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# West Berkshire Minerals and Waste Local Plan Proposed Submission Consultation - Summary Report

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	09 January 2020
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Portfolio Member agreed report:</b>	07 October 2019
<b>Report Author:</b>	Elise Kinderman / Rachael Lancaster
<b>Forward Plan Ref:</b>	C3720

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## 1. Purpose of the Report

- 1.1 The Proposed Submission Consultation is a key stage in the development of the emerging West Berkshire Minerals and Waste Local Plan (MWLP) that will shape the future of minerals and waste development in West Berkshire up to 2036.
- 1.2 The purpose of this report is to present the Proposed Submission version of the MWLP and supporting evidence base for approval to undertake public consultation on these documents in accordance with the West Berkshire Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 2. Recommendations

- (1) That the Minerals and Waste Local Plan Proposed Submission consultation document, and supporting evidence base documents are published for consultation in accordance with the West Berkshire Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation is proposed to take place between 20<sup>th</sup> January and 2<sup>nd</sup> March 2020.
- (2) That following public consultation, the Proposed Submission Minerals and Waste Local Plan and supporting evidence base be submitted to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (3) That Full Council grant delegated authority to the Head of Development and Planning to agree any minor typographical and presentational changes and factual updates to the Proposed Submission MWLP and supporting information prior to publication for consultation and submission for independent examination.

## 3. Implications

- 3.1 **Financial:** The Council is committed to producing the Minerals and

Waste Local Plan. Budgetary provision has been made to carry out the relevant work.

- 3.2 **Policy:** The Minerals and Waste Local plan will replace the Replacement Minerals Local Plan for Berkshire (2001) and the Waste Local Plan for Berkshire (1998). The West Berkshire Minerals and Waste Local Plan will include sites allocated to meet the Council's mineral requirements over the life of the plan (to 2036) as well as the policy framework against which decisions on minerals and waste proposals will be made.
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** The Minerals and Waste Local Plan will provide the planning framework for Minerals and Waste planning in West Berkshire.
- 3.5 **Risk Management:** 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.
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

#### 4. Other options considered

- 4.1 No other options considered. The Council is required to have an up to date Minerals and Waste Local Plan and consultation forms a legislative requirement in the development of the plan.

## Executive Summary

### 5. Introduction / Background

- 5.1 The West Berkshire Minerals and Waste Local Plan (MWLP) will replace the Replacement Minerals Local Plan for Berkshire (incorporating the alternations 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 2036.
- 5.2 This is the first West Berkshire specific Minerals and Waste Local Plan. Minerals and waste planning has previously been carried out jointly for the whole of Berkshire, with this work coordinated by the now dissolved Joint Strategic Planning Unit.
- 5.3 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, and consultation on the Preferred Options in spring 2017.
- 5.4 It is proposed to consult on the Proposed Submission MWLP for six weeks from 20<sup>th</sup> January until 2<sup>nd</sup> March 2020.
- 5.5 Following consultation, officers will prepare the Proposed Submission MWLP and supporting evidence for submission to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning (England) Regulations 2012).

### 6. Proposals

- 6.1 The Proposed Submission MWLP sets out the Council's proposed planning framework for minerals and waste development in West Berkshire, based on the evidence collected, site assessment work and the outcomes of earlier consultations.
- 6.2 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.
- 6.3 Full Council approved the previous 'Preferred Options' version of the MWLP for consultation in spring 2017. This 'Proposed Submission' version builds on the previous Preferred Options, and takes into account representations received as part of this consultation and further technical work and evidence. As a result, the number of sand and gravel sites proposed for extraction has reduced from seven to three (two sites for sharp sand and gravel and one site for soft sand).
- 6.4 No waste sites are proposed to be allocated in the MWLP as there is no identified need for additional waste management capacity over the plan period.
- 6.5 Further information on the proposed policies and sites to be included within the MWLP is given in Appendix C – Supporting Information.
- 6.6 Notable policy requirements include:

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- Minerals and waste proposals must demonstrate how they will minimise their impact on the causes of climate change (Policy 25 – Climate Change).
- Requirement for minerals and waste proposals to deliver at least 10% net gains for biodiversity in line with government guidance (Policy 17 – Restoration and After-use of Sites and Policy 20 – Biodiversity and Geodiversity).
- Encourage sustainable modes of transport including rail and/or water (Policy 22 – Transport).

6.7 The Environmental Assessment of the MWLP has been undertaken in the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA). A summary of the outcomes of the assessment are included in the non-technical summary of this document.

6.8 The MWLP is supported by a number of supporting evidence documents, including:

- Minerals Evidence Paper
- Local Aggregates Assessment
- Soft Sand Study
- Soft Sand Topic Paper
- Local Waste Assessment
- Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)
- Habitats Regulation Assessment (HRA)
- Strategic Flood Risk Assessment (SFRA)
- Landscape and Visual Assessment
- Preliminary Ecological Assessment
- Heritage Assessment
- Highways and Transport Topic Paper
- Site Selection Methodology Paper
- Equality Impact Assessment (EqIA)
- Statement of Consultation
- Duty to Cooperate Statement
- Glossary
- Policies Map

6.9 These documents are available via the Council's website ([www.westberks.gov.uk/mwevidencebase](http://www.westberks.gov.uk/mwevidencebase)). In addition, the following documents are available as appendices to this report:

- Equality Impact Assessment (Appendix B)
- Proposed Submission Minerals and Waste Local Plan Consultation Document (Appendix D)

6.10 Consulting on the Proposed Submission version of the MWLP is a requirement under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and allows members of the public, landowners and developers the opportunity to comment on the proposed plan before it is submitted for independent examination. Authorisation for the publication of the consultation on the Proposed Submission West Berkshire Minerals and Waste Local Plan needs to be formally ratified by Full Council.

## 7. Conclusion

7.1 It is concluded that the Proposed Submission MWLP and supporting evidence documents that have been prepared by officers, and informed by elected members, public consultations, technical studies and consultations with statutory bodies and internal departments should be the subject of public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently submitted to the Secretary of State for independent examination.

## 8. Recommendations:

- (1) That the Minerals and Waste Local Plan Proposed Submission consultation document, and supporting evidence base documents are published for consultation in accordance with the West Berkshire Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (2) That following public consultation, the Proposed Submission Minerals and Waste Local Plan and supporting evidence base be submitted to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- (3) That Full Council grant delegated authority to the Head of Development and Planning to agree any minor typographical and presentational changes and factual updates to the Proposed Submission MWLP and supporting information prior to publication for consultation and submission for independent examination.

8.1 If approved, it is anticipated that the consultation will take place for six weeks between 20<sup>th</sup> January and 2<sup>nd</sup> March 2020 and will be carried out in accordance with the Council's Statement of Community Involvement and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

8.2 Following the consultation, officers will prepare the Proposed Submission MWLP and supporting evidence for submission to the Secretary of State for independent examination in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 9. Appendices

9.1 Appendix A – Data Protection Impact Assessment

9.2 Appendix B – Equalities Impact Assessment

9.3 Appendix C – Supporting Information

9.4 Appendix D - West Berkshire Council Minerals and Waste Local Plan Proposed Submission Consultation Document.

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Economy and Environment
Service:	Development and Planning
Team:	Planning and Transport Policy (Sub-team: Minerals and Waste)
Lead Officer:	Elise Kinderman
Title of Project/System:	Minerals and Waste Local Plan Proposed Submission Consultation
Date of Assessment:	30 <sup>th</sup> August 2019

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

NOTE: The Information Management Officer has confirmed that a Stage Two Data Protection Impact Assessment is not required.