

Division(s): N/A

CABINET – 26 JANUARY 2016

OXFORDSHIRE MINERALS & WASTE DEVELOPMENT SCHEME (SEVENTH REVISION) 2016

Report by Director of Environment and Economy

Introduction

1. The Council must prepare, maintain and publish a Minerals and Waste Development Scheme, setting out the Council's programme for preparing the Minerals and Waste Local Plan. The original Oxfordshire Minerals and Waste Development Scheme came into effect in May 2005. Six revisions of the Scheme have been produced since then, most recently in December 2014.

Need for Revision of Development Scheme

2. The Minerals and Waste Development Scheme 2014 focused on preparation of the Minerals and Waste Local Plan: Part 1 – Core Strategy. It set out a timetable for publication of the Core Strategy in February 2015, for representations to be made, submission for independent examination in April 2015 and adoption in December 2015. Technical work required in the preparation of the Core Strategy took longer than envisaged and it was actually published in August 2015 and submitted in December 2015; and it is now expected to be adopted in November 2016. Consequently, the timetable for the Core Strategy in the Development Scheme needs to be revised.
3. The 2013 Development Scheme did not include preparation of a Site Allocations document. In the light of government policy in the National Planning Policy Framework (March 2012) and having due regard to the National Planning Practice Guidance (March 2014), which made it clear that where possible minerals and waste local plans should include specific sites, the 2014 Development Scheme was revised to include preparation of the Minerals and Waste Local Plan: Part 2 – Site Allocations. Since preparation of the Core Strategy was already at an advanced stage, it was decided to prepare the plan in two parts in order to avoid delay to the Core Strategy. It was not possible to provide a timetable for the Site Allocations document at that stage and the 2014 Development Scheme said a programme would be decided after the Core Strategy has reached examination.
4. Representations have been made on the published Core Strategy (August 2015) concerning the Council's two-part approach to preparation of the Minerals and Waste Local Plan. Some of these have questioned the legitimacy of a two-part plan but the legislation on local plans allows for this and whilst government policy favours single local plan documents it does not preclude a multi-document approach where this is justified. Other representations question the Council's commitment to a Site Allocations

document in the absence of a programme for its preparation in the Development Scheme. In view of this, I now consider that it would be appropriate to publish a timetable for the Site Allocations document, so that it is available for the Core Strategy examination. This would make clear the Council's commitment to preparing the Site Allocations document, to sit alongside the Core Strategy and form a complete Minerals and Waste Local Plan.

Revised Minerals and Waste Development Scheme 2016

5. A draft revised Minerals and Waste Development Scheme 2016 is set out in Annex 1. This sets out a programme for preparation of the Minerals and Waste Local Plan. This includes preparation of both Part 1 – Core Strategy and Part 2 – Site Allocations, to timetables that will see a complete new plan put in place at the earliest opportunity.
6. For the Core Strategy, the remaining principal target dates in the revised programme are:
 - Examination hearings – May 2016;
 - Publish Inspector's report – August 2016;
 - Council adopts plan – November 2016.
7. For the Site Allocations document, the principal target dates in the programme are:
 - Commence preparation – June 2016;
 - Consultation on draft document – September 2017;
 - Publish proposed submission document – May 2018;
 - Submit to Secretary of State – August 2018
 - Examination hearings – November 2018;
 - Publish Inspector's report – February 2019;
 - Council adopts plan – April 2019.
8. 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.
9. I consider this revised programme for the Core Strategy and the programme for the Site Allocations document 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; requirements for 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.

10. Approval of the revised Minerals and Waste Development Scheme 2016 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 new Minerals & Waste Plan is included within the work priorities of the Environment and Economy 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 background technical studies) and independent examination. By the end of this financial year, some £62,000 of that reserve will remain. This will need to be topped up by an estimated £33,000 in 2016/17 to cover the costs of the Core Strategy examination. Further additional funding will be required in 2016/17 and the following two years for preparation of the Site Allocations document.

Equalities Implications

12. None 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 maintain an up to date 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.

Risk Management

14. If a new Minerals and Waste Local Plan, including both a strategy and site allocations, is not adopted (for example, if it were abandoned, or found to be "unsound" following examination), the County Council would have no up to date and locally-determined land-use policy framework against which to regulate proposals for new mineral working and waste management 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 NPPF 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 Minerals and Waste Local 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 (Seventh Revision) 2016 at Annex 1, subject to final detailed amendment and editing, to have effect from 4 February 2016;**
- (b) authorise the Deputy Director Strategy & Infrastructure Planning 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 4 February 2016 and publish the revised Scheme, in accordance with Sections 15 and 16 of the Planning and Compulsory Purchase Act 2004 (as amended).**

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Director, Environment and Economy

Background papers: None

Annex: Oxfordshire Minerals and Waste Development Scheme (Seventh Revision) 2016

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