

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 18th March 2020
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WARD(S): All

PART I **FOR DECISION**

RESPONSE TO CENTRAL & EASTERN BERKSHIRE JOINT MINERALS AND WASTE PLAN (REGULATION 18) CONSULTATION: SAND AND GRAVEL PROVISION AND OPERATOR PERFORMANCE

1 Purpose of Report

1.1 The purpose of the report is to agree the Council's response to the latest consultation on the Central and Eastern Berkshire Joint Minerals and Waste Plan which is focused upon sand and gravel provision and a new policy for taking into account operator performance. It also proposes a new area for gravel extraction on a strip of land between Horton Brook and Poyle Quarry south of Colnbrook.

2 Recommendation(s)/Proposed Action

The Committee is requested to resolve that the proposed representations to the "Central and Eastern Berkshire Joint Minerals and Waste Plan- Focussed Regulation 18 consultation: Sand and Gravel Provision and Operator Performance" document set out in paragraphs 5.10 to 5.23 of the report be agreed and submitted to the Councils.

3 The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3a. Slough Joint Wellbeing Strategy Priorities

Ensuring that needs are met within the local area will have an impact upon the following SJWS priorities:

- *Economy and Skills*
- *Regeneration and Environment*
- *Housing*

3b. Five Year Plan Outcomes

Ensuring that we plan properly for minerals and waste in the area impacts upon:

Outcome 3: Slough will be an attractive place where people choose to live, work and visit.

4 Other Implications

(a) Financial

There are no financial implications of the proposed action in this report which can be achieved within existing budgets.

(b) Risk Management

It is considered that the risks can be managed as follows:

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Committee agrees the response to the Central and Eastern Berkshire Joint Minerals and Waste Plan focussed regulation 18 consultation: sand and gravel provision and operator performance.	The failure to make representations on neighbouring Authorities' plans could have an adverse impact upon Slough.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

(d) Equalities Impact Assessment

There are no equality impact issues.

5 Supporting Information

Introduction

- 5.1 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council have been working in partnership to produce a joint Central and East Berkshire Minerals and Waste Plan for the period up to 2036.
- 5.2 This Council did not join in with the other authorities because minerals and waste was not considered to be a priority at this stage. Although there are a number of sites around Slough, there are very few opportunities left for further gravel extraction in the Borough.
- 5.3 It should be noted that West Berkshire began preparing its own Minerals and Waste Plan in February 2014 but has still not been able to bring this forward for submission.
- 5.4 The emerging Minerals and Waste Plans in the rest of Berkshire will have an impact upon Slough and so this Council has been engaged in past consultations on the plan and making sure that significant cross boundary issues are dealt with through the Duty to Co-operate process.
- 5.5 The Central Joint Minerals and Waste Plan will build upon the formerly adopted Minerals and Waste Local Plans for Berkshire, eventually providing replacement policies based on up to date evidence of the current levels of provision for minerals and waste facilities in the Plan area.

5.6 The Plan has so far been through the following stages:

- In Summer 2017, an 'Issues and Options' Consultation was undertaken;
- During Summer / Autumn 2018, a 'Draft Plan' consultation set out the proposed approach for the Joint Minerals and Waste Plan.
- Two further 'Call for Sites' exercises were carried out.

5.7 This Council has made representations at both the issues and options and draft plan. These have included seeking support in the Plan for the retention of the Lakeside energy from waste plant and the rail depot at Colnbrook on the grounds that both of these serve Central and East Berkshire.

5.8 The Consultation draft plan proposed that Poyle Quarry should be allocated as one of 4 new sites for gravel extraction. This is not actually a new site but planning permission on it had expired. We did not object to this subject to the HGV routing being resolved.

5.9 The Council objected to Policy DM9 (Protecting Public Health, Safety and Amenity) in the Draft Plan on the grounds that did not include an appropriate policy framework for considering the impact of HGV movements upon air quality and securing appropriate mitigation. The Councils have now produced a new Consultation Document for which the deadline for responding is 23rd March 2020

The Central and Eastern Berkshire Joint Minerals and Waste Plan Consultation on Sand and Gravel Provision and Operator Performance

5.10 This latest “focussed” consultation on the Central and Eastern Berkshire Joint Minerals and Waste Plan is taking place because, despite various call for sites exercises, not enough sites have been identified for sand and gravel extraction and so the Plan will have to come forward with a shortfall.

5.11 The Planning Practice Guidance (PPG) states “*where there was a recognised shortfall in provision of sites, a criteria-based approach is to be applied to provide a steer in decision-making on where sites were expected to come forward*”

5.12 The Consultation document therefore defines an ‘Area of Search’ for sand and gravel provision. This includes all of the mineral bearing land to the south of Slough. Policy M4 then states that proposals for sand and gravel extraction will be supported within the Area of Search provided they are needed to maintain the land bank and maximise opportunities of existing infrastructure and available mineral resources.

5.13 It is not considered that there any objections to the principle of the policy but the wording could be clearer.

5.14 The Consultation document contains two new sites which have come forward, following a recent ‘Call for Sites’ exercise, and these are being considered for allocation in the Plan.

5.15 One of these sites is land and west of Basingstoke Road, Spencers Wood which is within the Borough of Wokingham and has the potential to provide sand and gravel. The site does not have any impact on Slough. The council supports identification of land west of Basingstoke road for extraction of sand and gravel as this contributes to meeting the need

- 5.16 The other is an area between Horton Brook and Poyle Quarry, which is within the Royal Borough of Windsor and Maidenhead and has the potential to provide 250,000 tonnes of sand and gravel. The site consists of the existing bridleway between the two quarries. (See Appendix A) Horton Brook quarry is operational and Poyle Quarry has planning permission but has not started.
- 5.17 A temporary diversion will have to be provided for the bridleway which forms part of the Colne Valley Way. All sand and gravel would have to be transported by dump truck either to the Poyle Quarry processing plant, which is in Slough, or else to the Horton Brook processing plant to the west. This would result in additional HGV movements on roads within Slough but it is claimed that the magnitude of change on the roads would be negligible. The Plan recognises that a Transport Assessment or Statement will be required and an HGV Routing Agreement will be needed. As a result it is considered that any mitigation measures that may be necessary can be agreed at the planning application stage.
- 5.18 It will be important to maintain and enhance the Colne Valley Way bridle way. This is described as being not very attractive at present with the user hemmed in between two fences.
- 5.19 The Council, along with the Colne Valley Park, RBWM and the Buckinghamshire authorities have been examining how the public footpath network and accessibility in the area can be improved as part of the work that has taken place in response to the proposed expansion of Heathrow. As a result we have agreed a Joint Connectivity Statement. This identifies a network of alternative routes that run along the north and south boundaries of the existing and proposed gravel extraction sites. Some of these new routes could be implemented regardless of whether or not the expansion of the airport takes place. As a result it is suggested that there should be a requirement for the applicant to have to work with the Colne Valley Park and relevant Local Authorities to secure an enhanced bridleway network within the area.
- 5.20 Subject to these requirements being met it is considered that this Council has no objections to the proposal to identify the area between Horton Brook and Poyle Quarry as a site for sand and gravel extraction.
- 5.21 A new Policy DM15 is proposed to seek to protect communities near minerals and waste development from any significant adverse effects caused by poor operator performance. This policy has been proposed due to comments received following public consultation and states:

Past operator performance

1. *Where an applicant or operator has been responsible for an existing or previous minerals or waste development site, an assessment of their operational performance at that existing or previous site will be made.*
 2. *Where issues have been raised about the operation of an existing or previous development site, how the operator or applicant has responded, particularly where there is evidence of any significant adverse effects, will be taken into consideration in decision-making on minerals or waste applications submitted by the same applicant or operator.*
- 5.22 This is an unusual policy and it is not clear on what basis it is being justified. The only reference to being able to consider past performance in the NPPF is in

paragraph 76 which deals with housing permissions not starting.

5.23 Nevertheless it is considered that the Council should support the proposed policy on Past Operator Performance.

6 Conclusions

6.1 It is not considered that the proposals in the consultation on the Central and Eastern Berkshire Minerals and Waste Plan, which include a new gravel site south of Colnbrook, have any significant implications for Slough. It is recommended that the proposed comments set out in this report should be submitted as the Council's formal response to the consultation.

7 Background Papers

'1' Central and Eastern Berkshire Joint Minerals & Waste Plan Draft Plan Consultation Paper - June 2018

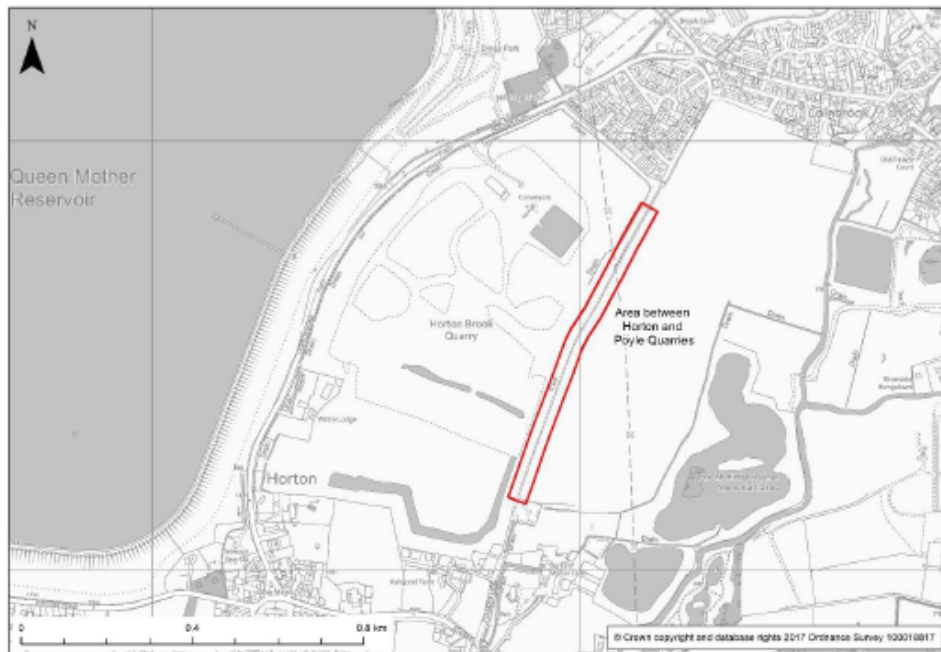
'2' Central and Eastern Berkshire Joint Minerals and Waste Plan Issues and Options Consultation Paper – June 2017

8 Appendices

"A" Extract from Central and Eastern Berkshire Minerals and Waste Plan for Area between Horton Brook and Poyle Quarry.

Appendix A: Extract from Central and Eastern Berkshire Minerals and Waste Plan for Area between Horton Brook and Poyle Quarry.

Figure 3: Proposed site boundary for Area between Horton Brook and Poyle Quarry



Current use: Existing bridle way (Colne Valley Way)

Proposal: Extraction of 250,000 tonnes of sand and gravel from the site. Processing will take place at existing plants at either Horton Brook Quarry to the west or Poyle Quarry to the east.

Restoration: The site will be restored using backfill of inert waste material and the bridleway (Colne Valley Way) will be reinstated.

Approximate size of site: 3.75 ha

Proposal nominated by: Quarry Plan (on behalf of Summerleaze and Jayflex)

Additional Information: The proposed site is a strip of land that lies between the permitted Horton Brook Quarry (planning reference 07/00590/FULL and appeal ref. T0355/A/08/2065394) operated by Jayflex Aggregates Limited and the permitted Poyle Quarry (planning reference 17/03426/FULL) which is yet to commence operating. It is anticipated that extraction of this site would be relatively straightforward and would commence from the eastern side.

Previous consideration within the plan making process: This site is a new proposal but forms part of Preferred Area 12 (North of Horton) in the adopted Minerals Local Plan.