

**TO: EXECUTIVE
28 JANUARY 2020**

**JOINT CENTRAL AND EASTERN BERKSHIRE MINERALS AND WASTE LOCAL PLAN
– SAND & GRAVEL PROVISION AND OPERATOR PERFORMANCE
REGULATION 18 CONSULTATION**

Director of Place Planning and Regeneration

1 PURPOSE OF REPORT

- 1.1 This report seeks agreement to undertake a focussed consultation on the Central and Eastern Berkshire Joint Minerals and Waste Plan, in particular focussing on Sand and Gravel provision and past performance of Minerals and Waste operators.
- 1.2 Bracknell Forest Council is preparing the Central and Eastern Berkshire Joint Minerals and Waste Plan with Reading Borough Council, the Royal Borough of Windsor and Maidenhead, and Wokingham Borough Council. The Plan is being prepared by Hampshire Services of Hampshire County Council. The focussed consultation document is attached at appendix 1.
- 1.3 This focussed consultation is anticipated to take place from Monday 10th February to Friday 20th March.

2 RECOMMENDATIONS

That Executive

- 2.1 **Agree the Draft Joint Central and Eastern Berkshire Minerals and Waste Local Plan – focussed consultation document;**
- 2.2 **Agree the approach to consultation as set out in paras 5.10 - 5.13 in this report;**
- 2.3 **Agrees that any minor changes to the focussed consultation (relevant to Bracknell Forest) following Executive are agreed by the Director Place Planning and Regeneration in consultation with the Executive Member for Planning and Transport.**

REASONS FOR RECOMMENDATIONS

- 3.1 It is important that the Council has an up to date and robust planning framework to guide development which reflects current national policy and guidance. The preparation of Joint Minerals and Waste Plan will ensure that this is in place.
- 3.2 The joint plan must be prepared in consultation with the local community and other stakeholders. To-date several information gathering consultations have been achieved to inform the Plan, each of these form part of the preparation stage of Plan-making (Regulation 18¹):

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

- In Summer 2017, an 'Issues and Options' consultation was undertaken to gather technical information and confirm the evidence base;
 - During Summer / Autumn 2018, a 'Draft Plan' consultation set out the proposed approach for the Joint Minerals and Waste Plan.
 - Due to a limited number of site options, a further 'Call for Sites' exercise was carried out. This resulted in an addition site (Bray Quarry Extension) being proposed. This was subject to consultation during the Summer 2019.
- 3.3 Following the above consultation one of the proposed allocations within Wokingham Borough has been withdrawn following the council refusing an application for mineral extraction, and the landowner withdrawing the site from the plan process. As such a further call for sites was undertaken in the Autumn. This has identified two further sites that could be considered for minerals development. As such these sites need to be consulted upon. These sites are within Wokingham Borough and The Royal Borough of Windsor and Maidenhead,
- 3.4 As the plan area does not have sufficient sites to provide enough Sand and Gravel for the area up until 2036, an "Area of Search" approach will also be consulted upon. This identifies where across the plan area sand and gravel deposits exist.
- 3.5 The final element of this consultation document is a draft policy to enable the past performance of a minerals or waste site operator, to be considered as a material consideration when determining a new minerals or waste proposal.
- 3.6 The preparation of the Joint Minerals and Waste Plan will support the priorities as set out in the Council Plan 2019 – 2024, in particular; 'Economic Resilience and Protecting and Enhancing our Environment'.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council could have sought to provide plan coverage for Minerals and Waste in its Local Plan, rather than preparing a separate plan, however due to the strategic nature of Minerals and Waste issues and the specialist knowledge required in this area this was ruled out at an early stage. Creating a joint plan creates economies of scale and enables the council to deal with Minerals and Waste issues strategically.
- 4.2 The issues covered in the focussed consultation could have been included in the submission version of the plan, however this was considered a risk to the soundness of the Plan.

5 SUPPORTING INFORMATION

- 5.1 The unitary authorities in Berkshire have responsibility to plan 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. As such Bracknell Forest, Reading, the Royal Borough and Wokingham Councils are pursuing a Joint Minerals and Waste Local Plan.
- 5.2 The plan will cover the area of the four Berkshire authorities and it will guide minerals and waste decision-making in the Plan area up to 2036. The Councils currently rely on a Replacement Minerals Local Plan for Berkshire (Adopted in 1995 but subject to

Alterations in 1997 and 2001) and the Waste Local Plan for Berkshire (1998). These were prepared and adopted by the former Berkshire County Council and are now out of date. The policies in the existing minerals and waste plans for Berkshire were designed to guide development until 2006. Although the 'saved' policies are still used, their effectiveness is now limited.

- 5.3 The four authorities are working in collaboration with Hampshire Services of Hampshire County Council (HCC) to produce the plan. HCC is the Minerals and Waste Authority for Hampshire and has a dedicated in-house team of specialist planners. The consultation on a draft plan accords with the programme for the preparation of the plan set out in this council's Local Development Scheme 2019-2022

Project progress

The Draft Plan

- 5.4 The draft plan was consulted upon in Autumn 2018. Following this consultation a review of the plan identified a shortfall in sites for minerals namely sand and gravel. As such a call for sites was undertaken and a further site at Bray Quarry (Windsor and Maidenhead) was submitted and a focussed consultation was undertaken on this site. This took place in the summer of this year.
- 5.5 Since this time one of the allocations in the draft plan at Bridge Farm, Wokingham Borough, was also the subject of a planning application. This was refused by the planning authority. Following this refusal the land owner has withdrawn the option on the land and as such it is no longer available for development. With no certainty that the site can deliver minerals in the plan period, it is likely to be removed from the plan. This further reduces the supply of sand and gravel in the plan area and as such the plan cannot demonstrate that it will meet the needs of the area.

Additional focussed consultation

- 5.6 In response to the above issue a further call for sites was undertaken, this yielded two additional sites.
- Land west of Basingstoke Road, Spencers Wood, Wokingham Borough
 - Area between Horton Brook and Poyle Quarry – Windsor and Maidenhead

These two sites form part of the focussed consultation, details of the sites are contained in Appendix 1.

- 5.7 Unfortunately these two sites are unlikely to yield enough additional sand and gravel to meet the needs of the plan area, as such an "Area of Search" approach has been adopted. This seeks to identify where sand and gravel reserves exist across the plan area. Certain criteria have been applied to these areas, and search area excludes;
- Sites over 3 ha;
 - Special Protection Areas, Special Areas of Conservation and Ramsar sites;
 - Sites of Special Scientific Interest;
 - Ancient Woodland;
 - Listed Buildings and Conservation Areas;
 - Scheduled Ancient Monuments;

- Historic Registered Parks and Gardens; and
- Registered Battlefields

In addition to designations, built up areas have been excluded from the Area of Search and a cross-check has been made against the Environment Agency's historic landfill data. A plan of the area of search is within the consultation document at Appendix 1.

- 5.8 An area of search does not allocate land for any form of development, it simply acknowledges that there are mineral resources within the plan area, that could be extracted if the resources were viable, and that normal planning considerations contained in the development plan could be met. It is however an important part of the plan approach, which demonstrates that the local authorities have explored all options to meet Mineral requirements.
- 5.9 The final element of the consultation document is consultation on a draft policy seeking to enable the local planning authority to consider the past performance of a minerals or waste operator in the determination of a new proposal. This policy has been put together following the consultation responses to the draft plan where residents raised concerns about existing operations across the plan area, and how this could be considered in the planning process when assessing new proposals from the same operator.

Next steps and consultation

- 5.10 As the plan is being prepared across the four authorities each of the authorities will need to agree to consult upon the attached document.
- 5.11 Consultation will be undertaken jointly by Hampshire Services with the four authorities. The consultation will take place between 10th February and the 20th March. The consultation will be designed to meet the policies and practice set in the Statement of Community Involvement adopted by each of the joint authorities. Consultation will be undertaken with a wide range of parties, including those on the Council's Local Plan consultation database, statutory bodies, Town and Parish Councils. There will be exhibitions held in close proximity to the two sites identified, these will be in Wokingham Borough and the Royal Borough of Windsor and Maidenhead.
- 5.12 The details of the consultation will be placed on the council's website, with hard copies of information being provided at locations around the borough (libraries, parish council's and Time Square).
- 5.13 The results of the consultation will inform the preparation of the submission plan for which approval is programmed to be sought later this year. The results of the consultation will be reported in a Consultation Summary Report which will be produced following the close of the consultation. This will also include all responses to previous versions of the plan.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Local Plans documents are produced under the Planning and Compulsory Purchase Act 2004. The process for producing local plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

Borough Treasurer

- 6.2 The cost preparing the Central and Eastern Berkshire Joint Minerals and Waste Plan is being shared equally amongst the 4 commissioning Joint authorities. The budget for this project was agreed at Council and an allocation is identified in the 2019/20 budget.

Equalities Impact Assessment

- 6.3 No Equality issues arising from this consultation

Strategic Risk Management Issues

- 6.4 The Strategic Risk Register (2015) includes Risk 10 which identifies the risk of not working effectively with key partners or residents in the development of services. Such a risk could mean that community needs are not met and a negative impact on community cohesion. The production of an up to date Minerals and Waste Plan will involve extensive engagement with stakeholders and residents in order to identify local needs. Risk 11 identifies the risk of being unable to implement legislative changes. The production of the Minerals and Waste Plan allows recent legislative changes to be reflected.

Background Papers

None

Contact for further information

Andrew Hunter Director Place Planning and Regeneration

Tel - 01344 351907

andrew.hunter@bracknell-forest.gov.uk

Appendix 1 – Joint Central and Eastern Berkshire Minerals and Waste Local Plan – Sand and Gravel Provision and Operator performance, regulation 18 Consultation