and Methodology Report⁹.
- 2.6 The HRA methodology, agreed with Natural England, utilised the guidance provided in The Habitats Regulations Assessment Handbook¹⁰. The handbook is updated regularly and therefore provides the most up-to-date guidance on interpretation of the Habitats Regulations and the process of HRA. This guidance is non-statutory, but '*based on experience, good practice and authoritative published guidance*'.

⁹ Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - www.hants.gov.uk/berksconsult.

¹⁰ Tyldesley, D. and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, May 2015 edition (DTA Publications Ltd: Berkshire) - www.dtapublications.co.uk

- 2.7 Using an applied buffer around the Joint Plan area of 10km, as agreed with Natural England, the Baseline and Methodology Report detailed those European sites found to be wholly or partly within the Joint Plan area and buffer, which are:
- Burnham Beeches SAC;
 - Chiltern Beechwoods SAC;
 - Hartslock Wood SAC;
 - Windsor Forest and Great Park SAC;
 - Thursley, Ash, Pirbright and Chobham SAC;
 - South West London Water Bodies SPA and Ramsar; and
 - Thames Basin Heaths SPA.
- 2.8 For each of the identified European sites, the Baseline and Methodology Report details the following information:
- Site description and locational information.
 - European site Conservation Objectives.
 - Component SSSI Units.
 - European site condition (through SSSI Units).
 - European site vulnerabilities and sensitivities.
- 2.9 'Version 2 – April 2017' of the Baseline and Methodology Report was submitted to Natural England for consultation prior to the formal Regulation 18 consultation process. Natural England stated, in its response to this consultation, that '*...we don't have any specific comments to add in relation to the Baseline and Methodology Report*'. Their response is provided in Appendix 1.
- 2.10 The HRA Baseline and Methodology Report was subsequently revised (June 2017)¹¹ and provided as part of the public 'Regulation 18 Issues and Options Consultation' that ran for six weeks from 9 June to 21 July 2017, as a 'supporting document for reference only'. Nevertheless, Natural England provided some useful information for the next stage of the HRA process in their general response to this consultation, and their response is provided in Appendix 2.

HRA Screening

- 2.11 Draft development management, minerals and waste policies and draft proposed site allocations were screened for their potential effects on the integrity of European sites both alone and in-combination with other plans and projects. Site integrity is defined as '*the coherence of its structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified*'.¹²

¹¹ Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - www.hants.gov.uk/berksconsult.

¹² Paragraph 20 of ODPM Circular 06/2005 on Biodiversity and Geological Conservation.

2.12 The screening process followed the HRA methodology agreed with Natural England, as set out in the HRA Baseline and Methodology Report. The screening process is detailed in the HRA Screening Report¹³.

2.13 The objective of this stage of the HRA was to 'screen out' elements of the Joint Plan that are unlikely to have any significant effect on any European site, either alone or in-combination with other plans or projects; and to identify any aspects of the Joint Plan that could have such an effect, so that mitigation measures can be considered at the next stage of HRA. Significant effect is defined as '*...any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects*'.¹⁴

2.14 The following potential development hazards were identified and considered as part of the screening process for both minerals (M) and waste (W) activities:

- land take (M&W);
- removal of supporting habitat (M&W);
- noise; vibration; lighting; dust; (M&W)
- water pollution (M&W);
- leachate (W);
- changes in surface / groundwater hydrology (M);
- water use (W);
- traffic (M&W);
- emissions of aerial pollutants / air quality (M&W);
- impact of building (W);
- litter; vermin (W); and
- recreational displacement impacts (M&W).

2.15 To determine if site allocation proposals were likely to have any significant effects on European sites, the following issues were considered:

- could the proposals affect the qualifying interest of the European site (is the site sensitive to the effect);
- the probability of the effect happening;
- the likely consequences for the site's Conservation Objectives (as defined by Natural England) if the effect occurred;
- the magnitude, duration and reversibility of the effect.

2.16 It is a requirement of the Habitats Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in-combination with other plans and projects that may also be affecting the European site(s) in question. It is neither practical nor necessary to assess the 'in-combination' effects of the Joint Plan within the context of all other plans and projects within the region. Principal plans and

¹³ Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Screening Report (June 2018) - www.hants.gov.uk/berksconsult.

¹⁴ English Nature (1999) Habitats regulations HR3GN guidance note: The Determination of Likely Significant Effect under The Conservation (Natural Habitats &c) Regulations 1994. English Nature November 1999.

projects, including relevant National Infrastructure Projects, were considered as part of the screening of proposed minerals and waste site allocations.

2.17 The following neighbouring local authorities' Local Plans and other relevant plans and projects, together with their associated HRA work, were considered as part of this assessment:

- Central and Eastern Berkshire Authorities constituent Local Plans and Transport Plans;
- West Berkshire District Local Plan;
- West Berkshire Minerals and Waste Local Plan;
- Slough Local Plan;
- Slough Waste Local Plan;
- Berkshire Replacement Minerals Local Plan;
- Hampshire Minerals and Waste Plan;
- Surrey Minerals and Waste Development Framework;
- Buckinghamshire Minerals and Waste Local Plan;
- Oxfordshire Minerals and Waste Local Plan;
- Chiltern and South Bucks Local Plan;
- Wycombe District Local Plan;
- South Oxfordshire Local Plan;
- Hart Local Plan;
- Spelthorne Local Plan;
- Surrey Heath Local Plan;
- Runnymede Local Plan; and
- London Borough of Hillingdon Local Plan.

2.18 The decision-making process under the Habitats Regulations is underpinned by the precautionary principle, whereby the Competent Authorities (the Joint Plan Authorities) act to avoid potential harm in the face of scientific uncertainty. If it is not possible in a 'likely significant effect' test to rule out a risk of significant effect on a European site on the basis of available evidence, then it should be assumed a risk may exist and needs to be dealt with at the next stage of HRA. This precautionary approach was taken at all stages of the HRA assessment, where faced with scientific uncertainty.

2.19 Screening tables were used to systematically screen Policies, Minerals Sites and Waste Sites, which are provided in sections 5, 6 and 7 of the HRA Screening Report, respectively.

2.20 When undertaking a screening assessment for an HRA, the 'People Over Wind' judgement (Sweetman Ruling)¹⁵ is of particular relevance, which ruled that mitigation cannot be taken into account when considering the screening test for Likely Significant Effects. If significant effects are considered likely a site or policy must, therefore, be screened-in for further consideration. This approach was followed for all stages of screening of the draft Joint Plan.

¹⁵ Court of Justice of the European Union - 12 April 2018 (Case C323/17).

- 2.21 The Screening Report was provided for comment to statutory consultees, including Natural England, as part of the public 'Regulation 18 Draft Plan Consultation' that ran for ten weeks from 6 August to 12 October 2018. In their response to the consultation, Natural England stated that *'the applied methodology in the screening report is robust, and that likely significant effects, both alone and in-combination, to European sites arising from the plan have been considered.'* Natural England's response to the consultation, which also provided useful information for the next stage of assessment, is provided in Appendix 3.
- 2.22 An additional HRA site specific screening assessment was undertaken for an additional draft proposed site allocation – Bray Quarry Extension. The screening process is detailed in the associated Regulation 18 Consultation Report¹⁶. This report was provided for comment as part of the 'Additional Regulation 18 (Site Specific) Consultation' that ran for six weeks, from 9 July to 19 August 2019. Natural England had *'no comments to make on this consultation'*. Their response is provided in Appendix 4.
- 2.23 A further HRA screening assessment was undertaken for the 'Focussed Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance', relating to the addition of an 'Area of Search' approach and inclusion of a new draft Policy 15: Past Operator Performance. The screening assessment is included in the associated consultation document¹⁷. Natural England's response to this consultation included useful information to support the next stage of the HRA process and is provided in Appendix 5.
- 2.24 The screening process, overall, resulted in three policies and six proposed site allocations being screened-in for further consideration as part of an Appropriate Assessment, as follows:
- Policies
- Policy M4: Locations for sand and gravel extraction;
 - Policy W3: Waste capacity requirements; and
 - Policy W4: Locations and sites for waste management.
- Sites
- Poyle Quarry Extensions (CEB18b);
 - Horton Brook Quarry (CEB19);
 - Stubbings Compound (CEB24);
 - Berkyn Manor Farm (CEB25);
 - Monkey Island Wharf (CEB26);
 - Bray Quarry Extension (CEB27); and
 - Horton Brook and Poyle Quarry Extension (CEB30).

¹⁶ Central and Eastern Berkshire Joint Minerals and Waste Plan Bray Quarry Extension Regulation 18 Consultation (June 2019) - www.hants.gov.uk/berksconsult.

¹⁷ Central and Eastern Berkshire Joint Minerals and Waste Plan Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance (February 2020) - www.hants.gov.uk/berksconsult.

2.25 Policies M4 and W4 were screened-in as they make reference to one or more screened-in proposed site allocations. Policy W3, however, includes waste capacity requirements that could potentially have significant effects on European sites across the Joint Plan area.

HRA Appropriate Assessment

2.26 An Appropriate Assessment was undertaken for screened-in policies and proposed site allocations. This included the three policies listed in paragraph 2.24, but it should be noted that several proposed site allocations were removed from the Joint Plan following the Regulation 18 Draft Plan Consultation. The remaining proposed allocation sites subject to Appropriate Assessment, therefore, were as follows:

Minerals sites

- Poyle Quarry Extensions (CEB18b); and
- Horton Brook and Poyle Quarry Extension (CEB30).

Waste sites

- Horton Brook Quarry (CEB19); and
- Berkyn Manor Farm (CEB25).

2.27 The HRA Appropriate Assessment report¹⁸ sets out the Appropriate Assessment process in detail. The Appropriate Assessment followed the HRA methodology agreed with Natural England, as set out in the HRA Baseline and Methodology Report¹⁹.

2.28 In assessing the effects of screened-in proposed site allocations, the Appropriate Assessment considered a number of assumptions relating to the following types of impacts, set out in Section 5 of the HRA Appropriate Assessment Report:

- physical damage / loss of habitat;
- indirect disturbance from noise, vibration and/or light pollution;
- changes to water levels and water quality;
- air pollution;
- dust;
- soil contamination;
- invasive species / vermin / litter;
- physical infrastructure;
- recreational displacement; and
- in-combination effects.

2.29 Potential effects tables (Tables 3 – 6 of the HRA Appropriate Assessment Report) were used to systematically assess the effects of proposed site allocations using mitigation/measures including relevant Development Considerations, Development

¹⁸ Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment (Appropriate Assessment (August 2020) - www.hants.gov.uk/berksconsult.

¹⁹ Central and Eastern Berkshire Authorities Joint Minerals & Waste Plan Habitats Regulations Assessment Baseline and Methodology Report - Revised (June 2017) - www.hants.gov.uk/berksconsult.

Management Policies, HRA requirements and Environment Agency permitting requirements.

- 2.30 The Appropriate Assessment established the nature of the potential effects of screened-in site allocations on the integrity of European sites and concluded that none of the site allocations would be likely to have an effect on the integrity of any European site alone or in-combination with other plans or projects, based on the mitigation/measures listed above.
- 2.31 Policies M4 and W3 were subject to Appropriate Assessment as a result of their reference to one or more screened-in sites. Based on the assessment's conclusion for screened-in site allocations, both policies were deemed not likely to have a significant effect on any European site either alone or in-combination with other plans or projects.
- 2.32 Policy W3, however, was subject to Appropriate Assessment based on inclusion of waste capacity requirements that could potentially have significant effects on European sites across the Joint Plan area. The Appropriate Assessment concluded that due to sufficient mitigation/measures being in place in the Proposed Submission Joint Plan, or elsewhere, such as Development Considerations, Development Management Policies, HRA requirements and Environment Agency permitting requirements (as set out in Table 7 of Section 5 of the HRA Appropriate Assessment), Policy W3 would not be likely to have a significant effect on any European site either alone or in-combination with other plans or projects.
- 2.33 It is a requirement of Regulation 105(2) of the Habitats Regulations that the relevant Statutory Nature Conservation Body (Natural England) is consulted at the Appropriate Assessment stage. The Appropriate Assessment report was provided to statutory consultees, including Natural England, for comment as part of the public 'Regulation 19 Proposed Submission Consultation' that ran for six weeks from 3 September to 15 October 2020. Natural England had '*no further comments to add to the Regulation 19 consultation*'. Their response is provided in Appendix 6.

Joint Plan Main Modifications

- 2.34 Proposed modifications were discussed at the Submission Plan Examination Hearings 28-30 September 2021 and 12 October 2021. A list of Main Modifications were subsequently provided in the Schedule of Proposed Main Modifications²⁰.
- 2.35 The proposed Main Modifications were produced to address issues raised by the Inspector, or matters arising from representations through the Examination process.
- 2.36 The Main Modifications relate to the refinement of policy and supporting text to provide greater clarity or the updating of content where appropriate. These modifications do not influence the location, nature or scale of development, but instead add clarity,

²⁰ Central and Eastern Berkshire Joint Minerals & Waste Plan Schedule of Proposed Main Modifications Examination Library Reference: MD03 14 December 2022 - www.hants.gov.uk/berksconsult.

justification and additional detail in respect of policies and proposals previously included and subject to assessment.

2.37 A Habitats Regulations Assessment of the Main Modifications was undertaken and presented in an HRA Addendum document²¹ to identify the potential of the Modifications to materially affect the conclusions of the Appropriate Assessment and/or result in a significant effect on any of the identified European sites in respect of the following potential impacts:

- direct land take and removal of supporting habitat;
- noise, vibration and lighting;
- emission of aerial pollution and particulates;
- water pollution and changes in surface / groundwater hydrology;
- impact of built development;
- traffic;
- recreational related impacts;
- invasive species, vermin and litter.

2.38 The assessment concluded that the Main Modifications would not result in substantive changes to the Submission Plan from the perspective of the Habitats Regulations²² and the results of this assessment show that the modifications would not lead to any likely significant effects on European sites, either alone or in combination with other plans or projects.

2.39 The HRA Addendum document was provided to statutory consultees, including Natural England, as part of a public consultation that ran for six weeks from 28 February 2022 to 11 April 2022. In their response to the consultation, Natural England stated that it *'does not consider that this Joint Minerals and Waste Plan poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.'* Natural England's response is provided in Appendix 7.

2.40 Inspectors considered all comments received and concluded that the Joint Plan is sound and can be adopted by the Central and Eastern Berkshire Authorities, subject to making the Modifications identified.

²¹ Central and Eastern Berkshire Joint Minerals and Waste Plan Habitats Regulations Assessment Addendum (February 2022) - www.hants.gov.uk/berksconsult.

²² Conservation of Habitats & Species Regulations 2017 (as amended) - <https://www.legislation.gov.uk/uksi/2017/1012/contents>

3. Conclusion

- 3.1 As required by Regulation 105(2) of the Habitats Regulations, *'The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies'*. Natural England was consulted throughout Plan preparation, and throughout the progress of the Habitat Regulations Assessment, and the Central and Eastern Berkshire Authorities have had regard to their representations. These representations are provided in the Appendices of this document.
- 3.2 As required by Regulation 105(3) of the Habitats Regulations, *'The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate'*. The HRA has been provided for formal public consultation and regard has been given to associated representations.
- 3.3 As required by Regulation 105(5) *'A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter'*. The Central and Eastern Berkshire Authorities have provided comprehensive baseline information to support the HRA and comprehensive HRA documentation detailing all stages of the HRA process.
- 3.4 The Habitats Regulations Assessment has concluded that:
'the Joint Minerals and Waste Proposed Submission Plan is compliant with the Habitats Regulations and will not result in likely significant effects on any European sites, either alone or in-combination with other plans or projects. For development coming forward on either the allocated sites or non-allocated sites, it is considered that there are sufficient mitigation/measures set out in the Proposed Submission Plan, or elsewhere, such as via HRA requirements, regulatory requirements managed by the Environment Agency and minerals and waste planning authority development management processes.'
- 3.5 The Main Modifications required by the Planning Inspectorate following Examination in Public were assessed and found to have no material effect on the conclusion of the Appropriate Assessment.
- 3.6 The conclusions of the HRA for the Central and Eastern Berkshire Joint Minerals and Waste Plan are in accordance with the advice and recommendations of Natural England.

Glossary

Appropriate Assessment (AA)

A self-contained step in the wider decision-making process of Habitats Regulations Assessment (HRA). An Appropriate Assessment is only required where the competent authority determines that the plan or project is likely to have a significant effect on a European site, either alone or in-combination with other plans or projects, and the plan or project is not directly connected with or necessary to the management of that site.

Habitats Directive

Abbreviated term for European Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (1992). It is the aim of this Directive to promote the conservation of certain habitats and species within the European Union and is implemented in the UK through the Habitats Regulations.

Habitats Regulations

Abbreviated term for The Conservation of Habitats and Species Regulations 2017 (as amended), which transposes the European Habitats Directive into UK legislation.

Habitats Regulations Assessment (HRA)

As required by the Habitats Regulations, the identification of any aspects of an emerging plan or project that would have the potential to cause a likely significant effect on European sites (either in isolation or in-combination with other plans and projects), and to begin to identify appropriate mitigation strategies where such effects are identified (see also Appropriate Assessment).

In-Combination Effect

Effects, which may or may not interact with each other, but which could affect the same receptor or interest feature (i.e. a habitat or species for which a European Site is designated).

Integrity (European site)

The coherence of a site's ecological structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of the species for which it was classified.

Main Modifications

Following the Examination in Public Hearings, the Planning Inspector required a number of changes to plan, known as 'Main Modifications', which were considered necessary to address the issues of soundness.

Mitigation

Measures taken to avoid or reduce negative impacts. Measures may include locating the development and its working areas and access routes away from areas of high ecological interest, or timing works to avoid sensitive periods.

Precautionary Principle

An approach which takes avoiding action based on the possibility of significant environmental or other damage, even before there is conclusive evidence that the damage will occur.

Ramsar Site

An internationally important wetland designated under the Convention on Wetlands of International Importance especially as Wildfowl Habitat (Ramsar, Iran) 1971 and, as a matter of government policy, are afforded the same protection as a site designated under the EU Habitats and Birds Directives.

Regulation 18

Initial consultation stage of the preparation/review of a Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Regulation 19

Pre-submission publication representations stage of the preparation/review of a Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Screening

Determination of whether a plan or project (or parts therein) are likely to have a likely significant effect on the integrity of International sites alone or in-combination with other plans or projects and therefore whether an Appropriate Assessment is necessary.

Special Area of Conservation (SAC)

Sites identified under the EU Habitats Directive (92/43/EEC) supporting habitats or species listed within Annex I and II of that legislation, which form a network of internally recognised sites across Europe alongside SPA and Ramsar sites. Following the UK withdrawal from the EU, these sites are provided equivalent protection under the UK transposition of this Directive - The Conservation of Habitats and Species Regulations 2017 (as amended), as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019.

Special Protection Area (SPA)

Sites identified under the EU Directive on the Conservation of Wild Birds protecting sites supporting the habitats of migratory and other particularly threatened species of bird. They form a network of internally recognised sites across Europe alongside SAC and Ramsar sites. Following the UK withdrawal from the EU, these sites are provided equivalent protection under the UK transposition of this Directive - The Conservation of Habitats and Species Regulations 2017 (as amended), as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019.

Appendix 1: Natural England Response to Baseline and Methodology Report Consultation

The following text is Natural England's response, received 24th April 2017, to a formal consultation of 'Version 2 – April 2017' of the HRA Baseline and Methodology Report document:

“Many thanks for sending this through. This has been forwarded to me as I am the lead planning advisor for the authorities involved in this joint minerals and waste plan.

At this time we don't have any specific comments to add in relation to the Baseline Methodology Report; however I have attached an Annex which may be of assistance when you look to collect your environmental data for the Habitat Regulations Assessment.

If you have any queries please do not hesitate to get in touch.

Kind Regards,

**Amy Steel
Lead Adviser
Thames Team
Sustainable Development
Natural England
2nd Floor, Cromwell House
15 Andover Road
Winchester, SO23 7BT”**

The generic Annex attached to the above response is provided on the following pages.

Annex 1 - The natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)²³ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)²⁴.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)²⁵. Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)²⁶.

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)²⁷ website and also from the [LandIS website](http://www.landis.org.uk/)²⁸, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)²⁹ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)³⁰ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any

²³ <http://magic.defra.gov.uk/>

²⁴ <http://www.nbn-nfbr.org.uk/nfbr.php>

²⁵ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

²⁶ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

²⁷ <http://magic.defra.gov.uk/>

²⁸ <http://www.landis.org.uk/index.cfm>

²⁹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³⁰ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)³¹), such as Sites of Special Scientific Interest or [Ancient woodland](#)³². If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)³³) or protected species. To help you do this, Natural England has produced advice [here](#)³⁴ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)³⁵.

Ancient woodland and veteran trees-link to standing advice

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Biodiversity net gain

Under section 40 of the Natural Environment and Rural Communities Act 2006 Local Planning Authorities are required to conserve biodiversity. The NPPF section 109 states "*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible*". Suitable methods for calculating biodiversity net gain can include the Defra biodiversity offsetting metric and the environment bank biodiversity impact calculator.

³¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

³²<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

³³<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

³⁴<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

³⁵<http://publications.naturalengland.org.uk/publication/35012>

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)³⁶).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

³⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Appendix 2: Natural England Response to Regulation 18 Issues and Options Consultation

Date: 20 June 2017
Our ref: 217664



Minerals and Waste
Berks.Consult@hants.gov.uk
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/ Madam

Central & Eastern Berkshire Authorities - Joint Minerals and Waste Plan: Regulation 18 Issues and Options Consultation

Thank you for your consultation on the above dated 08 June 2017 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Plan's vision and objectives

Natural England advises that the Plan's vision and emerging development strategy should address impacts and opportunities for the natural environment with particular emphasis on designated environmental assets. The plan should take a strategic approach to the protection and enhancement of the natural environment and aim for a net gain for biodiversity considering opportunities for enhancement and improving connectivity.

Sites of Least Environmental Value

In accordance with the NPPF, the plan's development strategy should seek to avoid areas of high environmental value. Natural England expects sufficient evidence to be provided, through the SA and HRA, to justify the site selection process and to ensure sites of least environmental value are selected, e.g. land allocations should avoid designated sites and landscapes and should consider the direct and indirect effects of development on land within the setting of designated landscapes.

Designated sites

The Minerals and Waste Plan should set criteria based policies for site allocations to ensure the protection of designated biodiversity and geological sites. Such policies should clearly distinguish between international, national and local sites. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), European sites (Special Areas of Conservation and Special Protect Areas) and Ramsar sites should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced.

Priority habitats, ecological networks and priority and/or legally protected species populations

The Minerals and Waste Plan should be underpinned by up to date environmental evidence, this should include an assessment of existing and potential components of ecological networks working with Local Nature Partnerships and the development constraints of particular sites, to ensure that land of least environment value is chosen for development, and to ensure the mitigation hierarchy is followed.

Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: [Habitats and species of principal importance in England](#). Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.

Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.

Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g. badger routes, river corridors for the migration of fish and staging posts for migratory birds.

Where a plan area contains irreplaceable habitats, such as ancient woodland and veteran trees, there should be appropriate policies to ensure their protection. The Minerals and Waste Plan should therefore be in line with the Natural England and the Forestry Commission's [standing advice](#) on ancient woodland and veteran trees.

Access and Rights of Way

Natural England advises that the Plan should include policies to ensure protection and enhancement of public rights of way and National Trails, as outlined in paragraph 75 of the NPPF. Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network. The plan should avoid building on open space of public value as outlined in paragraph 74 of the NPPF.

Soils

The Minerals and Waste Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpins our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.

The plan should safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future in line with National Planning Policy Framework paragraph 112 to safeguard 'best and most versatile' agricultural land.

Air pollution

We would expect the plan to address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The environmental assessment of the plan (SA and future HRA) should also consider any detrimental impacts on the natural environment, and suggest appropriate avoidance or mitigation measures where applicable.

Natural England advises that one of the main issues which should be considered in the plan and the SA/HRA are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation, which can be damaging to the natural environment.

The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) can be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required. We consider that the designated sites at risk from *local impacts* are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification. [APIS](#) provides a

searchable database and information on pollutants and their impacts on habitats and species.

Tranquillity

The Local Plan should identify relevant areas of tranquillity and provide appropriate policy protection to such areas as identified in paragraph 123 of the NPPF.

Tranquillity is an important landscape attribute in certain areas e.g. within National Parks/AONBs, particularly where this is identified as a special quality. The CPRE have mapped areas of tranquillity which are available [here](#) and are a helpful source of evidence for the Plans and SEA/SA.

Water Quality and Resources and Flood Risk Management

Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 156 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 100-104 of the NPPF.

The Minerals and Waste Plan should be based on an up to date evidence base on the water environment and as such the relevant River Basin Management Plans should inform any development proposed. These Plans (available [here](#)) implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them.

The Minerals and Waste Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focussed on N2K sites, SSSIs and local sites which contribute to a wider ecological network.

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of Sustainable Urban Drainage Systems (SUDS) to achieve this.

Climate change adaptation

The Minerals and Waste Plan should consider climate change adaption and recognise the role of the natural environment to deliver measures to reduce the effects of climate change, for example tree planting to moderate heat island effects. In addition factors which may lead to exacerbate climate change (through more greenhouse gases) should be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected. Green Infrastructure and resilient ecological networks play an important role in aiding climate change adaptation.

Duty to Cooperate

We are supportive of the principle of meaningful, early and ongoing engagement of duty to cooperate bodies in the creation of the Minerals and Waste plan.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Amy Steel on 0208 225 6386 or amy.steel@naturalengland.org.uk.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Amy Steel
Thames Team
Sustainable Development

Appendix 3: Natural England Response to Regulation 18 Draft Plan Consultation

Date: 19 October 2018
Our ref: 254468



planningpolicy@reading.gov.uk
PolicyandPlans@wokingham.gov.uk

Customer Services
Horbeam House
Crew Business Park
Electra Way
Crew
Cirencester
C011 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam

Planning consultation: Draft Joint Minerals and Waste Plan

Thank you for your consultation on the above dated 03 August 2018 which was received by Natural England on the same day. Apologies for our delay in responding to this consultation. This response follows from the letter dated 20th June 2017 – Reference 217664.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

General Comments

The minerals and waste site allocations and activities have the potential to negatively impact the environment, however Natural England believe the draft plan sets out sound policies to ensure the natural environment is protected. Specifically policy DM3, which sets out the criteria against which developments will be judged.

- The layout of policy DM3 is confusing as the list is set out as a, b, a, b, c, c.
- We support the inclusion of the second c, "features of the landscape that function as stepping stones, or form part of a wider network of sites..." however, if these sites are not identified at the plan stage, then there needs to be a set of criteria which sets out whether or not a habitat or land parcel fulfils this function, and can receive subsequent protection.

Natural England provide the following advice about specific elements of the plan:

European Sites and Habitats Regulations Assessment Screening

There are a number of European sites within the plan area, and within 10k of the plan boundaries, which could be effected by the plan.

- Windsor Forest and Great Park SAC
- Chiltern Beechwoods SAC
- Thames Basin Heaths SPA
- South West London Water Bodies SPA (and RAMSAR)
- Burnham Beeches SAC
- Hartstock Wood SAC
- Thursley, Ash, Pirbright and Chobham SAC/SPA

Natural England have examined the screening report and are satisfied the applied methodology is robust, and that likely significant effects, both alone and in-combination, to European sites arising from the plan have been considered.

We also note that the scoping report makes reference to the possibility of allocated sites providing supporting (or functionally-linked) habitat for the South West London Water Bodies Special Protection Area. Special Protection Areas (SPAs) are classified for rare and vulnerable birds, and for regularly occurring migratory species. Annex 1 bird species associated with the SPA receive protection both within and outside of the SPA boundary. Sites outside of the SPA which support the Annex 1 bird species, often referred to as SPA supporting habitat or 'functionally linked' habitat, play an important role in maintaining the SPA bird population through the provision of additional roosting or feeding areas. Due to the importance of these off-site habitats in maintaining Annex 1 bird populations, the supporting habitat benefits from the same level of protection as the SPA itself. Therefore, any impact to, or loss of, SPA functionally linked habitat would need to be adequately mitigated against or compensated for. The specific restoration plans for proposals affecting the SPA should also be designed in order to serve the SPA species.

If necessary, compensating for the loss of functional habitat would require that any compensatory habitat provision would have to be situated in close-proximity to the SPA or another SPA which supports the same species interest features to maintain ecological coherence of the network. The location of compensatory habitat would require careful planning due to the potential for bird-strike issues to arise. We would add that in accordance with the guidance on article 6 (4) any compensatory measures must be effective at the time the damage occurs on the site concerned. Paragraph 3.15 of the HRA Screening Report, relating to invasive species, correctly identifies the vulnerability of aquatic habitats to invasive non-native species (INNS). It goes on to say that "effective management... should minimise the risk of spread". INNS have the potential to cause LSE to European sites and so this aspect of the plan should be strengthened. As it is currently written, this paragraph suggests 'effective management' of an allocated site is assumed, which is not sufficiently precautionary.

Nationally Designated Sites

The draft plan document clearly sets out, in Annex A, the ecological 'development considerations'. These considerations are wide ranging but many include potential impacts to Sites of Special Scientific Interest (SSSI). At this stage, Natural England are unable to provide detailed comments about the specific allocations and their effects due to a lack of detail. The plan makes it clear that these development considerations will be assessed at the planning application stage. Natural England believe that early engagement with the development proposals at the planning application stage would be mutually beneficial and ask to be made aware of plans and projects as early as possible. Through early engagement with Natural England customers will receive high-level customer service to support an efficient planning application process and achieve development which is more sustainable.

Air Quality

The plan is not likely to result in the construction of new roads, however increases in traffic, or changes to routes, especially of HGVs, could lead to impacts on the environment.

Protected habitats can be vulnerable to the effects of a number of air pollutants such as nitrogen oxides (NO_x), ammonia (NH₃) and sulphur dioxide (SO₂). Impact can be caused when pollutants settle on to the ground (deposition) causing nutrient enrichment of the soil (eutrophication) or changes to the soil Ph (acidification). These effects can decrease the ability of a plant species to compete with other plants and can hinder the inherent capacity for self-repair and self-renewal under natural conditions. Nitrogen effectively acts as a fertiliser for plants which thrive on high nitrogen levels, which can then begin to dominate plant communities. This is likely to damage the interest features in protected sites which are notified for their plant communities (for example, the Thames Basin Heaths).

Natural England's publications: [NECR200](#) – 'Potential risk of impacts of nitrogen oxides from road traffic on designated nature conservation sites' and the [Atmospheric Nitrogen Theme Plan](#) may help developers to ascertain what, how, where and when to target their efforts on sites of conservation importance and the areas surrounding them. Theme plans can provide an over-

arching direction or outline approaches to achieve target conservation status of Natura 2000 sites in England, to complement work already underway on individual sites.

Air quality effects to European sites have been considered within the HRA Scoping Report. Natural England's guidance on how to assess the impacts from air quality has been published [here](#), and may be useful.

It should be noted that air quality effects can also impact SSSI's, Local Wildlife Sites (LWS) and other areas of botanical interest. As indicated earlier, these can be considered at the plan stage. Our guidance above does not specifically cover nationally significant sites such as Sites of Special Scientific Interest (SSSIs), which are covered by a different regulatory framework. However, the general principles for air quality assessment outlined here for European Sites are likely to be equally relevant for this and other designations.

Restoration Study

Minerals and waste operations are in a unique situation which enables them to deliver high quality restoration plans to benefit the natural environment at the end of their operation. The restoration plan correctly notes the large potential for high quality restoration programmes to significantly enhance the natural environment, specifically in the context of a suite of international, national and locally designated sites within the plan area. The study also includes good examples of best practice from other places, and sets out over-arching principles which should help to deliver high quality schemes.

Natural England note the contrasting tone between the Restoration Study document and Policy DM8. Although paragraph 7.68 of the Draft Plan references the Restoration Study, it is presumably Policy DM8 against which plans will be assessed. Whilst the Restoration Study is aspirational and contains a good principles which ensure high quality restoration, it does not appear that Policy DM8 ensures this level of high quality restoration is actually implemented. Natural England would suggest the wording of policy DM8 is strengthened to allow planning authorities to better ensure the quality of restoration plans.

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's [Technical Information Note 049](#).

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and

supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Our other advice can be found at Annex A.

Should the proposal change, please consult us again.

If there are any parts of this response which you would like to discuss please contact me on jonathan.shavelar@naturalengland.org.uk

Yours faithfully

Jonathan Shavelar
Lead Adviser, Thames Team

Annex A

Natural England offers the following additional advice:

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 32 and 170 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 98 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Appendix 4: Natural England Response to Additional Regulation 18 Draft Plan Consultation (Bray Quarry Extension)

Date: 15 August 2019
Our ref: 288271
Your ref: Potential Allocation of the Bray Quarry Extension Site



Hampshire Services
c/o Strategic Planning
Hampshire County Council
First Floor
E11 Court West
The Castle
Winchester SO23 8UD



BY EMAIL ONLY



Dear Sir or Madam

Planning Consultation: Joint Minerals and Waste Plan Additional Regulation 18 Consultation on the Potential Allocation of the Bray Quarry Extension Site

Thank you for your consultation request on the above Strategic Planning Consultation, dated 9th July 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England have **no comments** to make on this consultation.

For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Yours faithfully

Sharon Jenkins



Appendix 5: Natural England Response to Focussed Regulation 18 Consultation - Sand and Gravel Provision and Operator Performance

From: Behnke, Piotr [REDACTED]
Sent: 28 April 2020 17:41
To: [REDACTED]
Subject: Natural England Response - Central and Eastern Berkshire Authorities Minerals and Waste Plan - Regulation 18 Consultation
Importance: High

Hi [REDACTED]

Having taken a look today we don't believe broadly that there are any show stopping issues for the two sites proposed and we would welcome the proposed policy DM15 Past Operator Performance as this would help ensure that operators were better held to account when putting in applications for other sites where they are known to have been less than forthcoming previously (whether that be in terms of not fulfilling promises to complete restoration in time or in relation to commitments to carry out works as agreed at the time of permission being granted etc).

With regard to the development of the "area of search" method and its accompanying map (Figure 1) as part of Policy M4 this on the face of it makes sense in as much as it does narrow down where the authorities are expecting to see applications come forward and as such should speed up the process for those applying. Providing, as stated in the consultation document, the sites are all still assessed under the regular policies once they come forward.

The larger site adjacent the Stanford End Mill and River Loddon SSSI (Land West of Basingstoke Road) will need to be adequately assessed with regard to hydrological impacts upon on the SSSI river in order to ensure that there aren't potential impacts on the flood regime, groundwater flow or water quality.

As far as the second smaller site between the two existing permitted quarries is concerned (Area between Horton Brook and Poyle Quarry) we wouldn't have any major concerns either, given the location between two existing quarries. The right of way realignment would have to be agreed in theory with the authority and with the Colne Valley Regional Park before anything can be formally proposed. Provided that an agreed alternative route can be decided upon then the proposals for extraction here would have minimal additional impacts given the material can be processed at the adjacent processing plants for the existing quarries. The main issue to highlight here would be the need to ensure the HRA assessment was robust with regard to impacts upon the South West London Water Bodies SPA / Ramsar site and that the potential impacts are given appropriate weight when considered fully in combination with other identified plans and projects as highlighted within appendix B.

I trust that this is useful however do get in touch to confirm or query any points as required.

Regards,

Piotr Behnke
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 6: Natural England Response to Regulation 19 Proposed Submission Consultation

From: Sweet-Escott, Eleanor <[REDACTED]>
Sent: 20 October 2020 12:26
To: C&E Berkshire Consultation <Berks.Consult@hants.gov.uk>
Subject: RE: NE consultation response 326878 - Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission

Dear Tasha,

Apologies, 20th Nov was a typing mistake from me. It was meant to read 30th November 2018 as per what you have located below.

Kind Regards,

[REDACTED]

Eleanor Sweet-Escott | Sustainable Development
Natural England

From: C&E Berkshire Consultation <Berks.Consult@hants.gov.uk>
Sent: 19 October 2020 17:23
To: Sweet-Escott, Eleanor <[REDACTED]>; C&E Berkshire Consultation <Berks.Consult@hants.gov.uk>
Subject: RE: NE consultation response 326878 - Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission

Dear Eleanor

Thank you for your representation to the Central and Eastern Berkshire Joint Minerals and Waste Plan Regulation 19 Proposed Submission Plan Consultation.

Apologies for the delay in getting back to you. I have been looking through our records and have found the following responses from Natural England that we have received throughout the Plan making process for Central and Eastern Berks Joint Minerals and Waste Plan:

Response to Issues and Options Consultation received on 20 June 2017 Natural England ref 217664

Response to Draft Plan Consultation received on 29 October 2018 Natural England ref 254468

Response to Call for Sites received on 30 November 2018 Natural England ref 265774

Response to Additional (site specific) Regulation 18 Consultation on Bray Quarry Extension received 15 August 2019 Natural England ref 288271

Response to Call for Sites received 25 October 2019 ref 298211 / 298309 / 298715

Response to Focussed Regulation 18 Consultation on Sand & Gravel Provision and Operator Past Performance received on 28 April 2020 no reference as this was an email

I have not been able to locate the response dated (as per your note below) 20 November 2018, but have found one for 30 November 2018. Do you have any further details on the response dated 20 November 2018 at all, please?

Many thanks,

[REDACTED]

Tasha Webb
Minerals and Waste Policy Officer

[Redacted]

From: Sweet-Escott, Eleanor <[Redacted]>

Sent: 08 October 2020 10:48

To: C&E Berkshire Consultation <Berks.Consult@hants.gov.uk>

Subject: NE consultation response 326878 - Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission

Dear Central and Eastern Berkshire JMWP,

Thank you for consulting Natural England on the Central and Eastern Berkshire Authorities – Joint Minerals and Waste Plan Regulation 19 Proposed Submission consultation.

We have made a number of comments on this Joint Plan in the past – see email dated 28.4.20 and letters dated 20.6.17, 20.11.18, 15.8.19 and 25.10.19. Thank you for taking our responses into account throughout the process. These previous representations should continue to be taken into account. However, we have no further comments to add to the Regulation 19 consultation.

Kind Regards,

Eleanor Sweet-Escott | Lead Adviser
Sustainable Development | Thames Solent Team
Natural England

<https://www.gov.uk/natural-england>

All Natural England offices and our Mail Hub are currently closed due to the Covid-19 pandemic – please send any documents to me by email not post – see the latest news on Covid-19 at <http://www.gov.uk/coronavirus>.

Stay alert, control the virus, save lives



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

Appendix 7: Natural England Response to Main Modifications Consultation

Date: 17 March 2022
Our ref: 384740
Your ref: Joint Minerals & Waste Plan Main Modifications



Mr Ian Motuel
Planning Policy Manager
Place Directorate
Royal Borough of Windsor & Maidenhead
Town Hall
St Ives Road
Maidenhead SL6 1RF

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ
T 0300 060 3900

BY EMAIL ONLY - planning.policy@rbwm.gov.uk
berks.consult@hants.gov.uk

Please note that a copy of this response will also be forwarded to the other Councils in this joint venture

Dear Mr Motuel

Joint Minerals & Waste Plan – Main Modifications for Wokingham BC, Bracknell Forest Borough Council, Reading Borough Council and Royal Borough of Windsor and Maidenhead LBC

Thank you for your consultation request on the above dated and received by Natural England on 28th February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England does not consider that this Joint Minerals and Waste Plan poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Sharon Jenkins
Operations Delivery
Consultations Team, Natural England

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.

This page is intentionally left blank