**Central and Eastern Berkshire**

**Joint Minerals & Waste Plan**

**Regulation 18: Draft Plan Consultation**

**(formerly ‘Preferred Options’)**

**Frequently Asked Questions**

**(FAQs)**

**Q. What is the Central and Eastern Berkshire - Joint Minerals & Waste Plan?**

**A.** Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council (collectively referred to as the ‘Central & Eastern Berkshire Authorities’) are working in partnership to produce a Joint Minerals & Waste Plan. The Joint Minerals & Waste Plan will replace the formerly adopted minerals and waste plans for the Central and Eastern Berkshire area. The Joint Minerals & Waste Plan will improve and strengthen the policies from previous plans and set out how minerals and waste will be managed in the Central and Eastern Berkshire area for the Plan period (up until 2036).

1. **What is Hampshire County Council’s involvement?**
2. Hampshire Services, part of Hampshire County Council, is working in collaboration with Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council to produce the Joint Minerals & Waste Plan. The collaboration allows for skills and knowledge sharing. The Joint Minerals & Waste Plan covers the administrative areas of the Central & Eastern Berkshire Authorities only.
3. **Why is a new Minerals & Waste Plan needed?**
4. Minerals are essential to support economic growth and their supply is important to enable the delivery of infrastructure, buildings, energy and goods for quality of life. It is important that provision is made for sustainable waste development to enable resource efficiency and drive waste management up the waste hierarchy.

All Mineral and Waste Planning Authorities (including Bracknell Forest, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council) are required by law to produce a Plan setting our their policies for guiding minerals and waste development. The Plan must be in compliance with the National Planning Policy Framework which outlines the national policy requirements set by Government. Further Government policy is set out in the National Planning Policy for Waste.

The existing Mineral and Waste Local Plans are out-of-date and do not comply with the National Planning Policy Framework.

1. **What happens if a new Minerals & Waste Plan is not produced?**
2. Without an up-to-date Plan which reflects local priorities in the light of national policy, it is difficult to influence the location and type of development. This could result in planning applications for minerals and waste development being submitted and decided on an ad-hoc / ‘first come’ basis which would create lack of certainty for local communities and industry to where development could take place. A consequence of this could be that development may be permitted at sites which have greater impacts on their surroundings.
3. **What is the Draft Plan consultation about?**
4. The Draft Plan Consultation is the initial first draft of the Plan and policies based on the information gathered from the Issues and Options consultation. The Draft Plan also contains proposed site allocations for mineral supply and waste management. This consultation is the first opportunity to test the draft policies with those who take an interest in minerals and waste. It will also be an opportunity to ensure that all the relevant information has been gathered in relation to the proposed site allocations. The information supplied as part of the consultation will help to form the next stage of the planning process as well as the overall Plan.

**Q. How should I respond to the consultation?**

**A.** An online survey is the preferred method for responding to the consultation. This is available via the consultation webpage: [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). There is the opportunity to save and return to the survey should you need to complete the form over a period of time. There will also be a Response Form which can be downloaded from the website. Alternatively, emails and posted responses will also be accepted. Please use the following contact details:

 **Email:** berks.consult@hants.gov.uk

 **Postal:** CEB – JMWP c/o Hampshire Services, Strategic Planning, ETE, First Floor EII West, The Castle, Winchester SO23 8UD.

**Q. What will happen to my response to the consultation?**

**A.** Your response will be compiled with all other responses to the consultation and will be used to generate a Consultation Summary Report which will set out the responses to the consultation questions. Issues raised will be responded to by the Central & Eastern Berkshire Authorities either collectively or on an individual basis depending on the number of responses received. The results of each individual question will be set out and responses will be grouped into the type of respondent i.e. whether the response was from a local resident, a local planning authority or from a minerals or waste industry representative. The consultation summary report will be available online as soon as reasonably possible after the consultation has closed on the consultation webpage: [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult). Consultation responses will be available to view on the webpage until the Plan is adopted.

1. **Why do I need to provide my personal details and what will happen to the data?**
2. We ask for your contact details (Name and Address) as anonymous responses will not be accepted. We will ask whether you wish to be contacted in the future regarding the Joint Minerals & Waste Plan and you will need to ‘opt in’ if you wish to be kept informed. Should this be the case, an up-to-date email address should be provided. Your personal data will only be used for the purposes of preparing the Joint Minerals & Waste Plan and will only be shared with the Central & Eastern Berkshire Authorities, Hampshire Services who are preparing the Plan and the Secretary of State (and appointed Planning Inspector) and Snap Surveys our data processor. Your responses will be available on-line but will be redacted (i.e. content will be removed) so that your address and email will not be available to view (please see the question regarding sensitive data for more information on redacted information). Please see the Privacy Notice for more information on the consultation webpage which provides more information on how responses will be managed: [www.hants.gov.uk.berksconsult](http://www.hants.gov.uk.berksconsult).
3. **Why am I asked for ‘equalities’ information and what happens to my personal data?**
4. An Equalities Form is appended to the consultation Response Form. We ask for information to understand whether we are reaching a wide audience. If the information suggests we are only reaching a particular section of the community, it would suggest that we need to alter how we consult. The data is also used to inform our Equalities Impact Assessment. Once received, the Equalities information is removed from the remainder of the Response Form and therefore, it is not possible to know who provided equalities information. The information is then only reported as statistics not on an individual basis. Any personal information that is provided in the Response Form which could help identify an individual is also redacted (i.e. removed) and will not be published on the website. Please see the Privacy Notice for more information on the consultation webpage: [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

1. **Why is the Draft Plan consultation taking place?**
2. The Town and Country Planning (Local Planning) (England) Regulations 2012[[1]](#footnote-1) sets out how local authorities should approach plan-making and the different stages that should be followed in order to comply with the Act. As part of the Act, Regulation 18 is one of the first stages in plan making. The Central & Eastern Berkshire Authorities decided to undertake a two-stage consultation approach to Regulation 18 – Stage 1: ‘Issues & Options’ (undertaken in June 2017) which gathered background information and Stage 2:‘Draft Plan’ which applies the information gathered to form draft policies and site allocation.
3. **What is the ‘Proposed Submission’ consultation and when will it take place?**
4. Proposed Submission (Regulation 19) is the next stage in plan-making. The Proposed Submission version of the Plan will take into account the responses received relating to the draft policies and proposed site allocations. The Proposed Submission consultation encourages comment on what the Central & Eastern Berkshire Authorities propose to submit to government. This consultation is intended to take place in early 2019. Following this consultation, the responses will be reviewed and it is then intended to submit the Joint Minerals and Waste Plan to government in winter 2019.
5. **How will the plan be examined?**
6. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:
* Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
* Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
* Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
* Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework
1. **Is the Plan Sound?**
2. We have set out what we think are the right policies to manage mineral and waste issues in Central and Eastern Berkshire up to 2036. We are asking people to give their comments this summer on any aspect of the plan, however going forward it is important that the plan is sound and will be something an independent Planning Inspector will be required to consider when submitted for examination. The criteria for whether a plan is ‘Sound’ is set out in paragraph 182 of the NPPF.

To be considered sound, the Minerals and Waste Plan needs to be:

* Positively Prepared: Has the Plan been positively prepared? Is it based on a strategy that provides for development and infrastructure needs and have these have been delivered sustainably. If you think that our assessments are not objective or do not take sufficient account of unmet needs in neighbouring authorities then your comments relate to whether our Local Plan has been positively prepared or not.
* Justified: Is the Plan justified? This means that the Plan is based upon a robust and credible evidence base and is the most appropriate strategy against all reasonable alternatives. If you think that the evidence does not support the recommendations made then your comments relate to whether it is justified.
* Effective: Is the Plan effective? This means that the Plan will deliver what it sets out to do. The plan should be deliverable and based on effective joint working on cross-boundary strategic priorities. If you think that the proposals in the Plan will not happen as the sites cannot be provided, the groups who deliver elements are not signed up or the Plan does not join up with strategies of neighbouring authorities, then your comments relate to whether the Plan is effective or not.
* Consistent with national policy: Is the Plan consistent with national policy? Does it enable the delivery of sustainable development in accordance with the National Planning Policy Framework.

If you feel that any part of the plan does not meet any of the tests of soundness outlined above, your comments should explain what change you think should be made to the Plan to make it sound. In doing so, your comments could suggest any revised wording of the policy or text. You should consider whether.

* The issue with which you are concerned is already covered specifically by national planning policy? If so it does need to be included?
* Is what you are concerned about covered by any other policies or any other plan?
* If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
* If the plan is unsound without the policy, what should the policy say?
1. **What is the Duty to Co-operate?**
2. The duty to co-operate requirement came into force in 2011 and requires local planning authorities to co-operate with other public bodies and local planning authorities to make sure how they work and the decisions they make are as effective as possible. It is related to but separate from the test of soundness. The local planning authority is required to provide evidence of how they have complied with this requirement and will be examined by the planning inspector at examination.
3. **Where can I view a copy of the Draft Plan Consultation documents?**
4. All consultation documents are available to view on the consultation website at [www.hants.gov.uk/berksconsult](http://www.hants.gov.uk/berksconsult).

Documents are also available for inspection during normal working hours at the following locations:

* **Bracknell Forest Council offices**: Time Square, Market Street, Bracknell, Berkshire RG12 1JD
* **Reading Council offices**: Civic Offices, Bridge Street, Reading RG1 2LU
* **The Royal Borough of Windsor & Maidenhead offices**:  Maidenhead Library, St Ives Road, Maidenhead SL6 1QU
* **Wokingham Borough Council offices:** Shute End, Wokingham, Berkshire RG40 1BN
* **Public libraries,** where practicable,within the administrative areas of the Central & Eastern Berkshire Authorities.
1. **Will there be any public exhibitions?**
2. Public exhibitions will be available at the following locations:
* Datchet Village Hall, 3 Allen Way, Datchet SL3 9HR:
	+ **Tuesday 4th September – 3.30-7.30pm**
* St Peter’s Church, 4 Bath Road, Knowl Hill, Reading, RG10 9XB
	+ **Tuesday 4th September – 4.00-8.00pm**
* Reading Civic Offices, Bridge Road, RG1 2LU
	+ **Thursday 6th September – 3.00-7.00pm**
* Desborough Theatre (Town Hall), Park St, Maidenhead SL6 1RF:
	+ **Thursday 6th September – 3.30-7.30pm**
* Three Mile Cross Church Centre, Mitford Close off Basingstoke Road, Three Mile Cross, RG7 1HF
	+ **Monday 10th September – 4.30-8.00pm**
* St Mary’s Winkfield, Church Road, SL4 4SF
	+ **Tuesday 11th September – 3.00-7.00pm**
* Aborfield Green Community Centre, Sheerlands Road, Aborfield, RG2 9ND (parking off Princess Marina or Rowcroft Road)
	+ **Wednesday 19th September – 4.00-8.00pm**

The exhibitions will be an opportunity to gather local information to inform decision-making on the policies and proposed allocations.

1. **When does the consultation start and finish?**
2. The consultation will run for ten weeks, beginning on 6 August 2018 and ending on 12 October 2018. All responses must be received by 5pm on Friday 12 October 2018.
3. **What happens next?**
4. All comments received will be collated into a Consultation Summary Report. The Report will also include a response from the Central & Eastern Berkshire Authorities to the points raised and how these will be taken into account in the next stage (Proposed Submission). The Report will be made available on-line.
5. **How can I become more involved in the Plan-making process?**
6. If you provided comments as part of the Issues & Options consultation you will also be invited to provide comments on the ‘Draft Plan’ consultation. You will need to ‘opt in’ to being contacted subsequently for the Proposed Submission consultation in 2019.
7. **How were the proposed allocations selected?**
8. The proposed allocations were identified from nominations from the minerals and waste industry (via a ‘call for sites) and the proactive identification of suitable sites from sources such as sites that were proposed in former minerals and waste plans, land releases (e.g. by the Ministry of Defence), a review of industrial and employment land. Each of these sites was subject to desk-top assessment, a site visit and input from the relevant Local Planning Authority on the suitability and availability of the site. Those that were considered available and suitable for development were subject to assessment such as Sustainability Appraisal, Habitats Regulation Assessment and Strategic Flood Risk Assessment. If the assessments did not highlight any ‘show stopper’ issues, the sites have been proposed for allocation.
9. **When were the calls for sites?**
10. There were two calls for sites. The first one was a publically promoted call and ran from 13 March 2017 to 5 May 2017. In order to make sure we had as many sites available for assessment as possible there was a second call for sites, though this one was targeted to specific organisations and ran from 16 October 2017 to 24 November 2017. The two call for sites letters are published as part of the site proposal studies (in Appendix 1 and 2).

**Q. Why were these sites selected and not others?**

**A.** TheDraft Plan outlines how much sand and gravel is required over the Plan period as well as the amount of waste that requires management. Each of the sites that were considered deliverable, and that did not have significant issues which a developer could not mitigate, have been proposed for allocation in the Draft Plan. All the proposed ‘call for sites’ nominations have been proposed for allocation. Despite this, there is still a shortfall of suitable allocations. As such, criteria-based policies have been included in the Draft Plan to enable further appropriate sites to come forward during the Plan period. These proposals would also have to comply with the relevant policies within the Plan and would be judged on their merits.

**Q. What if I have a site I think should have been included in the Draft Plan?**

**A.** Site nominations can still be submitted to the Central & Eastern Berkshire Authorities for consideration within the Plan. Assessment of the sites will be undertaken and focused consultation will be required.

Planning permission can be sought for a mineral and/or waste site which is not ultimately allocated in the Plan. Depending on the proposed development, the proposal would have to comply specifically with the policy relating to the nature of the proposed development along with the other relevant policies in the Plan. A proposal would be considered on its merits.

1. **What if I have concerns regarding the proposed allocation sites?**
2. We have identified issues relating to each of the proposed allocations which would need addressed as part of any planning application. These are set out as ‘Development considerations’ (see Appendix A). The Draft Plan consultation is an opportunity for local communities and technical specialists (such as the Environment Agency, Natural England and Historic England) to let us know whether we have identified all of the relevant issues. This information will then we used to further refine the allocations for the ‘Proposed Submission’ version of the Plan.

1. **If a site is not in the Plan, does that mean it will never be developed?**
2. Not necessarily. More minerals and waste sites will be required in the future and any site can be proposed as a planning application at any time – it would then be judged on its own merits, based on compliance with the relevant policies set out in the Plan.

**Q. What sort of waste will be dealt with on a waste site?**

**A.** TheDraftPlan seeks to enable the delivery of non-hazardous and inert waste capacity during the Plan period. The type of waste to be managed and the management that will take place on a site will be determined by the markets the operator is seeking to meet and the site characteristics. For example, there are strict locational requirements for landfill and composting operations which are in place to prevent significant impacts to the environment and local communities.

**Q. How will the impacts of waste management be controlled?**

**A.** If a site uses, recycles, treats or disposes of waste, it is likely to require an Environmental Permit from the Environment Agency. The Permit is to ensure that the activity does not cause pollution, increase flood risk or affect land drainage. This regulatory system is separate but complimentary to the planning system.

1. **Will the sites identified in the plan (site allocations) still require planning permission?**
2. The aim of the plan-making process is to identify sites that are considered suitable in principle for development. However, it does not go into the specific details required for a planning application. Allocating a site does not mean that a site has planning permission. Planning permission will still be required before any development can take place. Any planning application will be judged against the relevant policies in the Plan on its own merits, and there is no guarantee that a planning application will be granted permission just because the land has been previously identified as suitable through an allocation.

Any planning application for development at an allocated site would need to consider all of the development considerations identified in the Plan (see Appendix A). Similarly, any proposal would also need to comply with all other relevant policies in the Plan, including policies relating to the environment (climate change, habitats and species, landscape, historic environment and restoration etc) and amenity (protection of health, safety and amenity, flood risk, design, and sustainable traffic etc).

**Q. When will I know more details about the proposed development?**

**A.** More details regarding the proposed development of a site will be made available when a planning application is submitted. The planning application will need to set out how the proposed development complies with the policies within the Plan. If the proposed development is on an allocated site, the planning application will need to set out how it will address the development considerations relating to the site (see Appendix A).

**Q. What happens if there is an application already waiting to be determined on an allocated site?**

**A.** Theplan-making process is related but separate to the planning permission decision-making process.

The assessment of proposed sites for inclusion in the Plan will seek to determine whether the site is suitable in principle for development. It may highlight any issues which would need to be overcome for the site to be considered suitable. This consideration is based on a strategic level as the Plan is covering a 15 year time period.

A planning application needs to consider in detail how a proposal meets all relevant planning policies and sets out what measures will be put in place to address any issues that are present at that point in time. For example, consideration will need to be given to existing road capacity and the condition of the environment at the time. It is likely that an application for new minerals or waste development will require an Environmental Impact Assessment.

Planning applications can be submitted at anytime during the plan-making process and/or once a plan is adopted. During early stages of plan-making, the need for a site may not be clear and it could be considered premature to determine an application. However, if a clear need is identified, the application will be judged on its merits. An example of need could be that the amount of permitted sand and gravel reserves (the ‘landbank’) is below or close to the required minimum of seven years.

If the site is permitted prior to the adoption of the Plan, the capacity of the site would be incorporated into the permitted capacity (i.e. the landbank for minerals or management capacity for waste) and would no longer be an allocation.

**Q. How will I be protected from impacts from development?**

**A**. ‘Policy DM9: Protecting Public Health, Safety and Amenity’ of the Draft Plan specifically seeks to ensure minerals and waste activities do not negatively affect a community excessively or unnecessarily. This will be implemented through the use of mitigation measures such as buffer zones, screening, dust suppression measures and limited working hours etc. Other policies in the Plan also help to protect the environment and communities from any potential impacts associated with minerals or waste developments.

1. <http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf> [↑](#footnote-ref-1)