

Memorandum of Understanding between the six Berkshire Unitary Authorities on Minerals and Waste Planning

Introduction

The six Berkshire Unitary Authorities (BUAs) are as follows:

- Bracknell Forest Borough Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- West Berkshire Council
- Wokingham Borough Council

The BUAs are minerals and waste planning authorities for their respective areas. The Localism Act 2011 introduces a legal “duty to co-operate” for local planning authorities and other public bodies, that, in terms of minerals and waste planning, partly replaces the regional and strategic planning policy tiers that have been, and will be, removed.

Under Section 110 of the Localism Act, planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to strategic matters such as planning for minerals or waste.

The National Planning Policy Framework (NPPF) confirms that the duty involves a continuous process of engagement throughout the plan-making process. The duty to cooperate includes the need to demonstrate effective cooperation on issues with cross-boundary impacts and the need to plan positively, and should enable plans to seek to meet development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.

This Memorandum of Understanding has been produced in order to form an ongoing basis for implementing the duty to co-operate for minerals and waste planning in the former county of Berkshire.

The Memorandum of Understanding covers the period from June 2013 to June 2018. It will be updated as required, and the latest version signed by all six BUAs will replace all previous versions.

The Memorandum of Understanding is not intended to be legally binding. It does not form a statement of policy, rather it is the six BUAs' understanding of how joint working on minerals and waste planning will proceed.

The UAs agree the following:

Mechanisms for Joint Working

- A. The BUAs recognise that planning for minerals and waste is a strategic matter requiring co-operation between the six BUAs;
- B. The main officer-level mechanism through which co-operation on minerals and waste planning matters will be the Berkshire Minerals and Waste Planning Working Group (BMWPWG), formed of officers from each of the six BUAs. This group will meet on a regular basis (at least twice a year), and will report to Development Plans Group (DPG), which in turn will report to Berkshire Heads of Planning (BHoP).
- C. The BUAs will continue to contribute to the regional groupings South East England Aggregates Working Party (SEEAWP) and South East Waste Planning Advisory Group (SEWPAG) as individual authorities (where they are members), but will share information and collaborate on regional planning matters of joint interest to all BUAs through the BMWWG.
- D. The BUAs will discuss and share information relating to development plans and major schemes outside Berkshire through BMWPWG. Where there is a Berkshire-wide interest, or a wider interest than for a single BUA, the relevant BUAs will collaborate through the most appropriate grouping of authorities.
- E. The BUAs will discuss and share information relating to plans and major schemes within Berkshire through BMWPWG. The BUAs will engage positively with minerals and waste plans produced by individual BUAs or groupings of BUAs throughout the process, including sharing information and seeking to reach agreement on key issues. There may be further Memoranda of Understanding or Statements of Common Ground on specific key issues that arise in the production of development plans.
- F. Where there is a Berkshire-wide need for liaison with the minerals and waste industries, and/or with industry bodies, this will be co-ordinated through BMWPWG.

Monitoring

- G. The BUAs agree that certain key matters should be monitored across all BUA areas to ensure consistency of information:
 - Amount of primary aggregate produced (tonnes per annum);
 - Amount of primary aggregate reserves (tonnes) in permitted sites and any restrictions on the projected future output from permitted sites;

- Amount of secondary and recycled aggregate produced (tonnes per annum);
 - Capacity and throughput of new waste facilities permitted/ operational (tonnes per annum);
 - Capacity of new landfill sites (total available voidspace);
 - Amount of municipal solid waste produced and how that waste is managed (tonnes); and
 - New or extended minerals and waste sites and facilities, to feed into the maintenance of a Berkshire-wide list of minerals and waste sites.
- H. Much of the information, particularly for waste, can be derived from existing published sources. However, it can be difficult to generate BUA-level data for aggregate production. Therefore, the BUAs agree to co-operate on the monitoring of aggregate production, as appropriate, and this may be undertaken by jointly-commissioned consultants as required or through the most appropriate grouping of authorities.

Evidence Base

- I. The BUAs will seek to agree on the main components of a Berkshire-wide evidence base for minerals and waste planning. They will co-operate as appropriate in producing this Berkshire-wide evidence base.
- J. A vital part of the evidence base will be a Local Aggregate Assessment (LAA) 2013 to cover the area of the six BUAs. This will be undertaken on behalf of all six BUAs, and jointly commissioned, and will provide a basis for development of a further minerals evidence base, whilst meeting the requirements of the National Planning Policy Framework. The BUAs will consider whether and with what frequency future versions of the LAA will be produced, but this will need to be subject to further agreement by the BUAs. The BUAs agree to liaise with the South-East Aggregates Working Party on all LAA matters.
- K. The BUAs will discuss whether the results of the LAA can lead to agreement on future apportionment for minerals extraction, both for Berkshire as a whole and for individual BUAs or groupings of the BUAs.
- L. The BUAs, alongside inputting into work being carried out by SEWPAG, will seek to establish and agree the capacity of existing waste management facilities and the level of need for new facilities within Berkshire, in order to reduce the scope for disagreement in future plan-making. This may require the commissioning of Berkshire wide Waste assessment documents.
- M. The BUAs will consider whether there is a need for this Memorandum to be updated and expanded in future to provide more detail on the extent of a joint minerals and waste evidence base.

Plan-Making

- N. This Memorandum does not commit any BUA to joint plan-making for minerals and waste within Berkshire. However, the BUAs agree that there remains future scope for joint plan-making between individual signatories to this Memorandum.
- O. In particular, there is scope for authorities within central Berkshire to consider future joint plan-making for minerals and waste. The authorities within central Berkshire (Bracknell Forest Borough Council, Reading Borough Council, Royal Borough of Windsor and Maidenhead and Wokingham Borough Council) agree to explore the potential for joint working on plan-making for minerals and waste, above and beyond the measures set out in the rest of this Memorandum.
- P. In planning for minerals development, the BUAs will aim to:
- Safeguard potentially important deposits of aggregate minerals from sterilisation by surface development, either by steering that development elsewhere or by securing prior extraction where possible.
 - Seek to maintain a steady and adequate supply of primary minerals and, whilst acknowledging the geology of Berkshire, seek to ensure that new mineral extraction sites are sustainable located whilst taking account of national and international designations such as the Area of Outstanding Natural Beauty, Green Belt, Special Areas of Conservation and Special Protection Areas.
 - Ensure that the supply of land won minerals will cause the minimum of environmental damage, including that from transportation. Capacity for the recovery and use of recycled and secondary aggregates will be increased and located where it can best serve development needs.
 - Retain rail facilities that are required for the movement of minerals to meet requirements which cannot be met from Berkshire's own natural resources, and utilise real opportunities for other means of non road mineral transport to serve local markets.
- Q. In planning for waste development, the BUAs will have regard to the following key principles:
- Drive waste treatment higher up the waste hierarchy and specifically secure an increase in re-use, recycling and recovery of materials, and energy recovery, while minimising the quantities of residual waste requiring final disposal.
 - Safeguard existing waste management facilities which are appropriately located from loss or unnecessary operational constraint as a result of competing forms of development.

- Ensure that new waste management facilities are located, insofar as is possible, to meet the needs of the main centres of population and economic activity in Berkshire, taking account of national and international designations such as the Area of Outstanding Natural Beauty, Green Belt, Special Areas of Conservation and Special Protection Areas.
- Recognise that, whilst net self-sufficiency for waste management facilities (in terms of total volume rather than individual streams) may be a viable aspiration for Berkshire as a whole to work towards, such net self-sufficiency cannot be achieved by all individual unitary authorities. In producing waste local plans within Berkshire, authorities will have to liaise closely to plan for existing and expected future movements of waste across authority boundaries both within Berkshire and to and from other authority areas.

Signed:

BracknellForest Council

Reading Borough Council

Royal Borough of Windsor Maidenhead

Slough Council.

West Berkshire Council

Wokingham Borough Council