

## **CABINET – 28 JANUARY 2014**

### **OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN: CORE STRATEGY – CONSULTATION DRAFT**

**Report by Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)**

#### **Introduction**

1. The County Council has a statutory duty to prepare a new Oxfordshire Minerals and Waste Plan, to provide an effective planning strategy and policies for the supply of minerals and management of waste in the county, consistent with environmental, social and economic needs. The Plan must be prepared in accordance with current government policy in the National Planning Policy Framework (March 2012) and having due regard to the emerging new National Planning Practice Guidance.
2. The Cabinet on 26 November 2013 approved a revised Oxfordshire Minerals and Waste Development Scheme (Fifth Revision) 2013, setting out the following programme for preparing the Minerals and Waste Local Plan:
  - Public consultation on draft revised Plan – Feb/March 2014;
  - Consultation on proposed submission document – Oct/Nov 2014;
  - Submit Plan to Secretary of State for examination – March 2015;
  - Examination hearings – July 2015;
  - Inspector's report – October 2015;
  - Council adopts Plan – December 2015.
3. This report recommends a draft Minerals and Waste Local Plan: Core Strategy for public consultation.

#### **Draft Minerals and Waste Local Plan: Core Strategy**

##### *General Principles*

4. Taking into account the context now provided by government policy and emerging new guidance, and the urgent need for a new plan to replace the out of date Minerals and Waste Local Plan (1996), the new Minerals and Waste Development Scheme provides for a single new plan document to be prepared. This will focus on the provision that needs to be made for mineral working and waste management over the period to 2030; the strategic framework for delivering this, including the broad spatial strategy with areas of search for mineral working; and criteria based policies against which planning applications would be considered. This approach should provide an

appropriate level of flexibility in the provision to be made for mineral working and waste management capacity to respond to assessed needs.

5. In particular, this approach enables us to prepare a plan that makes clear the strategic importance of Oxfordshire's mineral resources but manages the release and development of these resources in a way that both alleviates the concerns of local people about unnecessary and unacceptable mineral working and at the same time provides the minerals industry with the flexibility it needs to plan for and bring forward new proposals when and where they are required in order to meet the need for construction materials. It should provide a robust basis for decision making on planning applications, to ensure that mineral working takes place where it is needed in the County and takes place only in suitable locations and where the proposals involved are environmentally acceptable.
6. This approach will provide the quickest and most effective way for the Council to put in place an up to date local policy framework for decision making on planning applications for minerals and waste developments. At the same time it will avoid the plan-making process getting bogged down in detailed, site-specific issues that are more appropriately considered through the planning application process.
7. In preparing the draft Minerals and Waste Local Plan: Core Strategy we have taken the previous Minerals and Waste Core Strategy (Submission Document October 2012) as a starting point. We have reviewed the policies and supporting text having regard to:
  - representations that were made on the Proposed Submission Document May 2012;
  - the National Planning Policy Framework March 2012;
  - current and emerging updated National Waste Planning Policy (PPS10);
  - emerging new National Planning Practice Guidance;
  - views of other authorities, statutory bodies and organisations that we have engaged with under the duty to co-operate and through informal consultation;
  - new information that is now available, in particular:
    - the Oxfordshire Local Aggregate Assessment agreed by the Cabinet on 26 November 2013;
    - a review of the Oxfordshire Waste Needs Assessment May 2012.
8. A draft Minerals and Waste Local Plan: Core Strategy is at Annex 1. Following three initial sections setting out an introduction and background to the plan, and the Vision and Objectives of the plan, it is in three main policy sections: Minerals Planning Strategy; Waste Planning Strategy; and Core Policies. The policies are complete but some further updating of the supporting text is needed, as indicated in the document, specifically: maps of existing mineral and waste sites in section 2 (background); and quantities of waste arising and needing to be managed in Oxfordshire in section 5 (waste). These are factual updates that do not affect the policies. They will be made before the document

is published for consultation. The main policy elements, focussing on changes from the previous Minerals and Waste Core Strategy, are set out below.

### *Minerals Planning Strategy*

9. Policy M1 seeks to maximise the contribution to aggregate supply from recycled and secondary aggregates. The previous target has been omitted as the basis for that was the now revoked South East Plan, and inclusion of a target will not in itself deliver increased supply of this material and could be misconstrued as a maximum level to be achieved.
10. Policy M2 requires provision to be made for the supply of land-won aggregates (sharp sand and gravel, soft sand and crushed rock), and for landbanks of permissions to be maintained, to meet the requirement in the most recent annual Local Aggregate Assessment. Since the Local Aggregate Assessment may change from year to year, the actual requirement figures are not included in the policy. A section has been added to the policy providing for a broad balance of sharp sand and gravel production capacity between western Oxfordshire and southern Oxfordshire, to enable local supply of aggregate to the county's main growth areas.
11. Policy M3 identifies the following areas of search where permission would be granted for the working of aggregate minerals provided certain criteria are met:
  - A. Sharp sand and gravel:  
Eynsham/Cassington/Yarnton (including Lower Evenlode Valley)  
Lower Windrush Valley  
North East of Caversham  
Thames Valley (Oxford to Goring Gap)
  - B. Soft sand  
The Corallian Ridge between Oxford and Faringdon  
Duns Tew
  - C. Crushed rock  
North West of Bicester  
South of the A40 near Burford  
East and south east of Faringdon

The main change from the areas included previously is that instead of a specific location being identified for a new working area to replace Sutton Courtenay, a wider area of search encompassing all the significant sharp sand and gravel resource areas in southern Oxfordshire (between Oxford and the Goring Gap) is included.

12. Policy M4 is a new policy that includes and adds to the criteria for granting permission for working aggregate minerals that were previously part of policy M3. These criteria would act to ensure that new working areas are only permitted when and where they are needed in order to meet the requirement in the Local Aggregate Assessment and to achieve a balance in supply of

sharp sand and gravel from western and southern Oxfordshire. The criteria include measures to limit the number of mineral working sites in western Oxfordshire and in the Caversham area; and to ensure any new working in southern Oxfordshire would only be in place of an existing quarry.

13. Policy M5 on aggregates rail depots is similar to the previous policy M4.
14. Policy M6 on non-aggregate minerals includes similar provisions for building stone and clay as in previous policy M5 and adds specific provisions for chalk, fuller's earth and oil and gas, in line with national policy and guidance. There are currently no licensed areas for oil or gas exploration or production in Oxfordshire but the specific inclusion of these minerals would provide the Council with a policy basis for the consideration of any planning applications that may be made in the event that the Government does issue oil and gas licences covering Oxfordshire.
15. Policy M7 on safeguarding mineral resources is similar to the previous policy M6 but the mineral safeguarding areas will need to be identified on a map in the draft plan. This map has not yet been prepared but the mineral safeguarding areas will be drawn from the published British Geological Survey maps. The identification of these areas will be for safeguarding purposes only and they will have no policy significance for the location of mineral workings or the consideration of planning applications for mineral working.
16. Policy M8 on restoration of mineral workings is a simplified version of the previous policy M7, setting out more clearly and succinctly the factors to be taken into account in considering restoration and removing overlap with the core policies.

### *Waste Planning Strategy*

17. Policy W1 reiterates the commitment to net self-sufficiency in provision for waste management from the previous policy, but the actual amounts of waste to be managed are not included since forecasts may change and up to date figures will be included in annual monitoring reports.
18. Policy W2 on management of waste from outside Oxfordshire expands the previous policy to distinguish between facilities for residual waste treatment and for recycling and composting, and broadens it to cover inert as well as non-hazardous waste.
19. Policy W3 on diversion of waste from landfill includes the same targets as in the previous policy but makes it clearer that proposals for waste management should demonstrate that they provide for waste management as far as reasonably possible up the waste hierarchy.
20. Policy W4 on waste management capacity requirements omits the waste requirement figures that were included in the previous policy and instead states that capacity requirements will be monitored and updated in the annual monitoring reports. In addition to generally providing for additional waste

management facilities to meet capacity requirements, it includes particular statements from previous policy W5 encouraging further recycling and composting facilities but saying further capacity for residual waste treatment will only be permitted if it would not impede the achievement of waste management targets.

21. Policy W5 on locations for waste management facilities is a simplified version of the previous policy but retains the same overall spatial strategy for strategic facilities within a core part of the county; non-strategic facilities near to the main towns; and only small scale facilities in more rural areas.
22. Policy W6 on siting of waste management facilities is similar to the previous policy but reference to sites within Areas of Outstanding Natural Beauty is omitted as this is covered by the core policy on landscape.
23. Policy W7 on landfill is the same as the previous policy except for a change in the order of the sections.
24. Policy W8 on hazardous waste is the same as the previous policy but it now covers hazardous waste only and does not include radioactive waste.
25. Policy W9 on radioactive waste broadens the previous policy to cover the possibility of proposals being made for facilities for low level radioactive waste elsewhere in Oxfordshire, as well as making specific provision for managing radioactive wastes at Harwell and Culham. The provisions for Harwell and Culham are as in the previous policy, although the need to management of intermediate level radioactive waste has now been met by the recently permitted storage building. Elsewhere in the county, low level radioactive waste facilities would only be permitted if they are substantially required for the management of waste from Oxfordshire.
26. Policy W10 on waste water and sewage sludge is a new policy providing for additional capacity where it is needed to extend or replace existing facilities for the treatment and disposal of this waste.
27. Policy W11 on safeguarding waste management sites includes the previous policy W10 but expands it to include reference to specified sites to be safeguarded that are to be listed in an appendix to the plan and in annual monitoring reports.

### *Core Policies for Minerals and Waste*

28. Policies C1 and C2 on sustainable development and climate change are new policies. The former is a standard policy that planning inspectors have been requiring all plans to include, stating a presumption in favour of sustainable development in accordance with the National Planning Policy Framework. The latter responds to an apparent expectation by inspectors that plans will contain a policy on climate change and reflects what was previously included in supporting text.

29. Policy C3 on flooding is unchanged from the previous policy C1 but adds a section on increasing flood storage capacity in the flood plain (taken from previous policy M7 on restoration of mineral workings).
30. Policy C4 on water environment is unchanged from the previous policy C2.
31. Policy C5 on general environmental and amenity protection includes previous policy C3 but adds a list of relevant impacts to clarify what the policy covers.
32. Policy C6 on agricultural land and soils slightly amends but essentially has the same meaning as previous policy C4.
33. Policy C7 on biodiversity and geodiversity has been rewritten from the previous policy C5, to be consistent with the National Planning Policy Framework. It includes a general requirement to conserve and, where possible, enhance biodiversity; and sets out more clearly the hierarchy of international, national and local designations and the approaches to be taken to considering development proposals that affect them.
34. Policy C8 on landscape soils slightly amends but essentially has the same meaning as previous policy C6.
35. Policy C9 on historic environment and archaeology has been rewritten from the previous policy C7, to be consistent with the National Planning Policy Framework. It distinguishes between designated and non-designated heritage assets and the approaches to be taken to considering development proposals that affect them.
36. Policies C10 and C11 on transport and rights of way slightly amend but essentially have the same meaning as previous policies C8 and C9.

### *Minerals and Waste Cabinet Advisory Group*

37. The Minerals and Waste Cabinet Advisory Group (chaired by Cllr David Nimmo Smith with Cllr Anne Purse as deputy chairman) considered a draft set of objectives and policies at its meeting on 19 December and was broadly supportive of them as a basis for a consultation draft plan. The Group suggested some detailed amendments to policy wording and these have been taken into account in the draft plan at Annex 1.

### **Consultation**

38. Public consultation on the draft Minerals and Waste Local Plan: Core Strategy is proposed to be undertaken in February/March 2014, over a period of at least six weeks. All organisations and individuals on the consultation list from the earlier Minerals and Waste Core Strategy will be notified and the plan and supporting documents will be published on the Council's website. Paper copies will be made available in the case of people without internet access.

39. The supporting documents will in particular include the Local Aggregate Assessment and the Waste Needs Assessment Review. In addition, sustainability appraisal incorporating strategic environmental assessment is being carried out as an integral part of preparation of the plan and an environmental report on the draft plan will be published.
40. Engagement with other councils and statutory bodies under the duty to co-operate will continue in parallel with the consultation and beyond, as part of an on-going process as required by the Localism Act 2011 and the National Planning Policy Framework.
41. The outcome from the consultation will be reported to the Cabinet in the summer and will be taken into account in shaping the proposed submission version of the plan. The plan will then be taken to full Council for approval, before being published for consultation in October / November 2014 and submitted to the government for independent examination in 2015.

### **Financial and Staff Implications**

42. The Minerals and Waste Local Plan is included within the work priorities of the Environment and Economy Directorate and funding provision for this project is held in the Minerals and Waste Plan Project earmarked reserve. This report does not raise any additional financial or staffing implications. The resources required and available to meet the programme for preparation of the plan will be kept under review as part of the management of the project.

### **Legal Implications**

43. The County Council is required to prepare a minerals and waste local plan under the Planning and Compulsory Purchase Act 2004 (as amended). The effect of the European Waste Framework Directive, 2008 (2008/98/EC), as transposed through the Waste (England and Wales) Regulations 2011, is to require waste planning authorities to put in place waste local plans.

### **Risk Management**

44. The complexity of the Minerals and Waste Local Plan process and the potential implications for major mineral working and waste management proposals emphasise the importance of good project management and regular reporting on risk management, which have been put in place.

### **RECOMMENDATION**

45. **The Cabinet is RECOMMENDED to**
  - (a) **agree the draft Oxfordshire Minerals and Waste Local Plan: Core Strategy at Annex 1, subject to final detailed amendment, updating and editing, as a draft for consultation;**

- (b) **authorise the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) to:**
- (i) **carry out final detailed amendment, updating and editing of the draft Oxfordshire Minerals and Waste Local Plan: Core Strategy, in consultation with the Cabinet Member for Environment;**
  - (ii) **publish the draft Oxfordshire Minerals and Waste Local Plan: Core Strategy for public consultation.**

Martin Tugwell  
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Annex 1: Oxfordshire Minerals and Waste Local Plan: Core Strategy - Consultation  
Draft

January 2014