
West Berkshire Minerals and Waste Local Plan – Preferred Options Consultation – Supporting Information

1. Introduction/Background

- 1.1 The West Berkshire Minerals and Waste Local Plan (WBMWLP) will replace the Replacement Minerals Local Plan for Berkshire (Incorporating the alterations adopted in December 1997 and May 2011) 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.
- 1.2 This is the first West Berkshire specific Minerals and Waste Local Plan, minerals and waste planning having previously been carried out jointly for the whole of Berkshire, with this work coordinated by the now dissolved Joint Strategic Planning Unit.
- 1.3 The process of developing the plan has already been through several stages of public consultation, starting with the Issues and Options consultation in early 2014, followed by a sites consultation on all sites submitted to the Council for consideration in the plan in summer 2016.
- 1.4 The Preferred Options Plan sets out the Council's proposed policies and sites for allocation based on the evidence collected, site assessment work, and the outcomes of these two earlier consultations. Consulting on the Preferred Options allows members of the public, landowners and developers the opportunity to get involved and comment on the proposed plan before the final version is drafted.
- 1.5 The final (submission) version of the WBMWLP will be the subject of a further consultation and an examination in public.

2. Development of the Minerals and Waste Local Plan

Evidence Base

- 2.1 A detailed evidence base has been developed to support the Preferred Options Consultation Document. The documents produced include:
 - Minerals Evidence (inc. Local Aggregates Assessments and minerals evidence document). This sets out the mineral land bank requirements for the district, determining the quantity of construction aggregates that the WBMWLP currently needs to deliver based on average 10 year sales (available electronically upon request and in hard copy in Members' boardroom).
 - Waste Evidence (inc. Local Waste Assessment). This sets out that the Council already achieves net self-sufficiency of waste management, and therefore, that no new sites are required as long as existing permitted sites

remain (available electronically upon request and in hard copy in Members' boardroom).

- Landscape and Visual Assessment. All sites have been assessed to determine their suitability for allocation in relation to landscape impacts (available electronically upon request and in hard copy in Members' boardroom).
- Equalities Impact Assessment (EqIA). This ensures that the plan will not impact negatively on those with protected characteristics. (Appendix B).
- Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) (inc. Site Assessment work). This considers the overall sustainability of the plan, specifically looking at the policies and sites considered. This document needs to be formally ratified by Full Council. (Appendix D, with appendices available electronically upon request and in hard copy in Members' boardroom).
- Habitats Regulation Assessment (HRA). This considers the impacts that development could have on internationally recognised habitats - Special Protection Areas and Special Areas of Conservation. This document needs to be formally ratified by Full Council. (Appendix E).
- Strategic Flood Risk Assessment (SFRA) (2008, updated 2015). This considers the flood risk across the district from all sources. A new SFRA is in the process of being commissioned to support both the Minerals and Waste Local Plan and the new Local Plan (available electronically upon request and in hard copy in Members' boardroom).
- Statement of Consultation that sets out all the stages of consultation that have been carried out in the production of the WBMWLP to date (available electronically upon request and in hard copy in Members' boardroom).
- A comprehensive glossary document that relates to all documents produced in support of the WBMWLP (available electronically upon request and in hard copy in Members' boardroom).

2.2 Copies of all the evidence base documents will be available on the Council's website as background information to support the consultation.

3. The Preferred Options Minerals and Waste Local Plan

3.1 The Preferred Options version of the plan provides members of the public, landowners and developers an opportunity to comment on the emerging plan at an early stage. The Preferred Options plan includes the draft policies for the plan and the sites proposed for allocation. The full proposed Preferred Options version of the plan can be found at appendix C. Authorisation for the publication of the Preferred Options Consultation on the West Berkshire Minerals and Waste Local Plan needs to be formally ratified by Full Council.

Policy Development

3.2 The Issues and Options consultation set out a number of topic areas considered to be the key issues relating to Minerals and Waste. A review of the potential policy

options to deal with these key issues was carried out as part of the SA/SEA process (see SA/SEA report in appendix D). This set out a number of different options for policies which could be taken forward into the plan, assessed them as options and made a recommendation as to which policy option, or options, would be the most appropriate to include in the plan.

3.3 As a result of this process, as well as the consideration of all evidence collected and collated, the following policies are proposed for inclusion in the plan.

3.4 *Policy 1 Sustainable Development*

This is a general policy setting out that the plan will support the NPPF priority of delivering sustainable development.

3.5 *Policy 2 Landbank/Need*

This policy sets out the mineral demand requirement for West Berkshire as set out in the minerals evidence. The policy sets out the need for the WBMWLP to plan for the delivery of 4 million tonnes of construction aggregates over the plan period. The policy also sets out the proposed allocated sites to meet this need (see details on site allocation below).

3.6 *Policy 3 Self-Sufficiency in Waste Management*

This policy sets out the proposed approach to waste management for West Berkshire. The evidence compiled indicates that currently the district has sufficient waste sites to achieve net self-sufficiency of waste management and therefore, no further sites are required. This policy is closely linked to the safeguarding waste policy, as the safeguarding of existing permitted waste sites will ensure that the district is able to maintain net self-sufficiency of waste management.

3.7 *Policy 4 - 7 Location of Development*

There are four policies under this heading: Construction Aggregates, Waste Management, Landfilling and Borrow Pits. The policies set out where there will be a presumption in favour of development for each type of development.

3.8 *Policy 8 - 9 Safeguarding*

There are two policies under this heading, namely Minerals Safeguarding and Waste Safeguarding. The policies set out the minerals and waste sites and resources that will be safeguarded from non-minerals or waste development. This will ensure that mineral deposits are not sterilised and that infrastructure to support minerals and waste processing is retained to ensure the Council can continue to meet its needs.

3.9 *Policy 10 – 14 Specialist Development*

There are five policies under this heading each relating to a specialist mineral or waste management process – Chalk and Clay, Energy Minerals, Specialist Waste Management Facilities, Radioactive Waste treatment linked to AWE and reworking old landfill sites. These policies all set out the criteria for when these types of development will be viewed favourably and what exceptional circumstances would need to be overcome.

3.10 Policy 15 – 16 Infrastructure

There are two policies under this heading: permanent aggregates infrastructure (e.g. processing plants) and temporary minerals and waste infrastructure. The policies set out the criteria for when these types of development would be viewed favourably and what exceptional circumstances would need to be overcome.

3.11 Policy 17 Restoration and After-Use

This policy sets out the requirements for restoration and after-use of sites following the completion of mineral extraction.

3.12 Development Management Policies

12 development management policies have been developed covering the following topics:

- Policy 18 Landscape – this policy sets out a general approach for consideration of the impact on the landscape from minerals and waste development.
- Policy 19 Protected Landscapes – this policy sets out the approach to development in protected landscapes, specifically the AONB. It includes details of the exceptional circumstances when minerals and waste development may be considered acceptable in the AONB.
- Policy 20 Biodiversity and Geodiversity – this policy sets out the approach for considering the impact of development on biodiversity and geodiversity.
- Policy 21 Agricultural land – this policy sets out the approach to considering the impacts development could have on agricultural land.
- Policy 22 Transport – this policy sets out the requirements for highways and transport considerations associated with development.
- Policy 23 Rights of Way – this policy sets out the requirements for rights of way affected by development to be retained or diverted to allow continued access to the countryside.
- Policy 24 Flooding – this policy sets out the approach that will be taken to consider flood risk and the impacts on flooding that development may have.
- Policy 25 Climate Change – this policy sets out the approach that will be taken in order to consider the impacts development could have on climate change, seeking to minimise these impacts.
- Policy 26 Public Health, Environment and Amenity – this policy sets out the approach that will be taken in order to consider the impacts development could have on public health, the environment and amenity, seeking to minimise the negative impacts.
- Policy 27 Historic Environment – this policy sets out the approach that will be taken in order to consider the impacts of development on the historic environment.

- Policy 28 Design – this policy sets out the approach that will be taken towards ensuring good design is associated with development.
- Policy 29 Cumulative Impacts – this policy sets out the requirements for considering potential cumulative impacts resulting from development.

Site Allocations

- 3.13 All sites submitted to the Council have been assessed as part of the site assessment process, the details of which are set out in the appendices to the SA/SEA report (available electronically upon request and in hard copy in Members’ boardroom).
- 3.14 Minerals sites located within the AONB have been automatically excluded from the site assessment process as they are not considered reasonable alternatives for allocation due to national planning policy. The NPPF clearly states that Local Planning Authorities should seek to meet landbank requirement from outside the AONB (para. 144) and that major development should only take place in the AONB in exceptional circumstances (para 116).
- 3.15 Landscape and visual Impact Assessment (available electronically upon request and in hard copy in Members’ boardroom) has been carried out to provide landscape advice and consultation with internal (highways, ecology, archaeology, environmental health, conservation) and external (Environment Agency, Natural England, Historic England) consultees has taken place to inform the site selection process.
- 3.16 It should be noted that due to the nature of minerals development, sites can only be located where there are mineral resources. The impacts of any development are temporary during the life of the site, and following restoration the impacts should be reduced to neutral, or an overall positive benefit.
- 3.17 As a result of the site assessment process, seven minerals sites are proposed for inclusion as preferred options to meet the Council’s need of approx. 4m tonnes of sand and gravel. The seven sites proposed for inclusion in the Preferred Options gives a total of approximately 4.75m tonnes. This figure is based on assumptions that have been made by officers when assessing the submitted sites and may not reflect the final volume that could be released from each site. Therefore, it is considered important to have flexibility in the sites consulted upon as Preferred Options.

Sites	Approx. volume (tonnes)
Boot Farm, Brimpton Common	0.7m
Firlands, Burghfield Common	0.5m
Wasing Lower Farm, Aldermaston	0.75m
Manor Farm, Brimpton	0.6m
Tidney Bed, Ufton Nervet	1m
Cowpond Piece, Ufton Nervet	Up to 1m
Waterside Farm, Thatcham	0.2m
TOTAL	4.75m

- 3.18 No waste sites are proposed for allocation as the evidence suggests that there are already sufficient waste sites in the district to meet the need for waste management through to the end of the plan period. It is proposed that these sites will be safeguarded (proposed policy 9) from non-waste development to ensure that adequate capacity for waste management can be maintained in the district.
- 3.19 The proposed sites for allocation were presented to members of the Planning Advisory Group. Ward members with a proposed site in their ward were invited to this meeting in February 2017.

4. Other options considered

- 4.1 It is recognised that section 3.14.8 of the Constitution delegates the power for the Head of Planning and Countryside to carry out:

“All consultations on Planning issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Head of Planning and Countryside in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.”

- 4.2 This consultation is considered to be a significant consultation as the consultation document includes both draft preferred policies as well as preferred sites identified for possible allocation in the final version of the plan. However the Local Government Act Functions Regulations are understood to prohibit decisions on planning policy documents being the sole function of the executive so it is considered that the authorisation of this consultation must be a function of Full Council.
- 4.3 Even if the Preferred Options Consultation document were to be considered to fall within the delegated powers afforded to the Head of Planning and Countryside the consultation document is accompanied by a variety of other evidence based documents such as a minerals evidence document, a Local Waste Assessment, an equalities impact assessment as well as a Strategic Environmental Assessment / Sustainability Appraisal (SEA/SA).
- 4.4 It is necessary for Strategic Environmental Assessment / Sustainability Appraisal Report (required by the SEA Directive) to be the subject of consultation with the public and statutory consultation bodies prior to being finalised.
- 4.5 The aim of the SEA is to identify potentially significant environmental effects created as a result of the implementation of the plan or programme on issues such as ‘biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors’ as specified in Annex 1(f) of the Directive. The Directive was transposed into legislation by the Environmental Assessment of Plans and Programmes Regulations 2004 (the ‘SEA Regulations’)(as amended).
- 4.6 Sustainability Appraisals (SAs) examine the effects of proposed plans and programmes in a wider context, taking into account economic, social and environmental considerations in order to promote sustainable development. The production of an SA/SEA report is mandatory for all DPDs developed in accordance with the Planning and Compulsory Purchase Act 2004 as amended. The

requirements for both the SA and SEA can be carried out in one appraisal process. In order to avoid any confusion the terms ‘SA’ and ‘SEA’ are interchangeable.

- 4.7 Officers have drafted an Environmental Report (covering the requirements for both SEA and SA for the Minerals and Waste Local Plan for West Berkshire (WBMWLP)). It is understood that consultation on the Strategic Environmental Assessment / Sustainability Appraisal report that supports the development of the Preferred Options Plan needs to be formally ratified by Full Council as there are no delegated powers afforded to the Head of Planning and Countryside to authorise such a publication under the relevant regulations.
- 4.8 Similarly the Consultation is supported by a Habitats Regulations Assessment which is required by the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended). The legislation places a requirement on any body that is developing a plan or programme (the West Berkshire Minerals and Waste Local Plan would be classed as a plan in the terms of the legislation) to carry out an appropriate assessment to ensure that the plan or programme does not have a significant effect on a European site either individually, or in combination with other projects. The Habitats Regulations Assessment completed to support the Preferred Options Plan complies with these legislative requirements and it is understood that this needs to be formally ratified by Full Council as there are no delegated powers afforded to the Head of Planning and Countryside to authorise such a publication under the relevant regulations.

5. Conclusion

- 5.1 It is concluded that the suite of documents that have been prepared by officers, which have been informed by elected members, public consultations, technical studies and consultations with statutory bodies and internal departments should be the subject of public consultation for a six week period. This is in order to allow all interested parties to provide input into the final draft of the West Berkshire Minerals and Waste Local Plan that will be subsequently drafted and subjected to an Examination in Public.

6. Recommendation

- (1) That the Preferred Options Consultation Document, and supporting evidence (including the Sustainability Appraisal /Strategic Environmental Assessment report and Habitats Regulations Assessment), is published for a six week consultation in accordance with the West Berkshire Statement of Community Involvement.
 - (2) That Full Council grant delegated authority to the Head of Development and Planning and appropriate portfolio holder to agree any minor typographical and formatting alterations to the draft Preferred Options consultation document and supporting information prior to publication for consultation.
- 6.2 If approved, it is anticipated that the consultation will take place for 6 weeks between 19 May and 30 June 2017 and will be carried out in accordance with the Council’s Statement of Community Involvement.

7. Future timetable

- 7.1 Following the consultation, officers will prepare a submission version of the plan for council, which will take account of the comments received. This will be presented to Council in due course.
- 7.2 It is currently anticipated that the submission draft of the plan will be ready for publication by the end of 2017, with examination taking place in summer 2018 and adoption of the plan by the end of 2018.
- 7.3 These timings are indicative as the level of response to the preferred options consultation will impact upon the timetable, as will the level of resources within the Minerals and Waste Team.

8. Consultation and Engagement

- 8.1 Consultation has taken place with members of the Minerals and Waste team and Planning Advisory Group.
- 8.2 There have been two rounds of public consultation as part of the preparation of the preferred options plan, initially on the Issues and Options in early 2014 and the Sites consultation in summer 2016. The comments made as part of these consultations have been taken into account in the preparation of the plan.

Background Papers:

The following documents have supported the development of the Preferred Options Minerals and Waste Local Plan and will be available to members of the public as part of the consultation, via the Council's website. Further details on these documents are set out in section 2.1 of the above report. Electronic copies of these documents are available on request:

- Minerals Evidence
- Waste Evidence
- Landscape and Visual Assessment
- Strategic Flood Risk Assessment (SFRA) Statement
- Statement of Consultation
- Glossary
- SA/SEA Appendices

The following documents are available as appendices to this report.

- Equalities Impact Assessment (EqIA) (Appendix B)
- Preferred Options consultation document (Appendix C)
- Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Environmental Report (Appendix D). The appendices to the SA/SEA are available electronically upon request and in hard copy in Members' boardroom as stated above.
- Habitats Regulation Assessment (HRA) (Appendix E)

Subject to Call-In:

Yes: No:

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



Wards affected:

The plan will affect the whole of the district.

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- SLE – A stronger local economy**
- HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**
- MEC1 – Become an even more effective Council**

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by setting out the planning framework for minerals and waste development in West Berkshire.

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