

## **Divisions Affected - All**

### **CABINET 19 October 2021**

## **MINERALS AND WASTE LOCAL PLAN – CORE STRATEGY REVIEW**

### **Report by Corporate Director Environment and Place**

## **RECOMMENDATION**

1. The Cabinet is RECOMMENDED to endorse the proposed progression of the Minerals and Waste Local Plan and to delegate to the Corporate Director, Environment and Place, in consultation with the Cabinet Member for Climate Change Delivery and Environment, the final production of consultation documents relating to the Core Strategy review.

## **Executive Summary**

2. The County Council is responsible for preparing the Minerals and Waste Local Plan<sup>1</sup>. This will guide all future Minerals and Waste development across the County to 2031.
3. The Minerals and Waste Local Plan, together with the District local plans and the joint strategic spatial plan (Oxfordshire Plan 2050) prepared by Oxfordshire's District Councils will comprise the statutory development plan for Oxfordshire. The development plan is the basis on which planning decisions are made. All Local Plans should be reviewed at least every 5 years.
4. The Oxfordshire Minerals and Waste Local Plan is in two parts.
  - Part 1: Core Strategy,
  - Part 2: Site Allocations Document
5. The Minerals and Waste Local Plan Part 1: Core Strategy was adopted in September 2017 and Part 2: Site Allocations Document currently in preparation.
6. The timetable for the preparation of the documents within the Minerals and Waste Local Plan is set out within the Council's adopted Minerals and Waste Development Scheme (MWDS), last approved in January 2021. With the current timetable for the Site Allocations Document Examination in 2022 and the required Core Strategy review date of 2022, there is a high risk that all the work undertaken on the Site Allocations Document so far will be undermined by

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<sup>1</sup> [Planning and Compulsory Purchase Act 2004](#) (as amended),

new evidence for the Core Strategy Review. This could lead to the Site Allocations being found unsound at Examination.

7. To avoid this occurring and a loss of all the Site Allocations work entailed so far, an early review of the Core Strategy has been undertaken. (Annex 1)
8. We are asking Cabinet to endorse the proposed progression of the Minerals and Waste Local Plan, including the Review of the Core Strategy contained in Annex 1 of this report, and that a Core Strategy Update is undertaken, that would involve a partial review of Policy M2, alongside the Site Allocations Document.
9. If this recommendation is agreed by Cabinet, a revised MWDS will be prepared to reflect this change. The Core Strategy Review, the Partial Update to Core Strategy and the Site Allocations Document Preferred Options and associated production timetables will then be included within the revised MWDS to be agreed by Cabinet.

## Introduction

10. The Minerals and Waste Local Plan Part 1: Core Strategy was adopted in September 2017 and in accordance with the National Planning Policy Framework (NPPF) this needs to be reviewed every 5 years. This means that the Core Strategy needs to be reviewed by September 2022.
11. With the timetable for the Site Allocations Document Examination currently in 2022 and the required Core Strategy review date of 2022, there is a high risk that all the work undertaken on the Site Allocations Document so far will be undermined by new evidence for the Core Strategy Review. This could lead to the Site Allocations being found unsound at Examination. Therefore, a review has been undertaken (Annex 1).
12. The review of the Core Strategy has concluded that the Waste (W1 – W11) and Core (C1 – C12) Policies are functioning well, with none of the triggers for these policies within the Core Strategy having been met.
13. In addition, all the mineral policies appear to be functioning well, except for policy M2 as the crushed rock landbank has fallen below the 10 years required as shown in the Local Aggregates Assessment (LAA) 2019. The National Planning Policy Framework (NPPF) requires provision to be made for the maintenance of reserves with planning permission (landbank) for at least:
  - 7 years for sharp sand and gravel
  - 7 years of soft sand
  - 10 years of crushed rock
14. Therefore, we are currently not meeting the requirements of the NPPF for mineral supply.

15. Additionally, a trigger within our Authorities Monitoring Framework has been activated, in that the landbank for crushed rock has fallen below a figure of 10% above the landbank required.
16. We had intended that we could identify sites to address this issue within the Site Allocations Document, as supported by CAG, agreed by the Cabinet Decision on the Authority Monitoring Report (AMR) 2018, and as set out in our previous consultation.
17. However, following a review of the evidence for the Core Strategy and the Inspector's Reports, and based on advice from our "critical friend" North Northamptonshire Council, we have determined that the Site Allocation Document is required to identify only the sites needed to meet the requirement as set out in the Core Strategy; not the requirements of the latest LAA.
18. Policy M5 of the Core Strategy enables planning permission for sites when there is a shortfall in the landbanks. However, if we are unable to use the latest LAA in the allocation of sites, we will not be in accordance with the NPPF nor will we address the trigger for the Core Strategy.
19. Having explored the options available with the Minerals and Waste Cabinet Advisory Group, a partial update of the Core Strategy, including an update of Policy M2 and updating the figures for mineral extraction to feed into the Site Allocations Document is being recommended to Cabinet.
20. If the cabinet approve that recommendation, we need to carry out a minimum six-week consultation on the Core Strategy Review. In tandem with that consultation, we would also consult on the scope of the partial update to the Core Strategy. The responses to the consultation will inform the Core Strategy review which will be brought back to Cabinet before being taken to Full Council.
21. The resulting partial update would be progressed alongside the Site Allocations Document as set out in the Minerals and Waste Development Scheme (MWDS).

### **Minerals and Waste Development Scheme Timetable**

22. It must be noted that we are currently unable to meet the current MWDS timetable and this requires an update in any event. MWDS are required to be updated annually. This delay is due to a number of reasons, including:
  - Resources have been diverted to undertake the Core Strategy Review. Awaiting completion of final Site Assessments which have not been completed because more work needs to be done on the timing of production at sites, and because more work is needed on the assessment of sites against the locational strategy in policy M3 of the Core Strategy. This assessment will then need to be reviewed by internal consultees.
23. If the recommendation in this report is approved, we will seek approval for a revised MWDS which will contain all the consultation stages that need to be

undertaken as a result of this decision. The update of the MWDS will be the next item on the agenda.

24. In addition, we are also required to undertake consultation on Issues and Options and Sustainability Appraisal/Strategic Environmental Assessment Consultation on the Partial Update for the review of the Core Strategy. This is a requirement of the Plan Making Process.
25. This approach will cause a delay to the Site Allocations Document, as we will firstly need to consult on the Core Strategy review and scoping for the Core Strategy partial update. We will also need to wait for Full Council approval of the Core Strategy Review following its consultation. This will approximately put a year onto the currently approved timetable for the Site Allocations Document. However, it could remove the need to undertake a Core Strategy review in September 2022 because a review will then have been undertaken within five years of the adoption of the core strategy. A further review could still be caused by a future monitoring trigger, but if that is the case a future review would take into account the proximity of the Site Allocations Document to adoption.
26. If this recommendation is not approved there would still be a delay to the currently approved timetable as set out in the current MWDS. This is because we are still awaiting the completion of the site assessments, on which the selections for the preferred options for allocations in the Site Allocations Document will be based. Therefore, it is unlikely that the preferred options would be able to be brought before cabinet for decision until early 2022, which would mean consultation on the preferred options at least five months later than set out in the current MWDS.

## **Corporate Policies and Priorities**

27. The public consultation that would result from this recommendation would be based on our approved Statement of Community Involvement. This will contribute to the tests of soundness for the Minerals and Waste Local Plan Part 2 – Site Allocations at examination.
28. The Minerals and Waste Local Plan contribute to the corporate policy on climate change, the vision for thriving communities and thriving economy. It provides for the raw materials required for growth and the facilities required to process waste materials in a way that gains the best value from it. By planning for development well related to its need and based on the principles of sustainable development, it reduces travel and the impact of climate change.

## **Financial Implications**

29. 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 delay to the programme requires that the current budget for the preparation and adoption of the Part 2 (Sites Plan) needs to be kept in reserve or budgeted for

in 2024 in order to meet the anticipated costs of independent public examination. The unanticipated additional consultancy costs in the preparation of the Core Strategy Review will be absorbed into the current budget, there are no other financial or staff implications arising from these changes.

Comments checked by:

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## Legal Implications

30. The process of reviewing the Core Strategy is subject to a legislation and regulation. As long as those processes are adhered to there are no legal implications.

Comments checked by:

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## Staff Implications

31. The Minerals & Waste Local Plan is included within the work priorities of the Communities Directorate. The programme for preparation of the Minerals and Waste Local Plan Documents takes into account the availability of staff and financial resources relative to the work expected to be required. The County Council considers the programme in this scheme to be realistic, subject to no significant unforeseen circumstances arising.
32. The plan will be prepared in-house by the Council's Minerals and Waste Policy Team of three officers (Minerals and Waste Local Plan Manager, Principal and Planning Policy Officer), under the direction of the Assistant Director Strategic Infrastructure and Planning and the Executive Director for Environment & Place. The team will, as required, draw on: administrative and technical support from within the wider Service; specialist input, particularly on transport, landscape, ecology and archaeology, from elsewhere within the Council; and input on communications from within the Council.
33. Due to the resources required for the additional evidence gathering and to see the Plan through to adoption, external consultant support has been sought and appointed. They will assist with the technical background work required to prepare the Site Allocations Document, including the Sustainability Appraisal, Site Assessments, HRA and SFRA.
34. Additional external consultants and temporary staff will be used where necessary, in particular if required to provide specialist input that is not available within the Council. This may include support on: Local Aggregate Assessment; Waste Needs Assessment; Aggregates Monitoring Report and facilitation of stakeholder meetings.

## Equality & Inclusion Implications

35. This is not a new proposal is it a continuation of the Local Plan work. The Site Allocations work is subject to consultation exercises as set out in the Statement of Community Involvement, and the production of the plan has an Equality Impact Assessment programmed into it. The core strategy would not have an impact on any particular group, nor would it have any issues in terms of inclusion.

## Sustainability Implications

36. The Minerals and Waste Local Plan process is subject to a Sustainability Appraisal and a Strategic Environmental Assessment. The Core Strategy Review will be subject to those appraisals. The proposed Core Strategy review would enable the MWLP to remain up to date in dealing with the minerals and waste needs of the County. This will enable minerals and waste facilities to be located where they are well related to the need for them thereby reducing the need for the transport of minerals and waste. Facilities to encourage waste to be reused and recycled will be planned for, and sites will be restored in a way that benefits the environment and the local community.

## Risk Management

37. The risks and opportunities have been considered within the report. One reason for bringing the review of the Core Strategy forward was to reduce the risk of the Site Allocation Document not being found sound.

## Consultations

38. No consultations have been required for this decision by Cabinet, but the resulting Core Strategy review and partial update would be subject to public consultation before returning to Cabinet for a final decision.

Bill Cotton, Corporate Director Environment and Place

Annex1: Review of Core Strategy Policies

Background papers: Nil

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