

## **CABINET – 22 JANUARY 2019**

### **OXFORDSHIRE MINERALS & WASTE DEVELOPMENT SCHEME (NINTH REVISION) 2019**

**Report by Director for Planning & Place**

#### **RECOMMENDATIONS**

1. **The Cabinet is RECOMMENDED to:**
  - i. **approve the Oxfordshire Minerals and Waste Development Scheme (Ninth Revision) 2019 at Annex 1, subject to final detailed amendment and editing, to have effect from 5 February 2019;**
  - ii. **authorise the Director for Planning & Place to:**
    - (a) **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;**
    - (b) **take the necessary steps to bring the revised Scheme into effect from 5 February 2019 and publish the revised Scheme, in accordance with Sections 15 and 16 of the Planning and Compulsory Purchase Act 2004 (as amended).**

#### **Executive Summary**

2. The County Council must prepare and maintain a Minerals and Waste Development Scheme, setting out the programme for production of the Oxfordshire Minerals and Waste Local Plan. The most recent revision of the Oxfordshire Minerals and Waste Development Scheme was approved in December 2017. Part 1 of the Plan, the Core Strategy was adopted in September 2017. Part 2, the Sites Plan, was commenced in September 2017 but consultation on issues and options was delayed and consequently the timetable for the Sites Plan in the December 2017 Development Scheme is now out of date and needs to be revised. In addition, changes in legislative requirements for Statements of Community Involvement mean that the Oxfordshire Statement of Community Involvement should be revised and a timetable needs to be set for this. A further revision of the Development Scheme is therefore now required.
3. The revised programme for the Sites Plan, taking into account the engagement of consultant support on technical work, maintains the target for adoption by the end of 2020, involving the following key stages: consultation

on a draft plan in June 2019; publication in January 2020; submission for examination in March 2020; and adoption of the plan in December 2020.

## **Introduction**

4. The Council must prepare, maintain and publish a Minerals and Waste Development Scheme (MWDS), setting out the Council's programme for preparing the Oxfordshire Minerals and Waste Local Plan. The original Oxfordshire MWDS came into effect in May 2005. Eight revisions of the MWDS have been produced since then, most recently in December 2017.

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

5. The MWDS 2017 was prepared following the adoption of the Minerals and Waste Local Plan: Part 1 – Core Strategy in September 2017. It focused on preparation of the Minerals and Waste Local Plan: Part 2 – Site Allocations (Sites Plan), which had been commenced in September 2017. It included a timetable for preparation of the Sites Plan. This set a target for adoption by November 2020. Key stages in the programme are:
  - Consultation on Issues & Options                      June – July 2018;
  - Consultation on Draft Plan                                      January – February 2019;
  - Submission of Plan for Examination                      December 2019.
6. Consultation on Issues and Options was delayed by two to three months, mainly due to staff changes and related resource availability. Consequently, the January – February 2019 target for consultation on a Draft Plan will not now be met and the timetable for the Sites Plan needs to be revised.
7. The current Oxfordshire Statement of Community Involvement (SCI) was adopted in March 2015. The SCI sets out the Council's policy for how it will consult on the Minerals and Waste Local Plan and on the planning applications that it is responsible for determining. The Neighbourhood Planning Act 2017 made some legislative changes affecting SCIs. They must now include the Council's policies for giving advice or assistance on neighbourhood planning (even though neighbourhood planning does not deal with minerals and waste). Also, SCIs should be reviewed within 5 years of adoption. It is important that the SCI is compliant with legislation and therefore a revision of the SCI should be undertaken before the Sites Plan is submitted for examination.

## **Revised Minerals and Waste Development Scheme 2019**

8. We have considered how the work programme and timetable for the Sites Plan could be revised whilst maintaining the target for adoption of the Plan by the end of 2020. We have concluded that by appointing consultants to assist with technical work on preparation of the plan, financed from within the existing budget for the project, the programme can be brought back on track for adoption of the Plan by the end of 2020. Procurement of suitable consultants is at an advanced stage and all bidders being considered have put

forward proposals designed to enable adoption of the Sites Plan within this timeframe.

9. A draft revised MWDS 2019 is set out in Annex 1. This includes a timetable for preparation of the Sites Plan that takes into account the engagement of consultant support and has a target for adoption by December 2020. This will complete the new Oxfordshire Minerals and Waste Local Plan. The draft revised MWDS also includes a programme for revision of the SCI.
10. The principal target dates in the programme for the Sites Plan are:
  - Commence preparation September 2017;
  - Consultation on issues and options August – October 2018;
  - Consultation on draft plan June – July 2019;
  - Publish proposed submission plan January – February 2020;
  - Submit to Secretary of State March 2020;
  - Examination hearings May 2020;
  - Publish Inspector’s report October 2020;
  - Council adopts plan December 2020.
11. The principal target dates in the programme for revision of the Statement of Community Involvement are:
  - Commence preparation January 2019;
  - Consultation on draft document June – July 2019;
  - Council adopts SCI December 2019.
12. Earlier versions of the MWDS 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.
13. I consider the revised programme for the Sites 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 consultation, 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 the resources available, including consultant support. I believe this to be the shortest practical timetable for the delivery of a robust plan that will be found sound at examination.
14. Approval of the revised MWDS 2019 by the Cabinet is required before it can be brought into effect. The MWDS must then be published on the Council’s website.

## **Financial and Staff Implications**

15. The Minerals & Waste Local 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. The budget has been increased by £50,000 this year to fund the abnormal costs of plan preparation (including engagement of consultants to provide technical support). Further increases will be required in 2019/20 and 2020/21, in particular to provide the funding required to take the Sites Plan through examination. The proposed revision of the MWDS does not raise any additional financial or staff implications.

### **Legal Implications**

16. 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 MWDS. 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 MWDS in place will help to enable these requirements to be met.

### **Risk Management**

17. If a new Minerals and Waste Local Plan, including both a strategy and site allocations, is not adopted (for example, if the Sites 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 and lack any local dimension. Having an up to date MWDS in place will help the Council to demonstrate that the Sites Plan is both legally compliant and "sound" when it is independently examined.

### **SUSAN HALLIWELL**

Director for Planning & Place

Background papers: None

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January 2019