

## **CABINET – 19 DECEMBER 2017**

# **OXFORDSHIRE MINERALS & WASTE DEVELOPMENT SCHEME (EIGHTH REVISION) 2017**

### **Report by Director for Planning & Place**

#### **Introduction**

1. The Council must prepare, maintain and publish a Minerals and Waste Development Scheme, setting out the Council's programme for preparing the Oxfordshire Minerals and Waste Local Plan. The original Oxfordshire Minerals and Waste Development Scheme came into effect in May 2005. Seven revisions of the Scheme have been produced since then, most recently in February 2016.

#### **Need for Revision of Development Scheme**

2. The Minerals and Waste Development Scheme 2016 focused on completion of the Minerals and Waste Local Plan: Part 1 – Core Strategy, which at that time had been submitted for examination. The Development Scheme set a timetable for the remaining stages of the Core Strategy, with a target date of November 2016 for adoption. In the event, the examination took much longer than envisaged and the Core Strategy was not adopted by the Council until September 2017.
3. The 2016 Development Scheme also included a timetable for preparation of the Minerals and Waste Local Plan: Part 2 – Site Allocations plan. This set a date of June 2016 for commencement of work on the plan and a target for adoption by April 2019. This was, however, based on the assumption that work on the Core Strategy would have been substantially completed by the summer of 2016. In view of the prolonged duration of the Core Strategy examination and the consequent delay of a year to adoption, commencement of work on the Site Allocations plan has been considerably delayed. The timetable for the Site Allocations plan in the Development Scheme therefore needs to be revised.

#### **Revised Minerals and Waste Development Scheme 2017**

4. A draft revised Minerals and Waste Development Scheme 2017 is set out in Annex 1. This sets out a programme for preparation of the Minerals and Waste Local Plan. In particular, following adoption of Part 1 of the Plan – Core Strategy, it includes preparation of Part 2 – Site Allocations to a timetable that will see a complete new plan put in place at the earliest practical opportunity.
5. The principal target dates in the programme for the Site Allocations plan are:
  - Commence preparation – September 2017;

- Consultation on site options – June 2018;
  - Consultation on draft document – January 2019;
  - Publish proposed submission document – September 2019;
  - Submit to Secretary of State – December 2019;
  - Examination hearings – March 2020;
  - Publish Inspector’s report – September 2020;
  - Council adopts plan – November 2020.
6. Previous versions of the Development Scheme have included preparation of supplementary planning documents on a Minerals and Waste Development Code of Practice and on Restoration and After-use of Minerals and Waste Sites. These are not priority documents and therefore are not included in the revised programme; but the possible future need for them should be kept under review.
  7. The Development Scheme also covers the Council’s Statement of Community Involvement. A revised Oxfordshire Statement of Community Involvement was adopted by the Council in March 2015. No need has as yet been identified for a further revision of the Statement of Community Involvement but this will be kept under review and, when appropriate, it will be included in a future revision of the Development Scheme.
  8. I consider this revised programme for the Site Allocations plan to be realistic taking into account experience with preparing plan documents to date; the work required to prepare the necessary documentation and evidence base for the publication, submission and examination stages of the process; the need for thorough and effective engagement and consultation with stakeholders and the public, including under the duty to co-operate; sustainability appraisal, strategic environmental assessment and other technical assessment work; and available resources.
  9. A draft project plan timeline, including the principal target dates set out above, was considered and discussed by the Minerals and Waste Cabinet Advisory Group (CAG) on 27 September 2017. CAG members expressed concern over the length of time before the Site Allocations plan would be adopted and the consequent gap before a full Minerals and Waste Local Plan including sites would be in place. CAG members accepted that this timescale is necessary to ensure a robust plan that will be found sound at examination but asked that the proposed timeline should be seen as the maximum time that it would take and that work should be done to shorten the timescale if at all possible.
  10. Approval of the revised Minerals and Waste Development Scheme 2017 by the Cabinet is required before it can be brought into effect. The Scheme must then be published on the Council’s website.

## **Financial and Staff Implications**

11. The Minerals & Waste Plan is included within the work priorities of the Communities Directorate and is in part being progressed within the existing mainstream budget for the Council’s minerals and waste policy function. In

addition, a special reserve was created to help fund the abnormal costs of plan preparation (including the commissioning of specialist technical evidence studies) and independent examination. £122,000 remains in the reserve, for preparation of the Site Allocations plan, most of which will still be available in 2018/19. Some further additional funding is likely to be required beyond that, to enable the plan to be taken through examination and to adoption in 2020/21. There are no additional staff implications.

## **Equalities Implications**

12. None have been specifically identified.

## **Legal Implications**

13. Under the Planning and Compulsory Purchase Act 2004 (as amended), the County Council is required to prepare a minerals and waste local plan and a statement of community involvement and to prepare and maintain a minerals and waste development scheme. The European Waste Framework Directive, 2008 (2008/98/EC), as transposed through the Waste (England and Wales) Regulations 2011, requires waste planning authorities to put in place waste local plans. Having an up to date Minerals and Waste Development Scheme in place will help to enable these requirements to be met.

## **Risk Management**

14. If a new Minerals and Waste Local Plan, including both a strategy and site allocations, is not adopted (for example, if the Site Allocations plan was abandoned or found to be “unsound” following examination), the County Council would not have a full, up to date and locally-determined land-use policy framework against which to determine applications for new mineral working and waste management developments in Oxfordshire. Such a diminution of local control over these operations would leave the authority with much less influence over the location of future minerals and waste operations and make it heavily reliant on the National Planning Policy Framework and National Planning Policy for Waste, which are considerably less comprehensive and detailed in their coverage of these matters. Having an up to date Minerals and Waste Development Scheme in place will help the Council to demonstrate that the Site Allocations plan is both legally compliant and “sound” when it is independently examined.

## **RECOMMENDATION**

15. **The Cabinet is RECOMMENDED to**
  - (a) **approve the Oxfordshire Minerals and Waste Development Scheme (Eighth Revision) 2017 at Annex 1, subject to final detailed amendment and editing, to have effect from 8 January 2018;**
  - (b) **authorise the Director for Planning & Place to:**

- (i) carry out any final detailed amendment and editing of the Oxfordshire Minerals and Waste Development Scheme that may be necessary, in consultation with the Cabinet Member for Environment;**
- (ii) take the necessary steps to bring the revised Scheme into effect from 8 January 2018 and publish the revised Scheme, in accordance with Sections 15 and 16 of the Planning and Compulsory Purchase Act 2004 (as amended).**

SUSAN HALLIWELL  
Director for Planning & Place

Background papers: None

Contact Officer: Peter Day – Minerals and Waste Policy Team Leader

December 2017