

Central and Eastern Berkshire Joint Minerals & Waste Plan (JMWP)

Inspector's Report & Adoption (Winter 2022/23)

Frequently Asked Questions (FAQs)

Q1. What is the Central and Eastern Berkshire - Joint Minerals & Waste Plan?

A1. Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council (collectively referred to as the 'Central & Eastern Berkshire Authorities') have been working in partnership to produce a Joint Minerals & Waste Plan. The Joint Minerals & Waste Plan (JMWP) will replace the formerly adopted minerals and waste plans for the Central and Eastern Berkshire area (see Q9.). The Joint Minerals & Waste Plan will improve and strengthen the policies in previous plans and set out how minerals and waste will be managed in the Central and Eastern Berkshire area for the Plan period (up until 2036).

Q2. What is Hampshire County Council's involvement?

A2. Hampshire Services, part of Hampshire County Council, has been working in collaboration with Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council to produce the Joint Minerals & Waste Plan (JMWP). The collaboration has allowed skills and knowledge sharing. The JMWP covers the administrative areas of the Central & Eastern Berkshire Authorities only and does not include Slough or West Berkshire.

Q3. Why is a new Minerals & Waste Plan needed?

A3. 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.

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. The Plan must be compliant with the National Planning Policy Framework¹ (NPPF) which outlines the national policy requirements set by Government. Further Government policy is set out in the National Planning Policy for Waste².

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100575/9/NPPF_July_2021.pdf

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

The existing Mineral and Waste Local Plans for Central and Eastern Berkshire are not fully consistent with the National Planning Policy Framework.

Q4. What happens if a new Minerals & Waste Plan is not produced?

A4. Without an up-to-date Plan which reflects local priorities in the light of national policy, it is more difficult to influence the location and type of development. This could result in planning applications for minerals and waste development being submitted and decided on an ad-hoc / 'first come' basis which would create lack of certainty for local communities and industry as to where development could take place. A consequence of this might be that development is permitted on sites which have greater impacts on their surroundings.

Public Examination

Q5. When was the Joint Minerals & Waste Plan publicly examined?

A5. Public Examination took place following the submission of the Plan in February 2021. The examination was undertaken by independent Planning Inspectors appointed by the Government. The examination is almost the last stage in producing a Local Plan such as the Joint Minerals & Waste Plan.

As part of the examination, the Inspectors considered all comments received on the final draft version (submission version) of the Plan with regard to whether it was 'sound' i.e. it had been positively prepared, it is justified, effective and consistent with national policy. The criteria for 'soundness' are set out in the National Planning Policy Framework (NPPF) (paragraph 35).

In some instances, the soundness comments received could be dealt with in written form but in other cases, it was necessary to discuss issues raised in more detail and in these instances a public hearing was held. Interested parties were invited to participate in the hearing discussions by the Planning Inspectors. The sessions could also be attended by anyone else interested but only to observe.

Nick Palmer and Rachel Bust were appointed as the Planning Inspectors to conduct the Public Examination of the Joint Minerals & Waste Plan and to report this process (the 'Inspector's Report'). Public hearings to discuss the issues raised were held between 30 September and 12 October 2021 at the Town Hall in Maidenhead. Modifications to the submitted Plan were consulted on for six weeks from 28 February 2022 to 11 April 2022.

More information on the public hearings be found at:

<https://www.hants.gov.uk/berksconsult>

Q6. What is the Inspector's Report?

A6. The Inspectors consider representations made on the proposed Main Modifications and issue an examination report, known as the 'Inspector's Report'. Following receipt of the Inspector's Report, the Central & Eastern Berkshire Authorities will incorporate any Main Modifications recommended by the Inspectors to make it sound and capable of adoption.

Adoption

Q7. Who adopts the Plan?

A7. The four Central & Eastern Berkshire Authorities will each adopt the Plan.

The dates for adoption dates are as follows:

Authority	Council Meetings	Dates
Bracknell Forest Council	Full Council Meeting	11th January 2023
Reading Borough Council	Strategic Environment, Planning and Transport Committee	16th November 2022
Royal Borough of Windsor & Maidenhead	Full Council Meeting	22nd November 2022
Wokingham Borough Council	Full Council Meeting	19 th January 2022

Q8. What does 'adopted' mean?

A8. By 'adopting' the Plan, the Central & Eastern Berkshire Authorities are bound to implement and monitor the policies contained within the Plan. Therefore, all minerals and waste planning decisions will need to comply with the Plan. Minerals and waste planning applications will be judged against the policies in this Plan and any other relevant policies within the Development Plan for the Authority. The policies will be monitored to ensure they are effective.

Q9. What happens to the Replacement Minerals Local Plan for Berkshire (2001) and the Waste Local Plan for Berkshire (1998) now the Joint Minerals and Waste Plan has been adopted?

A9. The Joint Minerals and Waste Plan supersedes the previously adopted Local Plans referred to above, for waste and minerals in Central and Eastern Berkshire.

Q10. I disagree with how the Plan was prepared and/or the procedure for how it was adopted, how can I challenge the decision to adopt?

A10. Following the adoption of the Joint Plan by the Central & Eastern Berkshire Authorities, there is an opportunity to challenge this decision under section 113 of the Planning and Compulsory Purchase Act 2004.

To challenge the decision an application must be made to the High Court on the grounds that:

- the document is not within the appropriate power (i.e. the plan has been prepared in accordance with Part 2 of the Planning and Compulsory Act 2004);
- a procedural requirement has not been complied with (in relation to the adoption, publication or approval of a plan).

A challenge must be made within six weeks of adoption. The deadline for a challenge to the High Court on the decision to adopt the Plan will be set from the date that each of the Authorities adopt the Plan. A challenge must be made to a specific Authority and therefore, the deadline will be different for each Authority.

The High Court has the ability to 'quash' (effectively delete) the document either wholly or in part, if the challenge is successful.

Plan implementation

Q11. How will the Joint Minerals and Waste Plan be used?

A11. The Joint Minerals & Waste Plan will be used to inform all decision-making on minerals and waste planning issues for the period up to 2036.

The Plan includes an Implementation and Monitoring Plan which will be used to assess the effectiveness of the policies and the site allocations through the Plan period.

Q12. Who will use the Minerals and Waste Plan?

A12. The Plan will be used by the four Authorities in carrying out their role as mineral and waste planning authorities.

Development management officers in the four Authorities will judge all applications for minerals and waste developments against the policies contained within the Plan and the relevant supporting text (together with any other relevant policies in the Development Plan for each Authority) to determine whether planning permission should be granted.

The Plan will be used by industry, agents and landowners who wish to submit planning applications and any application should consider the provisions of the Plan including the policies, supporting text, the site allocations, areas of search and waste preferred areas when putting together applications for minerals and waste developments.

The site allocations in the Plan include site specific development considerations. When applications are made for development in these locations, the Central & Eastern Berkshire Authorities will expect all of the development considerations to be suitably and adequately addressed.

The Plan will also be used by industry, agents and landowners who wish to comment on potential minerals and waste developments before permission is granted or subject to the appeal process.

The Plan can also be used by the public and interested parties to participate effectively in the planning process.

Q13. Will the sites identified in the plan (site allocations) still require planning permission?

A13. The aim of the plan making process is to identify strategic sites with what are considered the least social, economic and environmental impacts. However, it does not go into the specific details required for a planning application.

Planning permission will still be required before any development can take place. Any planning application will be judged against the policies in the Plan on its own merits, and there is no guarantee that a planning application will be granted permission just because the land has been previously identified as suitable.

Any planning application for development at an allocated site will need to consider all of the development considerations identified in the Plan. Similarly, any planning application proposal will also need to comply with all other relevant policies in the Plan, including policies relating to the environment and amenity.

Q14. How do I comment on the development of the site at the planning application stage?

A14. There is an opportunity for interested parties to comment on planning applications for the allocated sites, either to object or support, as and when they come forward. However, any objection must be based on planning reasons. These can be identified by considering whether the development proposed complies with the policies (and development considerations, where available) contained within the Plan.

It should be noted that planning blight (i.e. perceived impact on house prices) is not a planning reason for objection.

Q15. When will the sites in the Plan be developed?

A15. The Joint Minerals & Waste Plan sets out anticipated dates for the mineral sites to commence is the support text for Policy M4. However, the exact timings will depend on market conditions, extraction from other sites in the area and planning permission being granted.

All sites identified in the Joint Minerals & Waste Plan will need to submit a planning application to the relevant Authority and get approval before development can commence.

Q16. I have a site which may be suitable for mineral/waste uses that isn't in the Plan, what should I do?

A16. Planning permission can be sought for a mineral and/or waste site which is not allocated in the Plan. Depending on the proposed development, the proposal would have to comply specifically with the policy relating to the nature of the proposed development along with the other relevant policies in the Plan.

Q17. Will the implementation of the Plan be monitored?

A17. Yes. The plan includes Monitoring Indicators against which the Central & Eastern Berkshire Authorities will measure the implementation of the policies.

Q18. When will the Plan be reviewed?

A18. There is a commitment to review the Joint Minerals & Waste Plan within five years from adoption. However, this decision itself is subject to review depending on market conditions and any changes to the supply of/demand for minerals and/or waste sites. Monitoring of the policies includes thresholds for each policy. If activated, the thresholds may highlight that a review is necessary.

Please contact the Berkshire Authorities via berks.consult@hants.gov.uk if you have any further questions not addressed in this FAQ.