

# Central and Eastern Berkshire



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**WOKINGHAM  
BOROUGH COUNCIL**

## Joint Minerals and Waste Plan: Proposed Main Modifications Consultation

### Introduction

Local Planning Authorities have a statutory responsibility to prepare and maintain an up-to-date Local Plan. Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council (collectively referred to as the 'Central & Eastern Berkshire Authorities') are working in partnership to produce a Joint Minerals and Waste Plan which will guide minerals and waste decision-making in the Plan area for the period up to 2036.

This response form allows you to provide your views on the Proposed Main Modifications to the submitted version of the Joint Minerals and Waste Plan for Central and Eastern Berkshire. The Main Modifications are supported by a number of documents. However, please note that comments on other parts of the Plan (not covered by the Main Modifications) is not required and will not be taken into consideration.

This consultation is open for six weeks, beginning **28 February 2022 until 5pm on 11 April 2022**. If you have any queries, or require this form in an alternative format, please contact [berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk)

When you have completed this questionnaire, you can return it by post to:

**JCEB Consultation  
Strategic Planning, ETE  
Hampshire County Council  
The Castle  
Winchester  
Hampshire  
SO23 8UD**

Or by email to [berks.consult@hants.gov.uk](mailto:berks.consult@hants.gov.uk)

## About this consultation

### Privacy notice

The Strategic Planning Team at Hampshire County Council is collecting information about you on behalf of the Central & Eastern Berkshire Authorities (Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council) in order to consult on Central & Eastern Berkshire Authorities' proposed minerals and waste planning policy.

We will collect your name, postal address and any other contact information you provide as well as details of your representation. A name and postal address must be provided for the comments to be accepted. Anonymous or confidential representations without the required personal information cannot be accepted. We will accept representations to consultations and use the information to draft planning policy documents. Your personal data will only be used for the purposes of preparing the Joint Minerals & Waste Plan (JMWP).

The legal basis for our use of this information is compliance of a legal obligation to which the Berkshire Authorities are subject. This is in relation to the Town and County Planning Act 1990 (as amended). All representations received will be available to view publicly in accordance with the Local Government Act (1985) for the purposes of preparing planning policy documents until adoption.

Your personal information will be shared with the Central & Eastern Berkshire Authorities as well as the Secretary of State (and appointed Planning Inspector) at the point a policy document (such as the JMWP) is submitted to government for public examination. Your representation will be submitted through and processed by Snap Surveys acting as a processor on behalf of Hampshire County Council.

On adoption of the policy document, all representations will be removed from the website. Electronic and paper file copies of representations will be kept by the Central & Eastern Berkshire Authorities for at least three years in line with the relevant corporate retention period. All representation received will be handled and made publicly available, Strategic Planning's Privacy Statement provides more information on how we manage personal data alongside the Corporate Privacy Statement.

You have some legal rights in respect of the personal information we collect from you. Please see our website Data Protection page for further details. You can contact Hampshire County Council's Data Protection Officer at [data.protection@hants.gov.uk](mailto:data.protection@hants.gov.uk). If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

## Background

The Joint Minerals and Waste Plan will build upon the formerly adopted minerals and waste plans for the Berkshire area. It will improve, update and strengthen the policies and provide details of strategic sites that are proposed to deliver the vision.

The first stage of the consultation ran between June and July 2017 to engage the community to understand the issues for managing minerals and waste for the next 20 years. It gathered evidence to inform the options for the plan policies and site allocations and was used to prepare the Draft Joint Minerals and Waste Plan. The Draft Plan was subject to consultation between August and October in 2018. Two further Regulation 18 Consultations were carried out following the Draft Plan consultation and they related to specific issues. The first (June to August 2019) was a site-specific consultation on the Bray Quarry Extension site. The following consultation took place in February / March 2020, and included two nominated sites, an Area of Search approach and a newly proposed Policy (DM15).

The Proposed Submission Plan consultation ran between September and October 2020. Following this consultation, the Submission Plan, the evidence base and all representations received were submitted to the Secretary of State for independent examination.

The examination hearings were held at the Royal Borough of Windsor and Maidenhead Offices between 28th and 30th September 2021, with a further reserve hearing taking place online on 12th October 2021.

The Joint Minerals and Waste Plan Proposed Main Modification document can be downloaded at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). It is recommended that you refer to this document as you respond to this consultation.

## Joint Minerals and Waste Plan: Proposed Main Modifications Consultation response form

We would like to hear from you in respect of your views on the 'soundness' and legal compliance of the Proposed Main Modifications. For definitions of the Tests of Soundness, please refer to page four of the Joint Minerals and Waste Plan Submission Plan document which can be found by visiting [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

Please note that comments on the previous versions of the Plan and on the other supporting documents is not required and will not be taken into consideration.

This consultation response form is split into two sections:

Section one: About you

Section two: Main Modification Comments

## Section one: About you

Is this your own personal response, or are you responding on behalf of an organisation or group? *Tick the box that applies*

- This is a personal response  
 This response is on behalf of an organisation or group

If this response is on behalf of an organisation or group, please answer the rest of the questions on this page.

If this response is a personal response, please move to 'Section one: About you (continued)' on the next page.

If this response is on behalf of an organisation or group, please tell us a little more about yourself and the organisation you are responding on behalf of:

**Please note: anonymous or confidential representations cannot be accepted**

The name of your organisation or group Knowl Hill Residents

The address of your organisation or group C/O Agent

Your name Jane Harrison

Your position in the organisation or group N/A Planning agent obo Group

Contact email address [REDACTED]

If this response is on behalf of an organisation or group, please now go to the next part of this consultation document; 'Section two: Main Modification Comments.'

## Section one: About you (continued)

If this is a personal response, your name and postal address must be provided for your comments to be accepted. Please include these below.

**Please note: anonymous or confidential representations cannot be accepted.**

Your name \_\_\_\_\_

Your postal address \_\_\_\_\_

Your postcode \_\_\_\_\_

Your email address (optional) \_\_\_\_\_

We would like to know a bit more about you to help us understand the views of different groups. You do not need to answer these questions if you do not wish to.

**What was your age on your last birthday?** *Tick the box that applies*

- |  |                                   |                                     |
|--|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Under 16          | <input type="checkbox"/> 16 to 24 | <input type="checkbox"/> 25 to 34   |
| <input type="checkbox"/> 35 to 44          | <input type="checkbox"/> 45 to 54 | <input type="checkbox"/> 55 to 64   |
| <input type="checkbox"/> 65 to 74          | <input type="checkbox"/> 75 to 84 | <input type="checkbox"/> 85 or over |
| <input type="checkbox"/> Prefer not to say |                                   |                                     |

**How would you describe your gender?** *Tick the box that applies*

- |                                 |  |
|---------------------------------|--|
| <input type="checkbox"/> Female | <input type="checkbox"/> Male              |
| <input type="checkbox"/> Other  | <input type="checkbox"/> Prefer not to say |

For 'other', please describe: \_\_\_\_\_  
\_\_\_\_\_

## Section two: Main Modification Comments

This section allows you to provide comments on any of the Proposed Main Modifications (MM1 – MM82) to the Joint Minerals and Waste Plan. The Proposed Main Modification document can be downloaded at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). It is recommended that you refer to this document as you respond to this consultation.

Should you wish to comment on multiple Main Modifications, please copy and paste the below comments section (or print out another copy of this page) making sure to note which Main Modification your comments are in reference to.

Please confirm which Main Modification you are providing comment on (MM1 – MM82): **MM 59**

Please provide your comments on the above-named Main Modification below:

We note the additional text added to policy W2 which states “...lawful or permitted existing, planned and allocated waste management facilities shall be safeguarded...”.

We **agree** with this wording change.

Notwithstanding this, there is significant dispute in relation to the lawfulness of the existing clinical waste operation at Star Works which has been included as a specialist waste site within Appendix E (MM81). This has been consistently raised by our client via representations at each stage of consultation on the emerging Joint Minerals and Waste Plan and is discussed further within our response to MM81.

## Section two: Main Modification Comments

This section allows you to provide comments on any of the Proposed Main Modifications (MM1 – MM82) to the Joint Minerals and Waste Plan. The Proposed Main Modification document can be downloaded at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). It is recommended that you refer to this document as you respond to this consultation.

Should you wish to comment on multiple Main Modifications, please copy and paste the below comments section (or print out another copy of this page) making sure to note which Main Modification your comments are in reference to.

Please confirm which Main Modification you are providing comment on (MM1 – MM82): **MM 81**

Please provide your comments on the above-named Main Modification below:

MM81 includes Star Works as a safeguarded specialist waste site for clinical waste at Appendix E.

We **object** to this modification.

As set out within our previous representations and hearing statements, there are significant doubts and dispute as to the lawfulness of the use of the site for the treatment of clinical waste. Indeed, Wokingham Borough Council shares these doubts on the basis that they have requested the operator to submit an application. Further, the Council suggest that the Clinical Waste operations at Star Works may benefit from deemed consent due to the passage of time, and, as such, has requested that the operator submits a certificate of lawful development application. This application has not been forth coming. Our client maintains that operations of the current scale would **not** benefit from deemed consent.

A detailed report on the history of the Star Works site, and assessment against the policies of the emerging plan are provided in report ref 29634-P1b-A5 which was appended to our Regulation 19 representations and attached again to these main modification representations for ease of reference.

As evidenced within the report (29634-P1b-A5), the Clinical Waste operations at Star Works is not currently operating under the correct Use Class. The lawful use of the site continues to be B2. The use of the site includes the treatment of clinical waste which is precluded from a B2 use. As such, the site is being operated under a sui generis use for which it does not have planning permission. On this basis, we do not accept that the Site at Star Works has the necessary planning consents to be considered a safeguarded waste management facility.

The only planning permission pertaining to the site related to the landfill operation which has planning permission until 2020 with restoration to be completed in 2021. The operator submitted an application to extend the operational time period to January 2022 with restoration to January 2023. Therefore, there is no relevant planning permission on the site which would justify its inclusion on any safeguarding list, including Appendix E.

Previous planning decisions noted the benefits derived from the restored landscape and public access following the conclusion of the landfill use. These benefits were considered outweigh the harm arising due to short-term disruption. The safeguarding of the site for clinical waste would result in the failure to deliver these benefits. This has not been subject to any planning scrutiny or consideration of planning balance via a planning application process.

In addition, the clinical waste use of the site is incompatible with surrounding land uses, designations and environmental factors as follows:

- The site is located within the Green Belt.
- SSSI Impact Risk Zone;



- Nitrate vulnerable for surface water;
- Drinking Water Safeguard Zone;
- Lindenhill Wood ancient woodland area is located to the west;
- Opposite the main entrance, there are two Grade II Listed Buildings, the Barn at Seven Stars (reference 1119753) and the Seven Stars Public House and attached stables (reference 1119752); and
- A number of Public Rights of Way border the site, including WARG FP 41 I, WARG RB 40 I; and Byways referenced HURL BW 41 V, HURL RB 41 VI and HURL BW 41 II.
- Neighbouring residential uses.

The above significant policy and environmental constraints have not been considered in the context of the unlawful clinical waste use. As such, it cannot be right that a use such as this can be “safeguarded” within the plan. Such safeguarding risks legitimising this use and infers lawfulness which is not supported by any evidence. As has been clearly demonstrated above and within our previous representations, the use has not received planning permission. As such, the impacts of this use, including environmental impacts, and noise and odour impacts upon nearby sensitive residential receptors which are incompatible with this use, have not been subject to robust scrutiny, are unacceptable when assessed against other policies and should not be safeguarded within this plan.

**We request that this modification is deleted.**

## End of questionnaire

Thank you for taking the time to complete this questionnaire.

This consultation will be open until **5pm on 11 April 2022**, after which results will be analysed and used to inform further work on the Plan, as well as passed on to the Planning Inspectors. These will be published alongside respondents' names (but no other personal details) in a Consultation Summary Report – Main Modifications.

- If you would like the Central & Eastern Berkshire Authorities to contact you with further information on planning matters in your area then please tick here.**

Please return this response form by post to:

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