

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

### **Regulation 19 Proposed Submission Consultation (Autumn 2020)**

#### **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') 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 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, 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 (JMWP). The collaboration allows for 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 Framework<sup>1</sup> (NPPF) which outlines the national policy requirements set by Government. Further Government policy is set out in the National Planning Policy for Waste<sup>2</sup>.

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

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<sup>1</sup><https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364759/141015\\_National\\_Planning\\_Policy\\_for\\_Waste.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf)

**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 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.

**Q5. What is the Regulation 19 Proposed Submission Consultation?**

A5. Proposed Submission (Regulation 19) is the next stage in plan-making. This stage includes the publication of the Proposed Submission Plan and outlines the version that it is intended to submit to the Secretary of State for independent examination. The Proposed Submission Plan identifies and sets out the following subjects for the period up to, and including, the year 2036:

- The long-term Spatial Vision and Strategic Objectives for minerals and waste in Central and Eastern Berkshire;
- The delivery strategy policies for minerals and waste planning that identifies how the objectives will be achieved through development policies in the plan period;
- The Development Management (DM) policies that will be used when the Local Planning Authorities make decisions on planning applications; and
- How each policy will be implemented and monitored by the Central & Eastern Berkshire Authorities to ensure their effectiveness

Following this consultation, the representations will be reviewed before the JMWP and the 'duly made' representations are submitted to Government, currently anticipated as being Winter 2020.

**Q6. When does the consultation start and finish?**

A6. Representations can be made between 3 September 2020 and ending at 5pm on 15 October 2020. Late representations may not be considered as duly made.

**Q7. Where can I view a copy of the Regulation 19 Proposed Submission Consultation document(s)?**

A7. In order to comply with Government guidance and regulations during the current Covid-19 pandemic (or other public health emergency), it is not possible to consult on planning policy documents using usual methods. This is because of the requirements to minimise travel, social distancing and the closure of certain Council facilities.

Due to Covid-19, electronic techniques and communications will be employed. Documents will be available to view on the dedicated consultation website ([www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)). Please refer to the relevant Authority websites regarding availability of hard copies at libraries and/or council offices.

**Q8. How should I respond to the consultation?**

A8. 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: Central and Eastern Berkshire JMWP c/o Hampshire Services, Strategic Planning, Hampshire County Council, Elizabeth II Court West, The Castle, Winchester, SO23 8UD

The Statement of Representation Procedure (available at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)) provides further information on responding to this consultation.

**Q9. Do I need to resubmit comments I made during previous consultations (i.e. Draft Plan, the Site-Specific Draft Plan and the Focussed Consultation)?**

A9. Yes, previous comments do need to be made again if they are to be considered through the examination process.

**Q10. What will happen to my representations?**

A10. Representations made on the Proposed Submission Plan, Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) report and other relevant documentation will be compiled and submitted to the Secretary of State for independent examination.

**Q11. What happens next?**

A11. Representations made on the Proposed Submission Plan, Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) report and other relevant documentation will be compiled and submitted to the Secretary of State for independent examination. They will also be set out in a consultation statement which will follow the closure of the Regulation 19 consultation.

**Q12. Why do I need to provide my personal details and what will happen to the data?**

A12. 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)

**Q13. Why am I asked for ‘equalities’ information and what happens to my personal data?**

A13. 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, we may 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)

**Q14. What was the Focussed Regulation 18 Consultation about and why did it take place?**

A14. The Focussed Regulation 18 Consultation (‘Focussed Consultation’) took place in Spring 2020, beginning on 11 February and ending on 23 March 2020. A Consultation Summary Report was then produced and published on the dedicated Central and Eastern Berkshire Joint Minerals and Waste Plan webpages<sup>3</sup>. The purpose of the Focussed Regulation 18 Consultation was to seek feedback from statutory consultees, stakeholders, communities, local organisations and businesses on the proposals featured in the Focussed Consultation.

The reason for proceeding with the Focussed Consultation was due to the JMWP making limited provision for future sand & gravel following the refusal for planning permission at one of the proposed site allocations, Land at Bridge Farm, Arborfield. Furthermore, the landowner ‘shelved’ plans for extraction at this location and has not renewed the option with the operator (Cemex). To try and help address this matter, a further call for sites was undertaken, whereby two new sites (Land West of Basingstoke Road, Swallowfield and Area between Horton Brook & Poyle Quarry) were promoted for consideration and an ‘Area of Search’ approach was explored. Additionally, a newly proposed policy (to ensure the past performance of minerals

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<sup>3</sup> <https://documents.hants.gov.uk/environment/JCEB-Focussed-Regulation18-consultation-summary-report.pdf>

and waste operators forms part of the material considerations taken into account in decision making) was consulted on.

This ensured all aspects of the Proposed Submission Plan had been subject to public consultation, including the 'Area of Search' approach, the newly proposed sites and proposed policy. This consultation informed the Proposed Submission Plan (Regulation 19); the version of the plan that is intended to be submitted to the Secretary of State for independent examination.

**Q15. What is an Area of Search?**

A15. This term was used during the previous Focussed Regulation 18 Consultation (Spring 2020) as it was one of the proposals being consulted on. 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.

**Q16. What was the 'Additional Regulation 18 (site-specific) Consultation on Bray Quarry Extension', undertaken in Summer 2019 and why did it take place?**

A16. The Additional Regulation 18 (site specific) Consultation on Bray Quarry Extension ('Additional Consultation') took place between 9 July and 19 August 2019. It 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>4</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 allocations. 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 Additional 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

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<sup>4</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)

helped to inform the Proposed Submission Plan (Regulation 19), the next stage in the planning process.

**Q17. What was the (initial and larger) Draft Plan consultation about?**

A17. The initial Draft Plan Consultation took place in the autumn of 2018 (6 August to 12 October 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 seek comments on the draft policies and proposed strategy. 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 (and subsequent Regulation 18 consultations) have informed the direction of the Proposed Submission Plan and accompanying Policies Map. Information on the initial Draft Plan consultation can be found at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult)

**Q18. How will the plan be examined? (Examination of the plan also referred to in Q19)**

A18. The Local Plan will be examined by an independent Planning Inspector appointed by the Secretary of State, 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 (public) 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

The examination of a plan is the last stage in the plan making process. A Public examination includes hearings to discuss the issues raised through representations. This can involve people participating through written representation or appearing at the hearing(s). If, following any necessary hearings and inclusion of main modifications, the Inspector deems the Plan sound and ready for adoption, the Inspector produces and submits a report to the local planning authority and it is this which indicates the closure of the examination process.

### **Q19. Is the Plan Sound? ('Soundness' also referred to in Q18)**

A19. 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>5</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' and the legal compliance of the Proposed Submission document and its accompanying material. Responses made on this Plan must refer to the tests of 'soundness' or they may not be considered by the Secretary of State. If you feel any part of the 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.

### **Q20. What is the Duty to Co-operate?**

A20. 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

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<sup>5</sup>[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)

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. A Duty to Cooperate Statement has been produced and forms part of the evidence base for the Joint Minerals and Waste Plan Regulation 19 Proposed Submission Plan consultation. The statement sets out how the requirements of the Duty to Cooperate have been met throughout the Plan making process, including who the Central and Eastern Berkshire authorities have cooperated with, the matters discussed, as well as when and where meetings have taken place to discuss sustainable development and strategic policies to achieve this.

**Q21. How can I become more involved in the Plan-making process?**

A21. If you provided comments as part of the Issues & Options consultation, the initial Draft Plan consultation, the Site-Specific Draft Plan Consultation and the Focussed Regulation 18 Consultation, you will also be invited to provide comments on the Regulation 19 Proposed Submission Consultation. You will need to 'opt in' to being contacted subsequently for the final stages of the plan making process including the examination, inspectors report and adoption.

**Q22. Have there been call for sites exercises and when have these taken place? (Q14, Q16 and Q17 also refer to previous call for sites exercises)**

A22. Yes, there have been four call for sites exercises undertaken to date for the JMWP. 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. The final call for sites exercise was carried out between 9 October and 22 November 2019. All call for sites letters have been published as part of the *Minerals: Proposal Study* and the *Waste: Proposal Study* (see *Appendix 1* in each document).

**Q23. If a site is not in the Plan, does that mean it will never be developed?**

A23. Not necessarily. More minerals and waste sites will be required in the future and any site can be proposed through submitting 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.

**Q24. Will the sites identified in the plan ('site allocations') or sites within an Area of Search still require planning permission?**

A24. The aim of the plan-making process is to identify sites that are considered suitable in principle for development. More specific site details are required as part of a planning application. Allocating a site does not mean that a site will be granted 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 address all development considerations identified in the Plan (see *Appendix A* of the Proposed Submission Plan document). 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).

**Q25. When will I know more details about the proposed development?**

A25. More details regarding the proposed development of a site will be made available if 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 Proposed Submission Plan document).

**Q26. What happens if there is an application already waiting to be determined on an allocated site?**

A26. The National Planning Policy Framework (NPPF), section ‘Determining applications’ (paragraphs 47 to 50<sup>6</sup>) describe that planning authorities may give weight to relevant policies in emerging plans according to the “*stage of preparation...*”, “*the extent to which there are unresolved objections to relevant policies...*” and “*the degree of consistency of the relevant policies in the emerging plan*” with the policies in the NPPF.

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.

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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)

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.