

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

### **Focussed Regulation 18 Consultation: Sand & Gravel Provision and Operator Performance**

#### **Frequently Asked Questions (FAQs)**

##### **Q. What is the Central and Eastern Berkshire - Joint Minerals & Waste Plan?**

A. 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') are 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. The Joint Minerals & Waste Plan will improve and strengthen the policies from 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).

##### **Q. What is Hampshire County Council's involvement?**

A. Hampshire Services, part of Hampshire County Council, is 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. The collaboration allows for skills and knowledge sharing. The JMWP covers the administrative areas of the Central & Eastern Berkshire Authorities only.

##### **Q. Why is a new Minerals & Waste Plan needed?**

A. 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 Framework which outlines the national policy requirements set by Government. Further Government policy is set out in the National Planning Policy for Waste.

The existing Mineral and Waste Local Plans are out-of-date and do not comply with the National Planning Policy Framework.

##### **Q. What happens if a new Minerals & Waste Plan is not produced?**

A. Without an up-to-date Plan which reflects local priorities in the light of national policy, it is 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 to where development could take place. A consequence of this could be that development may be permitted at sites which have greater impacts on their surroundings.

##### **Q. Why is another Regulation 18 Consultation being held?**

A. Work is underway to prepare the Proposed Submission version of the Plan. However, one of the proposed allocations (Land at Bridge Farm, Arborfield) was recently refused planning permission. The landowner has since 'shelved' any plans for extraction at this site and has not renewed the option with the operator (Cemex). This means that the Plan will be making limited provision of future sand and gravel. In order to try and help address this

matter, a further call for sites was undertaken (whereby two new sites were promoted for consideration) and an 'Area of Search' approach has been explored. Additionally, a newly proposed policy is being consulted on. This policy seeks to ensure the past performance of minerals and waste operators forms part of the material considerations taken into account in decision making.

The Central and Eastern Berkshire Authorities are required to undertake the same level of consultation on the 'Area of Search' approach, the newly proposed sites and proposed policy as the rest of the Plan and background evidence base. This will inform the Proposed Submission Plan (Regulation 19), which is the version of the plan that is intended to be submitted to the Secretary of State for independent examination.

**Q. What is an Area of Search?**

A. The term refers to an area of land whereby the knowledge of mineral resources could be less certain but planning permission may be granted especially if there is a shortfall in supply. However, it is important to note that a proposal identified within an Area of Search is not guaranteed planning permission. A planning application will still be required, and development will only be permitted if it is in accordance with all relevant policies within the Plan.

**Q. What are the two new sites being proposed for allocation and how were they selected for this Focussed Regulation 18 consultation?**

A. The proposed site allocations of land west of Basingstoke Road, Spencers Wood and the area between Horton Brook & Poyle Quarry were nominated from the minerals and waste industry via a process known as 'call for sites'. Both have the potential to provide sand and gravel. The nominated sites have been assessed by Hampshire Services technical specialists (Ecology; Transport; Landscape and Historic Environment) and subject to a full assessment as part of an updated Sustainability Appraisal (incorporating Strategic Environmental Assessment) and is considered that it may potentially be suitable to be a reasonable option for inclusion in the JMWP.

**Q. What is the proposed Operator Performance Policy and why has its inclusion in the emerging JMWP been proposed?**

A. Following the responses received in relation to the 'Draft Plan' consultation and the concerns raised by local residents, a new policy has been drafted. It seeks to ensure the past performance of minerals and waste operators form part of the material considerations taken into account in decision making.

**Q. What was the (initial and larger) Draft Plan consultation about?**

A. The initial Draft Plan Consultation took place in the autumn of 2018 and was the first draft of the Plan and policies based on the information gathered from the Issues and Options consultation. The Draft Plan also contained proposed site allocations for mineral supply and waste management. This consultation was the first opportunity to test the draft policies with those who take an interest in minerals and waste. It also provided an opportunity to ensure all the relevant information was gathered in relation to the proposed site allocations. The information supplied as part of the consultation will help to form the next stage of the planning preparation process - the 'Proposed Submission' version. Information on the initial Draft Plan consultation can be found at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)

**Q. What was the additional site-specific consultation about and why did it take place?**

A. The additional site-specific Draft Plan Consultation was held to obtain comments and opinions on the potential allocation of the Bray Quarry Extension site for sand and gravel extraction in the plan. The Town and Country Planning (Local Planning) (England)

Regulations 2012<sup>1</sup> sets out how local authorities should approach plan-making and the different stages that should be followed in order to comply with the Act. As part of the Act, Regulation 18 is one of the first stages in plan making. The Central & Eastern Berkshire Authorities decided to undertake a two-stage consultation approach to Regulation 18 – Stage 1: ‘Issues & Options’ (undertaken in June 2017) which gathered background information and Stage 2: ‘Draft Plan’ which applies the information gathered to form draft policies and site allocation. However, it became apparent following the initial Draft Plan consultation (autumn 2018) that the sites that had come forward would not meet the identified needs of the JMWP. Therefore, it was decided to proceed with another ‘call for sites’ exercise, inviting site nominations from industry, agents and landowners. Following this exercise, only one site was nominated: Bray Quarry Extension. This consultation therefore allowed those who take an interest in minerals and waste issues in Central and Eastern Berkshire to comment on this proposed site. The information supplied as part of the site-specific consultation has helped to inform the Proposed Submission Plan (Regulation 19), the next stage of the planning process.

**Q. Do I need to resubmit comments I made during previous consultations (i.e. Draft Plan and the Site-Specific Draft Plan)?**

A. No, comments made during the initial Draft Plan Consultation and the Site-Specific Consultation have already been considered by Hampshire Services, on behalf of the Joint Central and Eastern Berkshire Authorities. This Focussed Regulation 18 Consultation is based on the proposed ‘Area of Search’ approach, the two newly proposed sites and the proposed Operator Performance Policy. Therefore, please only submit comments made in relation to these four areas. Comments relating to other sites in the JMWP will not be considered under this Focussed Regulation 18 Consultation.

**Q. How should I respond to the consultation?**

A. An online survey is the preferred method for responding to the consultation. This is available via the consultation webpage: [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult) There is the opportunity to save and return to the survey should you need to complete the form over a period of time. There will also be a response form which can be downloaded from the website. Alternatively, emails and posted responses will also be accepted. Please use the following contact details:

Email: [berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk)

Postal: CEB – JMWP c/o Hampshire Services, Strategic Planning, ETE, First Floor E11 West, The Castle, Winchester, SO23 8UD

**Q. What will happen to my response to the consultation?**

A. Your response will be compiled with all other responses to the Focussed Regulation 18 Consultation and will be used to generate a Consultation Summary Report Addendum which will set out the responses to the consultation questions. Issues raised will be responded to by the Central & Eastern Berkshire Authorities either collectively or on an individual basis depending on the number of responses received. The results of each individual question will be set out and responses will be grouped into the type of respondent i.e. whether the response was from a local resident, a local planning authority or from a minerals or waste industry representative. The consultation summary report will be available online as soon as reasonably possible after the consultation has closed on the consultation webpage: [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult) Consultation responses will be available to view on the webpage until the Plan is adopted.

**Q. Why do I need to provide my personal details and what will happen to the data?**

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

A. We ask for your contact details (name and address) as anonymous responses will not be accepted. We will ask whether you wish to be contacted in the future regarding the Joint Minerals & Waste Plan and you will need to 'opt in' if you wish to be kept informed. Should this be the case, an up-to-date email address should be provided. Your personal data will only be used for the purposes of preparing the Joint Minerals & Waste Plan and will only be shared with the Central & Eastern Berkshire Authorities, Hampshire Services who are preparing the Plan and the Secretary of State (and appointed Planning Inspector) and Snap Surveys our data processor. Your responses will be available on-line but will be redacted (i.e. content will be removed) so that your address and email will not be available to view (please see the question regarding sensitive data for more information on redacted information). Please see the Privacy Notice for more information on the consultation webpage which provides more information on how responses will be managed:  
[www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)

**Q. Why am I asked for 'equalities' information and what happens to my personal data?**

A. An Equalities Form is appended to the consultation response form. We ask for information to understand whether we are reaching a wide audience. If the information suggests we are only reaching a particular section of the community, it would suggest that we need to alter how we consult. The data is also used to inform our Equalities Impact Assessment. Once received, the equalities information is removed from the remainder of the response form and therefore, it is not possible to know who provided equalities information. The information is then only reported as statistics not on an individual basis. Any personal information that is provided in the response form which could help identify an individual is also redacted (i.e. removed) and will not be published on the website. Please see the Privacy Notice for more information on the consultation webpage:  
[www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)

**Q. What is the 'Proposed Submission' consultation and when will it take place?**

A. Proposed Submission (Regulation 19) is the next stage in plan-making. The Proposed Submission version of the Plan will take into account the responses received relating to the draft policies and proposed site allocations. The Proposed Submission consultation encourages comments on what the Central & Eastern Berkshire Authorities propose to submit to Government, and it is anticipated to take place later this year (2020). Following this consultation, the responses will be reviewed before the JMWP is submitted to Government, currently anticipated to take in Winter 2020.

**Q. How will the plan be examined?**

A. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

**Q. Is the Plan Sound?**

A. We have set out what we think are the right policies to manage mineral and waste issues in Central and Eastern Berkshire up to 2036. It is important that the Plan is sound and will be something an independent Planning Inspector will be required to consider when submitted for examination. The criteria for whether a plan is 'Sound' is set out in paragraph 35<sup>2</sup> of the NPPF.

To be considered sound, the Minerals and Waste Plan needs to be:

- **Positively Prepared:** Has the Plan been positively prepared? Is it based on a strategy that provides for development and infrastructure needs and have these have been delivered sustainably? If you think that our assessments are not objective or do not take sufficient account of unmet needs in neighbouring authorities, then your comments relate to whether our Local Plan has been positively prepared or not.
- **Justification test:** Is the Plan justified? This means that the Plan is based upon a robust and credible evidence base and is the most appropriate strategy against all reasonable alternatives. If you think that the evidence does not support the recommendations made then your comments relate to whether it is justified.
- **Effectiveness test:** Is the Plan effective? This means that the Plan will deliver what it sets out to do. The plan should be deliverable and based on effective joint working on cross-boundary strategic priorities. If you think that the proposals in the Plan will not happen as the sites cannot be provided, the groups who deliver elements are not signed up or the Plan does not join up with strategies of neighbouring authorities, then your comments relate to whether the Plan is effective or not.
- **Consistent with national policy:** Is the Plan consistent with national policy? Does it enable the delivery of sustainable development in accordance with the National Planning Policy Framework?

We would like to hear from you regarding your views on the 'soundness' of the proposals set out in this Focussed Regulation 18 Consultation. If you feel any part of the Focussed Regulation 18 Consultation does not meet any of the tests of soundness outlined above, your comments should explain what change you think should be made to make it sound. In doing so, your comments could suggest any revised wording of the policy or text where appropriate.

#### **Q. What is the Duty to Co-operate?**

A. The duty to co-operate requirement came into force in 2011 and requires local planning authorities to co-operate with other public bodies and local planning authorities to make sure how they work and the decisions they make are as effective as possible. It is related to but separate from the test of soundness. The local planning authority is required to provide evidence of how they have complied with this requirement and will be examined by the planning inspector at examination.

#### **Q. Where can I view a copy of the Focussed Regulation 18 Consultation document(s)?**

A. All consultation documents are available to view on the consultation website at

[www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)

Document(s) are also available for inspection during normal working hours at:

- **Bracknell Forest Council offices:** Time Square, Market Street, Bracknell, Berkshire RG12 1JD
- **Reading Council offices:** Civic Offices, Bridge Street, Reading RG1 2LU
- **The Royal Borough of Windsor & Maidenhead:** Maidenhead Library, St Ives Road, Maidenhead SL6 1QU

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

- **Wokingham Borough Council offices:** Shute End, Wokingham, Berkshire RG40 1BN
- **Public libraries** within the administrative areas of the Central & Eastern Berkshire Authorities

**Q. Will there be any public exhibitions?**

A. The following public exhibitions will be held:

- For Land west of Basingstoke Road, an event will be held at Swallowfield Village Hall, Swallowfield St, Swallowfield, Reading RG7 1QW, on 11 March 2020 from 17:00 to 19:00
- For the area between Horton Brook and Poyle Quarry, an event will be held at Champney Hall, Horton, Slough, SL3 9PA on 17 March 2020 from 15:00 to 19:00

**Q. When does the consultation start and finish?**

A. The consultation will run for six weeks, beginning on 11 February 2020 and ending at 5pm on 23 March 2020

**Q. What happens next?**

A. All comments received will be collated into a Consultation Summary Report Addendum. The Report will be made available on-line.

**Q. How can I become more involved in the Plan-making process?**

A. If you provided comments as part of the Issues & Options consultation, the initial Draft Plan consultation and the Site-Specific Draft Plan Consultation, you will also be invited to provide comments on the Focussed Regulation 18 Consultation. You will need to 'opt in' to being contacted subsequently for the Proposed Submission consultation in 2020.

**Q. Have there been other call for sites exercises?**

A. Yes, prior to the call for sites exercise in which land west of Basingstoke Road, Spencers Wood and the area between Horton Brook & Poyle Quarry were nominated, there were three call for sites exercises. The first one was a publicly promoted call and ran from 13 March to 5 May 2017. In order to make sure we had as many sites available for assessment as possible, there was a second call for sites, though this one was targeted to specific organisations and ran from 16 October to 24 November 2017. The third (additional) call for sites exercise ran from 23 November 2018 to 11 January 2019. All call for sites letters are published as part of the Minerals: Proposal Study and the Waste: Proposal Study (see Appendix 1 in each document).

**Q. What if I have concerns regarding the proposed 'Area of Search' approach, the proposed site allocations (land west of Basingstoke Road, Spencers Wood and the area between Horton Brook & Poyle Quarry) and the proposed Operator Performance Policy?**

A. The Focussed Regulation 18 Consultation is an opportunity for local communities and technical specialists (such as the Environment Agency, Natural England, Historic England, Highways England) to let us know whether we have identified all the relevant issues. This information will then be used to further refine the allocations for the 'Proposed Submission' version of the Plan.

**Q. If a site is not in the Plan, does that mean it will never be developed?**

A. Not necessarily. More minerals and waste sites will be required in the future and any site can be proposed as a planning application at any time – it would then be judged on its own merits, based on compliance with the relevant policies set out in the Plan.

**Q. Will the sites identified in the plan (site allocations) or sites within an Area of Search still require planning permission?**

A. The aim of the plan-making process is to identify sites that are considered suitable in principle for development. However, it does not go into the specific details required for a planning application. Allocating a site does not mean that a site has planning permission. Planning permission will still be required before any development can take place. Any planning application will be judged against the relevant 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 through an allocation.

Any planning application for development at an allocated site would need to consider all development considerations identified in the Plan (see Appendix A of the Draft Plan Consultation Paper). Similarly, any proposal would also need to comply with all other relevant policies in the Plan, including policies relating to the environment (climate change, habitats and species, landscape, historic environment and restoration etc) and amenity (protection of health, safety and amenity, flood risk, design, and sustainable traffic etc).

**Q. When will I know more details about the proposed development?**

A. More details regarding the proposed development of a site will be made available when a planning application is submitted. The planning application will need to set out how the proposed development complies with the policies within the Plan. If the proposed development is on an allocated site, the planning application will need to set out how it will address the development considerations relating to the site (see Appendix A of the Draft Plan Consultation Paper).

**Q. What happens if there is an application already waiting to be determined on an allocated site?**

A. The plan-making process is related but separate to the planning permission decision-making process.

The assessment of proposed sites for inclusion in the Plan will seek to determine whether the site is suitable in principle for development. It may highlight any issues which would need to be overcome for the site to be considered suitable. This consideration is based on a strategic level as the Plan is covering a 15-year time period.

A planning application needs to consider in detail how a proposal meets all relevant planning policies and sets out what measures will be put in place to address any issues that are present at that point in time. For example, consideration will need to be given to existing road capacity and the condition of the environment at the time. It is likely that an application for new minerals or waste development will require an Environmental Impact Assessment.

Planning applications can be submitted at any time during the plan-making process and / or once a plan is adopted. During early stages of plan-making, the need for a site may not be clear and it could be considered premature to determine an application. However, if a clear need is identified, the application will be judged on its merits. An example of need could be that the amount of permitted sand and gravel reserves (the 'landbank') is below or close to the required minimum of seven years.

If the site is permitted prior to the adoption of the Plan, the capacity of the site would be incorporated into the permitted capacity (i.e. the landbank for minerals or management capacity for waste) and would no longer be an allocation.