

Central and Eastern Berkshire

Joint Minerals & Waste Plan: Submission

**Central & Eastern Berkshire
Authorities - Response to the
Inspector's Preliminary Matters**

May 2021



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**WOKINGHAM
BOROUGH COUNCIL**

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1. Introduction

- 1.1 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 (JMWP/ 'the Plan') which will guide minerals and waste decision-making in the Plan area.
- 1.2 The JWMP was submitted to the Planning Inspectorate for Examination on 26th February 2021.
- 1.3 This document sets out the Central & Eastern Berkshire Authorities response to Inspector's Preliminary Matters¹.

¹ As outlined in the Inspector's letter dated 26th April 2021.

2. Response to the Inspector’s Preliminary Matters

Duty to Cooperate (DtC) – Statements of Common Ground (SoCG)

- 2.1 Following further liaison with West Berkshire District Council and Slough Borough Council, both SoCG with these Authorities have now been finalised and have been circulated for signing. West Berkshire District Council have confirmed that the signing of the SoCGs will be a Member Decision. Therefore, the SoCGs have been added to the Forward Plan for decisions and will take place after 3rd July 2021.
- 2.2 Progress on obtaining signatories for the SoCG and Position Statements is outlined in Table 1. The remaining Authorities have been sent reminders and requests for an update. Active engagement has been held with all Authorities except Wiltshire Council and Central Bedfordshire Council who have not responded to communications. Those actively engaged have not expressed an issue which would prevent them from signing.
- 2.3 It is hoped that all the SoCGs and Position Statements will have been signed in advance of the Hearings and it is anticipated that once signed, they will be added to the Examination Library. However, should it be considered beneficial to have the unsigned final versions of the SoCG and Position Statements added to the Library at this time, this can be actioned.

Table 1: SoCG & Position Statement Signing Progress (May 2021)

SoCG	Signatories (to-date)	Signatories (due)
SEWPAG* Inert Waste Deposit Joint Position Statement	Bracknell Forest (18/05/2020)	Reading RBWM Wokingham
SEWPAG* SoCG – Strategic Policies for Waste Management	Bracknell Forest (19/05/2020) Wokingham (30/07/2020)	Reading RBWM Wokingham
Soft Sand Position Statement	Bracknell Forest (14/05/2020)	Reading RBWM Wokingham
Sharp sand and gravel supply SoCG	SEEAWP** (27/01/2021) Hampshire CC (30/03/2021) Surrey CC (18/02/2021)	Buckinghamshire Oxfordshire CC West Berkshire DC (03/07/2021) Wiltshire Bracknell Forest Reading RBWM Wokingham
Soft Sand supply SoCG	SEEAWP** (27/01/2021)	Buckinghamshire

	Hampshire CC (30/03/2021) South Downs National Park Authority (27/04/2021) West Sussex CC (03/03/2021)	Central Bedfordshire Oxfordshire CC Surrey CC West Berkshire DC (03/07/2021) Wiltshire Bracknell Forest Reading RBWM Wokingham
West Berkshire District Council SoCG	N/A	West Berkshire DC (03/07/2021) Bracknell Forest Reading RBWM Wokingham
Slough Borough Council SoCG	N/A	Slough BC Bracknell Forest Reading RBWM Wokingham

*South East Waste Planning Advisory Group

**South East England Aggregate Working Party

Conservation of Habitats and Species Regulations 2017 – Screening Assessment (August 2020)

- 2.4 As noted, Monkey Island Wharf, Bray (TA1) has been screened with reference to the Windsor Forest and Great Park SAC.
- 2.5 It was not considered necessary to screen Monkey Island Wharf (TA1) against the South West London Water Bodies SPA/Ramsar. The distance between the closest point of the site (TA1) to the SPA/Ramsar is over 9.15km (as the crow flies).
- 2.6 In para. 3.10 of the Screening Report, it states that “For minerals and waste developments, Defra guidelines recommend a distance of 3km for any discharges upstream of a European and Ramsar site when released into a watercourse as representing the worst case scenario.... It is, however, considered prudent to take a precautionary approach and this Plan uses a distance of 5km within which to identify potential effects on European sites.”
- 2.7 The DEFRA guidelines referenced are: Defra (2003) Applying the requirements of the Habitats Regulations and the Wildlife and Countryside Act to applications for PPC Permits:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/100000.pdf

Sustainability Appraisal

- 2.8 On review of the Regulation 19 Consultation responses, two organisations made representations regarding the Sustainability Appraisal.
- 2.9 The first respondent was the Colne Valley Park Community Interest Company (Rep25). Their issued statement highlights that the Sustainability Appraisal identifies that both Berkyn Manor (WA1) and Horton Brook Quarry (WA2) are noted (from pages 267 onwards) as being within the Green Belt and are therefore, categorised as red but states that no further consideration has been given to this.
- 2.10 The Sustainability Appraisal can help form judgements but is not the only source of information for determining the suitability of a site for allocation. The consideration of waste sites in the Green Belt is considered in more detail in the Waste Proposal Study (Exam Library Ref: HS76).
- 2.11 The second respondent was Jayflex Aggregates (Rep38) who appear to contest the comments made by the Colne Valley Community Interest Company and the findings of the Sustainability Appraisal. The pages referenced relating to the Sustainability Appraisal do not correlate with the comments made. However, the point that the response appears to make is that the restoration of the site (Horton Brook Quarry) has involved extensive landscape planting and states “As restoration of the site progresses the visual quality and character of the site will increase”. This point is outlined further in Jayflex Aggregates’ comments on the Strategic Landscape and Visual Impact Assessment.

Flood Risk

- 2.12 A revised Strategic Flood Risk Assessment (SFRA) was submitted to the Environment Agency on 21st April 2021 which seeks to address the points made in relation to why only certain sites were subject to the sequential test, the climate change allowance and the 5% Annual Exceedance Probability. We are liaising with Michell Kidd at the Environment Agency and are awaiting a response and/or meeting date to the revised SFRA.
- 2.13 In addition, the revised boundary to the Bray Quarry Extension proposal submitted by Summerleaze has been sent to the Environment Agency for comment. Furthermore, the proposed amendments to the Development

Considerations for the Monkey Island Wharf site (TA1) seek to address the objections raised by the Environment Agency.

2.14 The Environment Agency is currently issuing an automatic response to emails including the following information (see Table 2):

Table 2: Environment Agency Email Automatic Response

Notice 2nd March 2021
In light of the implications and advice regarding the COVID 19 pandemic the sustainable places team are continuing to work remotely. We are taking steps to ensure the continuation of our services, as far as practicable.
However, over the last few months we have experienced significant flooding, absences due to caring responsibilities and illness and are currently working at 40% of our normal capacity within this team.
Due to diminished resources, we are experiencing delays in both planning advisory agreements and statutory consultation response timeframes. Temporary measures are being put in place to prioritise the highest risk cases. This is likely to result in some responses being significantly delayed but up to 3 months.
We expect these temporary measures to be in place until June. We apologise for the disruption this may cause.

2.15 The Environment Agency have given reassurance that due to the advanced stage of plan-making priority will be given to the Plan. They have been informed that an Inspector has been appointed and that Inspector’s Preliminary Matters have been received. Sustained efforts are being made to discuss and try and resolve the above issues with the Environment Agency.

Other Matters

2.16 The late representation to the Regulation 19 Consultation was received from Slough Borough Council (BC). The response has been taken into account and forms part of the discussions held regarding the content of the SoCG with Slough BC. It has also resulted in proposed modifications (see below).

- 2.17 The letter accompanying the Submission Plan incorrectly referenced DM12 as the 'Protecting Health, Safety and Amenity' policy which is DM9. The issue of air quality relates to both policies and proposed modifications are being drafted for both policies to address the points raised by Slough BC.
- 2.18 The Regulation 22(3) local plan submission notice has been uploaded to the examination website (Exam Library Ref: HS87).

Potential Modifications

- 2.19 The Central & Eastern Berkshire Authorities are preparing proposed modifications to aid clarity and presentation to the submitted Plan. These are in response to suggested changes submitted through the Regulation 19 Consultation.
- 2.20 Further modifications are likely to be proposed once responses are received from the Environment Agency regarding the position on the Monkey Island Wharf (TA1) site and following consideration of the Bray Quarry Extension site which was omitted from the Plan, should the Environment Agency consider withdrawing their objection to this proposal.