

CABINET – 26 NOVEMBER 2013

OXFORDSHIRE MINERALS AND WASTE DEVELOPMENT SCHEME

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.
2. The Council must also prepare, maintain and publish a Minerals and Waste Development Scheme, setting out the Council's programme for preparing the Minerals and Waste Plan. The original Oxfordshire Minerals and Waste Development Scheme came into effect in May 2005 and revisions were produced in 2006, 2007, 2009 and most recently in May 2012.
3. In line with the programme in the May 2012 Development Scheme, the Minerals and Waste Core Strategy was submitted for independent examination by a planning inspector in October 2012. In view of issues raised by the Inspector over the adequacy of the evidence base for the Core Strategy in relation to the recently published National Planning Policy Framework and its compliance with the new duty to co-operate, the examination was suspended in February 2013. In July 2013, the full County Council resolved to withdraw the Minerals and Waste Core Strategy and to prepare a revised Oxfordshire Minerals and Waste Local Plan in accordance with a new Minerals and Waste Development Scheme. This report recommends a revised Development Scheme.

Revised Minerals and Waste Development Scheme 2013

4. A draft revised Minerals and Waste Development Scheme 2013 is set out in Annex 1. This sets out a programme for preparation of the Minerals and Waste Local Plan. The programme focuses on preparation of the Minerals and Waste Local Plan – Core Strategy to a timetable that will see a new plan put in place at the earliest opportunity.
5. The principal target dates in the revised programme for the Plan are:
 - Public consultation on draft revised Plan – Feb/March 2014
 - Publish/consultation on proposed submission document – Oct/Nov 2014;
 - Submit Plan to Secretary of State for examination – March 2015;
 - Examination hearings – July 2015;
 - Publish Inspector's report – October 2015;

- Council adopts Plan – December 2015.
6. The Minerals and Waste Local 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. It is clear that government policy now strongly favours production of a single local plan document but that the way in which provision for mineral working and waste management development is made in the plan is a matter for the Council to decide taking into account local circumstances. This can be done by way of allocating specific sites or by identifying less specific preferred areas or areas of search, coupled with criteria set in policy.
 7. 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), I consider that a single new plan document should be prepared which focuses 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.
 8. Under this approach, a separate development plan document with minerals and waste site allocations, as included in previous versions of the Development Scheme, would not need to be produced. This would avoid the need for what would be a further very detailed piece of technical work, public consultation and examination. This approach would accord with the government's revised, streamlined planning policy framework that is now in place and would provide an appropriate level of flexibility in the provision to be made for mineral working and waste management capacity to respond to assessed needs.
 9. In particular, this approach would enable 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 would 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.
 10. I believe this approach would 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 would avoid the plan-making process getting bogged down in detailed, site-specific issues that are more appropriately considered through the planning application process.

11. This approach would require a robust approach to future monitoring and review of the plan and particularly of minerals supply and demand in Oxfordshire. This would be done through a revised form of Annual Monitoring Report linked to an annual review of the Local Aggregate Assessment. The proposed strategic framework and policy criteria approach should provide the necessary flexibility for the minerals industry (through planning applications) and the Council (through planning decisions) readily to respond to changes in circumstances, both economic and environmental. Fundamental review of the plan should only be needed if there is a very large and unexpected change in either supply or demand.
12. The Minerals and Waste Cabinet Advisory Group was broadly supportive of this proposed change in approach at its meeting on 23 October, with the caveat that the wording of the criteria based policies would be critical. The Group will consider draft wording of policies at its meeting in December, prior to a draft revised Minerals & Waste Plan being reported to Cabinet in January.
13. 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.
14. I consider this revised programme for the Minerals and Waste Local Plan – Core Strategy to be realistic taking into account experience with preparing the earlier Minerals and Waste Core Strategy; the work required to prepare necessary documentation for the consultation draft, submission and examination stages of the process; the requirements for engagement and consultation with stakeholders and the public; sustainability appraisal and strategic environmental assessment of the plan; and the available resources. Good progress is already being made with this work programme, in particular on preparation of the Local Aggregate Assessment and engagement with other local authorities and bodies under the duty to co-operate.
15. Approval of the revised Minerals and Waste Development Scheme 2013 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

16. 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 in the Development Scheme will be kept under review as part of the management of the project.

Legal Implications

17. 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

18. 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

19. **The Cabinet is RECOMMENDED to**
- (a) approve the Oxfordshire Minerals and Waste Development Scheme (Fifth Revision) 2013 at Annex 1, subject to final detailed amendment and editing, to have effect from 10 December 2013;**
 - (b) authorise the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) to:**
 - (i) carry out final detailed amendment and editing of the Oxfordshire Minerals and Waste Development Scheme, in consultation with the Cabinet Member for Environment;**
 - (ii) take the necessary steps to bring the revised Scheme into effect from 10 December 2013 and publish the revised Scheme, in accordance with Sections 15 and 16 of the Planning and Compulsory Purchase Act 2004 (as amended).**

Martin Tugwell
Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

Background papers:

- i. Oxfordshire Minerals and Waste Development Scheme (2005 – 2008), May 2005.
- ii. Oxfordshire Minerals and Waste Development Scheme First Revision (2006 – 2009), March 2006.
- iii. Oxfordshire Minerals and Waste Development Scheme Second Revision (2007 – 2010), March 2007.

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- iv. Oxfordshire Minerals and Waste Development Scheme Third Revision (2009 – 2012), May 2009.
- v. Oxfordshire Minerals and Waste Development Scheme Fourth Revision, May 2012.

All background papers are kept in the Minerals and Waste Policy Team at Speedwell House, Oxford.

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