

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee **DATE:** 14<sup>th</sup> October 2020  
**CONTACT OFFICER:** Paul Stimpson, Planning Policy Lead Officer  
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**WARD(S):** All

### **PART I** **FOR DECISION**

#### **RESPONSE TO CENTRAL & EASTERN BERKSHIRE JOINT MINERALS AND WASTE PROPOSED SUBMISSION PLAN (REGULATION 19) CONSULTATION**

#### **1 Purpose of Report**

- 1.1 The purpose of the report is to agree the Council's response to the final consultation on the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission Plan.
- 1.2 This Council objects to Policy DM9 as it does not specifically take account of the impact on air quality in considering haul routes. This aspect of the plan is therefore unsound because it is not compliant with the National Planning Policy Framework (NPPF) and it does not promote sustainable development.

#### **2 Recommendation(s)/Proposed Action**

The Committee is requested to resolve that:

- a) This Council should object to Policy DM9 (Protecting Public Health, Safety and Amenity) in the Central and Eastern Berkshire Joint Minerals and Waste Submission Plan on the grounds that it does not provide an appropriate policy framework for considering the impact of HGV movements upon air quality and securing appropriate mitigation.
- b) The proposed representations to the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission be agreed and submitted to the Council.

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

##### **3a Slough Wellbeing Strategy Priorities**

Responding to this consultation on cross border minerals and waste issues will help implement Priority 3

- *Strong, healthy and attractive neighbourhoods*

### **3b Slough Joint Wellbeing Strategy Priorities**

Ensuring that needs are met within the local area will make a positive contribution to the following SJWS priorities:

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

### **3c Five Year Plan Outcomes**

Ensuring needs are met in the area will contribute to the following Five Year Plan outcomes:

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

## **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 Proposed Submission Plan.	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 brought 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 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.
  - March 2020: Focussed consultation on areas of search for sand and gravel extraction and the plan coming forward with a shortfall. One area of search in Wokingham (Land west of Basingstoke Road) and one in the Royal Borough of Windsor and Maidenhead (Area between Horton Brook and Policy DM15 (Past Operator Performance)).
- 5.7 This Council has made representations at all the plan stages identified above. 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.
- 5.10 The subsequent "focussed" consultation document contained two new sites which have come forward, following a 'Call for Sites' exercise.
- 5.11 One of these sites was land to the west of Basingstoke Road, Spencers Wood which is within the Borough of Wokingham and has the potential to provide sand and gravel. The site did not have any impact on Slough. The council supported identification of land west of Basingstoke road for extraction of sand and gravel as this contributes to meeting the need.
- 5.12 The other was 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.

- 5.13 The Council submitted representations that a temporary diversion will have to be provided for the bridleway which forms part of the Colne Valley Way and it will be important to maintain and enhance the Colne Valley Way bridle way. As a result it was 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.
- 5.14 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 recognised 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.
- 5.15 This Council raised no objections to the proposal to identify the area between Horton Brook and Poyle Quarry as a site for sand and gravel extraction.

Central and Eastern Berkshire: Joint Minerals & Waste Plan Proposed Submission (August 2020)

- 5.16 The proposed submission Minerals and Waste Plan is out for consultation for six weeks from 3<sup>rd</sup> September to 15<sup>th</sup> October 2020. This stage includes the Proposed Submission Plan and representations made on this Plan must refer to the tests of 'soundness' or they may not be considered by the Secretary of State.
- 5.17 The National Planning Policy Framework (NPPF) contains a series of tests which local plans are examined against to assess whether the plan has been produced correctly and provides an effective planning framework for the area it covers.
- 5.18 These 'tests of soundness' are set out as follows in the NPPF:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 5.19 The Submission plan now includes the need for HGV routing agreement for Poyle Quarry as part of the site requirements. This meets our previous representation and so is supported.
- 5.20 Our representations about the need for the Colne valley way trail to be temporarily diverted and to maintain and enhance the Colne Valley Way bridle way have been addressed in the following paragraph:

*“The Colne Valley Way Trail will need to be temporarily diverted and re-established as part of the restoration and applicants will need to work closely with the relevant authorities and the Colne Valley Regional Park. The bridleway route and restoration of the site must seek to improve connectivity and enhance the local public access network and give consideration to the Colne and Crane Valleys Green Infrastructure Strategy.(2019) and to the Joint Connectivity Statement. Where minerals or waste developments are located close to or would directly impact a statutory public right of way footpath network, measures should be put in place to protect or divert the route (for a temporary or permanent period, as appropriate). This includes adopted public footpaths, bridleways and cycle routes.*

5.21 This new paragraph is to be welcomed.

5.22 However the Council’s objection to Policy DM9 (Protecting Public Health, Safety and Amenity) still remains. The policy states:

*1. Planning permission will be granted for minerals and waste development only where it can be demonstrated that it will not generate unacceptable adverse impacts on the health, safety and amenity of local communities and the environment.*

*2. Minerals and waste development should not:*

*a. Release emissions to the atmosphere, land or water (above appropriate standards);*

*b. Have an unacceptable impact on human health;*

*c. Cause unacceptable noise, dust, lighting, vibration or odour;*

*d. Have an unacceptable visual impact;*

*e. Potentially endanger aircraft from bird strike and structures;*

*f. Cause an unacceptable impact on public safety safeguarding zones;*

*g. Cause an unacceptable impact on public strategic infrastructure;*

*h. Cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development.*

*l . Cause an unacceptable impact through:*

*i. Tip and quarry slope stability; or*

*ii. Differential settlement of quarry backfill and landfill; or*

*ii. Subsidence and migration of contaminants.*

*3. Where it is considered that there will be adverse impacts, applicants will be expected to undertake mitigation to ensure an acceptable degree of potential impact.*

5.23 As a result it can be seen that there has been no amendment to the policy in the Draft Plan to include the need for development to take account of the impact of HGV movements upon air quality and Air Quality Management Areas in particular.

5.24 This is an important issue for Slough because there may be proposals for haul routes to come through our Air Quality Management Areas in places like Brands Hill. This should be avoided if possible or appropriate mitigation put in place. The absence of any mention of air quality in the policy does not allow for consideration of this. As a result it is considered that we should object on the grounds that Policy DM9 does not meet the test of soundness because it is not consistent with national policy in the NPPF as it does not contribute to sustainable development.

## **6 Conclusions**

- 6.1 This Council objects to Policy DM9 (Protecting Public Health, Safety and Amenity) of the Central and Eastern Berkshire Joint Minerals and Waste Plan as it does not consider air quality issues. As a result it does not meet the test of soundness because it is not consistent with the NPPF as it does not contribute to sustainable development. It is recommended that the proposed comments and objection 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