
West Berkshire Minerals and Waste Local Plan Statement of Common Ground

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	29 July 2021
Portfolio Member:	Councillor Richard Somner
Report Author:	Rachael Lancaster
Forward Plan Ref:	ID4108

1 Purpose of the Report

- 1.1 The purpose of this report is to present the West Berkshire Minerals and Waste Local Plan Statement of Common Ground for signing by the Executive Member for Planning and Housing.

2 Recommendation

- 2.1 That the West Berkshire Minerals and Waste Local Plan Statement of Common Ground is signed on behalf of West Berkshire Council by the Executive Member of Planning and Housing.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications
Human Resource:	There are no HR implications
Legal:	Compliance with the Duty to Cooperate is required to be evidenced at examination of the Minerals and Waste Local Plan. By not signing the Statement of Common Ground, the Duty to Cooperate maybe called in to question and could mean that the Minerals and Waste Local Plan is not found to be sound or legally compliant.
Risk Management:	The risk of not signing the Statement of Common Ground is that West Berkshire may be found not to have evidenced the

West Berkshire Minerals and Waste Local Plan Statement of Common Ground

	Duty to Cooperate on strategic cross-boundary issues required by the National Planning Policy Framework (paragraph 24). This could mean that the Minerals and Waste Local Plan is not found to be sound or legally compliant at examination.			
Property:	There are no property implications			
Policy:	<p>The Duty to Cooperate is required by paragraph 24 of the National Planning Policy Framework and s.33A of the Planning and Compulsory Purchase Act 2004.</p> <p>Statements of Common Ground are required in line with paragraph 27 of the National Planning Policy Framework.</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?		x		No equality impacts identified
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		No equality impacts identified
Environmental Impact:		x		No environmental impact identified
Health Impact:		x		No health impact identified
ICT Impact:		x		No ICT impact identified

Digital Services Impact:		x		No digital services impact identified
Council Strategy Priorities:		x		Statutory requirement
Core Business:		x		Statutory requirement
Data Impact:		x		No data protection impact
Consultation and Engagement:	West Berkshire Legal Team, Democratic Services, Planning and Transport Policy Manager, Head of Development and Planning, Executive Director – Place.			

4 Executive Summary

- 4.1 The National Planning Policy Framework requires strategic policy making authorities, such as local planning authorities, to produce, maintain and keep up to date a Statement of Common Ground (SoCG) to highlight agreement on cross boundary strategic issues with neighbouring authorities and other relevant bodies. The SoCG also forms part of the evidence required to demonstrate compliance with the Duty to Cooperate.
- 4.2 This report is to inform the portfolio member for planning and housing that the West Berkshire SoCG has been agreed at officer level by the identified signatories (Local Authorities) and it is now recommended that it is signed on behalf of West Berkshire Council by the Executive Member for Planning and Housing.
- 4.3 The Statement of Common Ground recognises the following strategic issues with neighbouring authorities and other relevant bodies which are required to support delivery of the Minerals and Waste Local Plan:

Matter	Signatories	Additional Signatories
1. Soft Sand	West Berkshire Council Oxfordshire County Council	South East England Aggregates Working Party
2. Crushed Rock Supply	West Berkshire Council Somerset Council	South East England Aggregates Working Party South West Aggregates Working Party

3. Non-hazardous Landfill	West Berkshire Council Oxfordshire County Council Buckinghamshire County Council	
4. Non-hazardous Energy Recovery	West Berkshire Council Hampshire County Council Slough Borough Council	

4.4 The main areas for agreement are outlined in this report and the full SoCG is included as Appendix A. The SoCG has been reviewed and agreed at officer level by all the Signatories and Additional Signatories. The Signing Authorities are currently taking the SoCG through their own official sign off processes, so that the SoCG can be agreed prior to the submission of the Minerals and Waste Local Plan for examination.

4.5 Compliance with the Duty to Cooperate is required to be evidenced at the examination of the Minerals and Waste Local Plan. By not signing the Statement of Common Ground, West Berkshire's compliance with the Duty to Cooperate may be called into question and could mean that the Minerals and Waste Local Plan is not found to be sound and/or legally compliant.

5 Supporting Information

Introduction

5.1 This report is to inform the portfolio member for planning and housing that the West Berkshire Minerals and Waste Local Plan Statement of Common Ground (SoCG) has been agreed at officer level with the identified signatories and now needs to be signed on behalf of West Berkshire Council. The Local Authorities identified as signatories of the SoCG are currently all progressing the SoCG through their own sign off processes.

5.2 The SoCG sets out the main strategic issues for Minerals and Waste in West Berkshire in order to fulfil our duties under the Duty to Cooperate. The issues and main areas for agreement are outlined in this report and the full SoCG is included as Appendix A.

5.3 Compliance with the Duty to Cooperate is required to be evidenced at the examination of the Minerals and Waste Local Plan. By not signing the SoCG the compliance with the Duty to Cooperate may be called into question and could mean that the Minerals and Waste Local Plan is not found to be sound and/or legally compliant.

Background

5.4 The main issues identified in the SoCG are as follows:

Issue 1: Soft Sand

- 5.5 West Berkshire's Local Aggregates Assessment (LAA) shows that the 'landbank' (permitted reserves divided by the annual requirement) for soft sand is zero. National policy requires that a landbank of at least 7 years is maintained for sand and gravel (NPPF207(f)). As there is no landbank for soft sand this indicates that additional provision for this mineral needs to be made in line with the NPPF paragraph 207(e). The 2020 LAA identifies that an additional 790,000 tonnes of soft sand would be required over the plan period (to 2037) in order to maintain the current annual requirement rate of 43,730 tonnes per annum. The MWLP needs to identify how this shortfall will be provided for over the plan period.
- 5.6 The majority of West Berkshire's soft sand deposits with operator interest are within the North Wessex Downs AONB, meaning that exceptional circumstances would need to be demonstrated if extraction was to take place within this designated landscape.
- 5.7 WBC commissioned a specific soft sand study to investigate all potential supply options for delivering West Berkshire's identified need for soft sand to address this part of the exceptional circumstances test.
- 5.8 The study concluded that the preferred option, as an alternative to providing for extraction within the AONB, would be to supply soft sand from quarries in the south of Oxfordshire. It is understood that some of West Berkshire's soft sand requirement is already being met from quarries in Oxfordshire.
- 5.9 The common ground identified and to be agreed with Oxfordshire County Council are:
- (a) West Berkshire District Council and Oxfordshire County Council understand that as identified through the West Berkshire Soft Sand Study 2019, part of the sales pattern in Oxfordshire included some supply to West Berkshire to meet demand that was not being met from quarries in West Berkshire, and that this cross-boundary movement of soft sand between the authorities is a strategic issue.
 - (b) West Berkshire District Council agrees to meet the identified need for soft sand from within their authority as far as is possible in line with national policy by allocating the Chieveley Services site and identifying Areas of Search in the West Berkshire Minerals and Waste Local Plan, and also including a criteria policy to enable any other suitable sites for soft sand that may come forward to be permitted. This will be over the lifetime of the Plan period to 2037.
 - (c) Oxfordshire County Council agrees to continue making provision for soft sand as set out in the Oxfordshire Minerals and Waste Local Plan: Core Strategy (to 2031), and as identified within their Local Aggregates Assessments. This will be delivered through the preparation and adoption of the Site Allocations Plan.
- 5.10 The South East England Aggregates Working Party have also signed the Statement of Common Ground for Soft Sand as an additional signatory.

Matter 2: Crushed Rock

5.11 Due to its underlying geology, West Berkshire does not produce any crushed rock indigenously, nor are there any marine landing sites. As such, this aggregate is imported to the district via the rail depots in Theale.

5.12 Crushed rock is mainly imported from Somerset County. The most recent Somerset LAA states that there are approximately 377 million tonnes of permitted reserves for crushed rock and a landbank of at least 28.1 years (at the end of 2016). Therefore, there does not appear to be any supply issues with continuing to source crushed rock from Somerset over the plan period.

5.13 The common ground identified and to be agreed with Somerset Council are:

- (a) There are no known planning reasons why the continued movement of crushed rock from Somerset to West Berkshire, at levels similar to those recorded in the most recent national Aggregates Monitoring Survey, cannot continue over the West Berkshire Minerals and Waste Local Plan period.

5.14 The South East England Aggregate Working Party and the South West Aggregate Working Party have also signed the SoCG for Crushed Rock as an additional signatory.

Matter 3: Non-hazardous landfill

5.15 The South East England Planning Advisory Group (SEWPAG) has acknowledged the provision of non-hazardous landfill to be a strategic issue for the South East. Although there has been a decline in non-hazardous waste being sent to landfill in recent years, existing sites are becoming full, or have closed resulting in fewer non-hazardous landfill facilities and a decline in voidspace.

5.16 Historically, mineral extraction sites were used for landfilling waste, and in previous decades this was also the predominant waste disposal method in West Berkshire. However, due to changes in the siting criteria for non-inert landfill sites introduced through the Landfill Directive, the mineral deposits currently worked in West Berkshire would not be suitable for non-inert landfill without considerable investment. Therefore, for a number of years all West Berkshire's non-inert (including non-hazardous) waste requiring landfill has been exported to landfill sites outside the district.

5.17 In 2018, the strategic movements of non-hazardous waste from West Berkshire to non-hazardous landfill facilities in other authority's areas were as follows:

- (a) Sutton Courtney Landfill, Oxfordshire (79%)*
- (b) Springfield Farm landfill, Buckinghamshire (17%)*

*Please note that these only include strategic movements and therefore do not total 100%. Addition of non-strategic movements would total 100%.

5.18 The common ground identified and to be agreed with Oxfordshire County Council and Buckinghamshire County Councils are:

- (a) The parties agree that they each need to identify relevant waste management needs for their areas and seek to address these needs through the plan-making process. This will include policies that seek to push waste up the waste hierarchy.
- (b) That landfill will continue to be needed for residual waste. Site identification for landfill sites is an ongoing issue, and its availability will be dependent on the amount and type of mineral extraction within the Waste Planning Authority's area.
- (c) That the Waste Planning Authorities plan for sites in order to enable their availability, but it is ultimately up to the waste operators as to those sites that are proposed and whether they then get developed.
- (d) The parties agree that all efforts need to be made to identify and allocate sufficient suitable landfill sites to meet their Authorities identified need and to achieve net self-sufficiency, for example through comprehensive 'calls for sites' in the plan-making process, repeated as appropriate.
- (e) The parties conclude that if, despite best efforts, suitable non-hazardous landfill proposals are not available, or if sites do not come forward for allocation, a criteria based policy is the most sensible remaining option for landfill planning.
- (f) Therefore the parties agree, where insufficient landfill capacity is provided through existing and allocated sites, to include a criteria based policy that would guide applicants to suitable sites.
- (g) Even where all efforts are made to identify and allocate waste management sites, and a criteria based policy for landfill is included, there might still be a shortfall in landfill provision for an individual Waste Planning Authority. This would result in some cross boundary movement of waste to landfill.

Matter 4: Non-hazardous Energy Recovery

5.19 Energy recovery describes the management of non-hazardous waste to recover the remaining energy from waste after initial sorting and processing higher up the waste hierarchy. This may constitute techniques such as Mechanical Biological Treatment (MBT), gasification or incineration, and generates heat, electricity or fuel.

5.20 West Berkshire has limited energy recovery facilities, as a result the majority of waste from West Berkshire requiring this form of management is currently exported outside the district.

5.21 In 2018, the strategic movements on non-hazardous waste from West Berkshire to energy recovery in other authority areas were as follows:

- (a) Integra North Energy Recovery Facility, Hampshire (41%)*
- (b) Integra South West Energy Recovery Facility, Hampshire (17%)*
- (c) Lakeside Energy from Waste Facility, Slough (40%)*

*Please note that these only include strategic movements and therefore do not total 100%. Addition of non-strategic movements would total 100%.

5.22 The common ground identified and to be agreed with Hampshire County Council and Slough District Council are:

- (a) In the case of the Hampshire Energy from Waste facilities receiving strategic movements of waste from West Berkshire, these are acknowledged to have permanent planning permission, with no known planning reason why similar waste movements cannot continue over the West Berkshire Minerals and Waste Local Plan period. However, this situation should be kept under review should circumstances change, for instance due to contract changes.
- (b) The parties consider the Lakeside Energy from Waste Facility to be a regionally important facility, and that replacement capacity should be provided ideally in a similar location to the current facility, in a timely manner so as not to interrupt the provision that this facility provides to the waste management strategies in the surrounding region.
- (c) Notwithstanding the fact that West Berkshire does not have sufficient capacity to manage residual waste through energy recovery, it is still possible for West Berkshire to be *net self-sufficient* in waste management over the Plan period, with a surplus of capacity in other waste streams.

Governance

5.23 This SoCG has been prepared by West Berkshire Council and consulted upon and agreed at officer level with the signatories identified for each matter. Sign off for the identified signatories is at Executive Member level, or under relevant delegated powers as agreed by each Local authority.

5.24 The SoCG will be maintained by the authority's party to the SoCG, although West Berkshire Council will take a leading role in preparing the document, gathering relevant information and identifying when changes/updates are needed.

Timetable for Agreement, Review and Update

5.25 The SoCG will be submitted alongside the Minerals and Waste Local Plan for independent examination.

5.26 Following adoption of the Minerals and Waste Local Plan, the SoCG will be updated by West Berkshire Council when monitoring shows it is necessary to do so, by way of identifying:

- (a) New strategic matters; and/or
- (b) Changes to existing strategic matters; and/or
- (c) Identifying that matter are no longer strategic.

Proposals

5.27 The West Berkshire Statement of Common Ground is signed on behalf of West Berkshire Council by the Executive Member of Planning and Housing.

6 Other options considered

- 6.1 The only alternative identified is not to sign the Statement of Common Ground which would risk the West Berkshire Minerals and Waste Local Plan being found unsound and/or not legally compliant at examination.

7 Conclusion

- 7.1 The Statement of Common Ground sets out the strategic issues for minerals and waste planning in West Berkshire. It sets out where supply or capacity cannot be identified indigenously and therefore, there is a reliance on other authorities to provide minerals or accept residual waste. The issues identified have been set out over four matters and agreed by the identified authorities.
- 7.2 It is recommended that the Statement of Common Ground is signed by the executive member of planning and housing.

8 Appendices

- 8.1 Appendix A – West Berkshire Minerals and Waste Local Plan Statement of Common Ground

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: The Statements of Common Ground apply to West Berkshire so all wards affected although no specific impacts are identified.

Officer details:

Name: Rachael Lancaster
Job Title: Principal Planning Officer (Minerals and Waste)
Tel No: 01635 519971
E-mail: Rachael.lancaster@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			