
Minerals and Waste Local Plan – Adoption

Committee considering report:	Council
Date of Committee:	1 December 2022
Portfolio Member:	Councillor Richard Somner
Date Portfolio Member agreed report:	11 August 2022
Report Author:	Elise Kinderman
Forward Plan Ref:	C4262

1 Purpose of the Report

- 1.1 The West Berkshire Minerals and Waste Local Plan (MWLP) was submitted for Independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in July 2021. The examination Hearing Sessions were undertaken in February 2022, and consultation on the Proposed Main Modifications took place from May – July 2022. The Inspector has now issued his final report into the examination of the MWLP. The report recommends that the MWLP is sound, and capable of being adopted subject to the inclusion of Main Modifications.
- 1.2 The purpose of this report is to present the final MWLP and seek approval for its adoption by the Council.

2 Recommendation(s)

That Council approve the West Berkshire Minerals and Waste Local Plan (Adoption Version) for adoption pursuant to section 23 (3) of the Planning and Compulsory Purchase Act 2004.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The Council is committed to producing the Minerals and Waste Local Plan. Budgetary provision has been made to carry out the relevant work.
Human Resource:	No HR implications identified.

Legal:	The Minerals and Waste Local Plan has been prepared in line with the Town and Country (Local Planning) (England) Regulations 2012, the Planning and Compulsory Purchase Act (2004) and other relevant legislation.			
Risk Management:	<p>In the absence of an up to date development plan relating to minerals and waste, planning applications received have to be considered against a dated local policy framework and national policy, increasing the possibility of the authority not being able to consider all relevant local circumstances when making a determination.</p> <p>Following adoption, the MWLP is subject to a six week period where it can be challenged by a Judicial Review if such an application is accepted by the courts.</p>			
Property:	No property implications identified.			
Policy:	<p>The Minerals and Waste Local Plan is being prepared in line with the National Planning Policy Framework (NPPF).</p> <p>The Minerals and Waste Local Plan will provide the planning framework for Minerals and Waste development in West Berkshire.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:		✓		
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		See Equalities Impact Assessment for the MWLP. No equalities impacts identified.

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		See Equalities Impact Assessment for the MWLP. No impacts on those with protected characteristics identified.
Environmental Impact:	✓			See updated Strategic Environmental Assessment /Sustainability Appraisal to the MWLP. This has concluded that overall the MWLP should have a positive impact on all strands of sustainability, economic, environmental and social.
Health Impact:		✓		The MWLP includes policy on public health and amenity. Strategic Environmental Assessment/Sustainability Appraisal of this policy shows a predominantly neutral effect.
ICT Impact:		✓		The Council already has in place the consultation software for carrying out consultations of this nature. Some ICT support will likely be required but not additional to business as usual.
Digital Services Impact:		✓		Digital services will be employed during consultation. These services are already in place and no additional impacts identified.
Council Strategy Priorities:	✓			<p>The MWLP is expected to support the following Council Priorities:</p> <p>Develop local infrastructure to support and grow the local economy.</p> <p>Maintaining a steady and adequate supply of aggregate minerals directly provides raw materials to deliver essential infrastructure.</p> <p>Maintain a green district.</p>

				<p>Policies to protect the environment from the effects of mineral and waste activities and requiring high standard restoration of temporary activities will minimise the impact on the environment of delivering services and achieve long-term environmental gains.</p> <p>Policies prioritising sustainable transport will help to develop more sustainable transport solutions.</p>
Core Business:		✓		The Council is required to produce a Minerals and Waste Local Plan.
Data Impact:		✓		Data will be handled in line with Council's Privacy Policy on the Development Plan.
Consultation and Engagement:	All relevant statutory consultation and non-statutory engagement has now taken place.			

4 Executive Summary

- 4.1 The West Berkshire Minerals and Waste Local Plan (MWLP) will replace the Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and the Waste Local Plan for Berkshire (adopted 1998) and will provide an up to date planning framework for minerals and waste development in West Berkshire to 2037.
- 4.2 The process of developing the MWLP has already been through several stages of public consultation, starting with the Issues and Options consultation in early 2014, a sites consultation on all sites submitted for consideration in the plan in summer 2016, consultation on the Preferred Options in spring 2017 and a 'Proposed Submission' consultation under Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012 in early 2021.
- 4.3 The MWLP was submitted to the Secretary of State for Independent Examination in line with Regulation 22 of Town and Country (Local Planning) (England) Regulations 2012 in July 2021 and the appointed Inspector is Brian J Sims BSc (Hons) CEng MICE MRTPI. Examination hearing sessions took place virtually from 1st - 3rd February 2022, and consultation on the Proposed Main Modifications took place from 23rd May – 6th July 2022.
- 4.4 The Inspector has now issued his final Report into the examination of the MWLP, and it concludes that the West Berkshire Minerals and Waste Local Plan is sound, and capable of being adopted subject to the inclusion of Main Modifications. The Inspector's final report, including the schedule of Main Modifications is included at Appendix A.

- 4.5 In addition to ‘Main Modifications’, the Council is also making a number of ‘Additional (minor) Modifications’ to the Plan that do not materially affect the Plan’s policies (in accordance with s.23 of the Planning and Compulsory Purchase Act 2004). They mainly relate to typographical errors or factual updates, and as such were not subject to consultation or examination but will be included in the final text of the MWLP. The Schedule of Additional Modifications, is included at Appendix B.
- 4.6 Therefore, it is now recommended that the MWLP be adopted by full Council pursuant to s.23 of the Planning and Compulsory Purchase Act 2004, in order to provide an up to date framework against which to assess minerals and waste development proposals in West Berkshire. The final text of the MWLP is included at Appendix C, and the Policies Map is included at Appendix D.

5 Supporting Information

Introduction

- 5.1 The MWLP sets out the Council’s proposed planning framework for minerals and waste development in West Berkshire to 2037, based on the evidence collected, site assessment work and the outcomes of public consultations.
- 5.2 The MWLP sets out comprehensive policies to guide minerals and waste development and proposes the allocation of sites for mineral development to meet the Council’s mineral need over the plan period.

Background

- 5.3 The Examination process considers whether the MWLP is legally compliant (meets all legal requirements set out in the legislation) and is ‘sound’ (positively prepared, justified, effective and consistent with national policy).
- 5.4 The MWLP was submitted for examination on 29th July 2021; the appointed Inspector is Brian J Sims BSc (Hons) CEng MICE MRTPI. The examination hearings took place virtually from 1st – 3rd February 2022.
- 5.5 Following the close of the examination hearings, the Inspector issued his preliminary findings in a Post Hearings Note on 1st March 2022. The findings were without prejudice to the final Report but the Post Hearings Note recommended a number of modifications to the plan (“Main Modifications”) suggested by the Council which the Inspector believed would be necessary for the plan to be found sound.
- 5.6 Consequently, approval to consult on the Proposed Main Modifications to the Minerals and Waste Local Plan was sought from Council on 10th May 2022 and consultation took place between 23rd May and 6th July 2022.
- 5.7 Following this, the Council provided a report summarising and responding to the comments raised as part of the consultation, to assist the Inspector with the report writing stage of the examination.
- 5.8 The Inspector has now issued his final Report into the examination of the MWLP, and it concludes that the West Berkshire Minerals and Waste Local Plan is sound, and

capable of being adopted subject to the inclusion of Main Modifications. The Inspector's final report, including the schedule of Main Modifications is included at Appendix A.

- 5.9 In addition to 'Main Modifications', the Council is also making a number of 'Additional (minor) Modifications' to the Plan that do not materially affect the Plan's policies (in accordance with s.23 of the Planning and Compulsory Purchase Act 2004). They mainly relate to typographical errors or factual updates, and as such were not subject to consultation or examination but will be included in the final text of the MWLP. The Schedule of Additional Modifications, is included at Appendix B.
- 5.10 The final text of the MWLP (Adoption Version) includes the Main Modifications recommended by the Inspector in order for it to be found sound, as well as the Additional Modifications, and is included at Appendix C. The Policies Map is the visual representation of the policies in the MWLP. This has been updated as a result of additional modifications, and is included at Appendix D.

Proposals

- 5.11 It is now recommended that the MWLP be adopted by full Council, in order to provide an up to date framework against which to assess minerals and waste development proposals in West Berkshire.

6 Other options considered

No other options considered. The Council is required to have an up to date Minerals and Waste Local Plan.

7 Conclusion

- 7.1 The Inspector of the West Berkshire Minerals and Waste Local Plan has found that the Plan can be found sound and capable of adoption subject to the inclusion Main Modifications.
- 7.2 It is therefore recommended that the MWLP be adopted by full Council in order to provide and up to date framework against which to assess minerals and waste development proposals within the district.

8 Appendices

- 8.1 Appendix A – Inspector's Final Report (including Schedule of Main Modifications)
- 8.2 Appendix B – Schedule of Additional Modifications
- 8.3 Appendix C – West Berkshire Minerals and Waste Local Plan – Adoption Version
- 8.4 Appendix D – West Berkshire Minerals and Waste Local Plan – Policies Map

Background Papers:

N/A

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☒

Delays in implementation could have serious financial implications for the Council ☐

Delays in implementation could compromise the Council's position ☐

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: All wards

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