

**GROWTH & INFRASTRUCTURE SCRUTINY COMMITTEE
28 OCTOBER 2009**

**UPDATE ON OXFORDSHIRE MINERALS AND WASTE
DEVELOPMENT FRAMEWORK**

Report by Head of Sustainable Development

New Planning System

1. The Planning and Compulsory Purchase Act 2004 brought in a new planning system, including:
 - Minerals & Waste Development Frameworks (MWDFs) prepared by County Councils;
 - Replacement of Structure Plans by Regional Spatial Strategies.

Minerals & Waste Development Frameworks (MWDFs)

2. MWDFs should comprise a portfolio of documents:
 - Local Development Scheme or Minerals & Waste Development Scheme – this is the Council's programme and timetable for preparing documents; it must be agreed with the Government Office and kept up to date.
 - Statement of Community Involvement – this sets out the Council's policy on consultation and engagement in preparing the plan documents.
 - Core Strategy – this is the key policy document, which sets out the vision, objectives, spatial strategy and key policies for the next 15+ years; it must be submitted to the Secretary of State for examination.
 - Site Allocations Documents – these documents identify specific sites for development; they must be submitted to the Secretary of State for examination.
 - Annual Monitoring Report – this reports on progress in preparing the MWDF and the effectiveness of policies in achieving the plan objectives; it must be submitted to the Secretary of State annually.
3. The Core Strategy and Site Allocations Documents must be submitted to the Secretary of State for independent examination by an Inspector. The document is examined for 'soundness' against the 'tests of soundness' set out in government policy (PPS12: Local Spatial Planning). The Inspector's report is binding on the authority. (This requirement also previously applied to the Statement of Community Involvement, but the procedure for preparing and reviewing that document has now been simplified.)

**Oxfordshire Minerals & Waste Development Framework
(MWDF)**

4. The MWDF needs to include strategy, policies and sites for:
Minerals:
 - Sand & gravel working;

- Limestone and ironstone working;
- Recycled & secondary aggregates;
- Rail-head aggregate depots.

Waste

- Recycling & composting;
 - Other waste treatment;
 - Residual landfill + landfill of waste from London;
 - For all waste types: Municipal; Commercial & Industrial; Construction & Demolition; Hazardous; Radioactive.
5. A Minerals and Waste Development Scheme was agreed in May 2005; this set the following programme of document preparation:
- Statement of Community Involvement – adoption December 2006;
 - Minerals & Waste Core Strategy – adoption July 2008;
 - Minerals Sites Document – adoption July 2008;
 - Waste Sites Document – adoption July 2008.
6. The Statement of Community Involvement was prepared to timetable and adopted in November 2006. The Core Strategy and Sites Documents were originally to be prepared in parallel, but the timetable was amended in March 2006 to show preparation of the Sites Documents slightly behind the Core Strategy.

Consultation Documents

7. In 2006/2007 we consulted on:
- Minerals & Waste Core Strategy Issues & Options – consultation paper published June 2006;
 - Minerals & Waste Core Strategy Preferred Options – consultation paper February 2007;
 - Waste Site Proposals Issues & Options – consultation paper February 2007;
 - Minerals Site Proposals Issues & Options – consultation paper April 2007.
8. In response to the Core Strategy Preferred Options consultation, the Government Office for the South East (GOSE) advised:
- the preferred options do not give sufficient spatial direction on what minerals and waste developments will take place where;
 - consequently the Core Strategy is at risk of being found 'unsound' when independently examined;
 - therefore the preferred options should be revised and the consultation repeated; and
 - the Core Strategy should be prepared well ahead of the Minerals and Waste Sites documents (a change from earlier advice).

Risk Management

9. Through extensive dialogue with GOSE, CLG and the Planning Inspectorate, we sought to establish what a 'sound' core strategy should look like. There was a particular problem over what core strategies should say about locations

for development in order to be 'sound'. But we were unable to reach agreement and substantial uncertainty remained.

10. This uncertainty was reinforced by an apparent wide variation across the country in interpretation of policy and procedures and in advice being given to planning authorities by Government Offices and the Planning Inspectorate. We discovered that many other counties were experiencing similar or worse problems and that a number had decided to repeat, put back or defer work on their MWDFs.
11. In 2007 the Government proposed to make changes to the LDF system to make it simpler and clearer but these were not finalised until June 2008. In view of all this, the Cabinet Member for Sustainable Development resolved in January 2008 that formal work on the MWDF be deferred until the situation became clearer.

Revised Regulations and Government Policy

12. The Government published revised Regulations and Policy (PPS12: Local Spatial Planning) on LDFs in June 2008. Key changes to the system are:
 - The consultation process has been simplified and made less prescribed, with discretion given to planning authorities to decide who and how to consult in the preparation of plan documents;
 - There is increased emphasis on preparation of core strategies;
 - 'Strategic sites' for development may now be allocated in core strategies; and site allocation documents should only be prepared if really necessary.
13. Over the last two years we have been involved in the Planning Officers Society Minerals and Waste Learning Project. This has enabled sharing of experience with and learning from other authorities. In September 2008 the Planning Advisory Service carried out a diagnostic review of our MWDF. This identified areas where we would benefit from support. As a result, some useful support packages have been provided free of charge through the Planning Advisory Service.
14. Given the increase in clarity and understanding of the LDF system that seemed to have emerged by the end of 2008, a revised programme for preparation of the MWDF was agreed by the Cabinet Member for Sustainable Development in December 2008. This included:
 - A focus on preparing the Minerals & Waste Core Strategy, with no timetable set for any sites documents that might also be needed;
 - The inclusion of strategic sites for minerals and waste developments in the Core Strategy, envisaged as covering most site requirements;
 - A revised, November 2011 target for adoption of the Core Strategy.
 This revised programme has been sent to GOSE for informal comments, prior to formally submitting a revised Minerals and Waste Development Scheme for agreement, but a response is awaited.
15. The revised timetable for preparation of the Minerals and Waste Core Strategy is set out in the Annex to this report. It shows that the next main step in the process is consultation on revised preferred options for the Minerals &

Waste Core Strategy. There has been some slippage in this timetable; with engagement and consultation on preparation of options now extending at least until the end of this year and consultation on revised preferred options expected in spring 2010. This may have knock-on implications for the remainder of the timetable.

Current Position

16. There is continuing uncertainty about how to prepare a sound Minerals and Waste Core Strategy. Recent advice from the Planning Inspectorate cautions against including sites in minerals and waste core strategies except in quite limited circumstances. Consequently we are again revising our thinking on the content of the Minerals & Waste Core Strategy. For minerals, it is now likely that the Core Strategy will set out broad strategic locations for mineral working but that actual sites for working will be included in a separate and subsequent Site Allocations document. For waste, sites for strategic waste management facilities may be identified in the Core Strategy, but otherwise it will either set out broad locations and/or locational criteria, with detailed sites being included in a separate and subsequent Site Allocations document.
17. A review of the aggregate minerals supply policy in the South East Plan (Policy M3) is currently being undertaken. A new sub-regional apportionment between counties of the quantities of sand & gravel and rock (limestone & ironstone) to be provided for in the region is proposed. The proposal includes a regional figure for sand and gravel that is lower than the Government's new guideline figure for the South East. Following consultation, an Examination in Public was held earlier this month. The Panel's report is expected later this year and the final decision will be made by the Secretary of State. The proposed new apportionment includes slightly lower figures for Oxfordshire, which the County Council has supported. But the outcome is not certain and it is possible that the final figures for Oxfordshire will be higher than existing.
18. We are currently preparing spatial strategy options for mineral working in Oxfordshire for the period to 2026. The selected strategy will form the basis of the minerals part of the Minerals and Waste Core Strategy. This work has been discussed with the Minerals and Waste Plan Working Group. Following informal consultations on the options (see paragraph 21) and appraisal of them, a report will be put to Cabinet recommending preferred options. There will be an opportunity for the report to be considered by the Scrutiny Committee before it goes to Cabinet. Public consultation will then be carried out on the preferred options.
19. Work on drawing up spatial strategy options for waste is less far advanced. The development of a waste strategy is a more complex task than it is for minerals and consequently is taking longer. In particular, data on waste management is more complex, with more variables and uncertainties. A waste needs assessment is being prepared, to establish the additional waste management capacity that needs to be provided over the plan period to 2026. However the Berkshire Unitary Authorities have recently been forced to withdraw their Minerals and Waste Core Strategy because of problems with data revealed at the examination, which the Inspector indicated would lead to

the document being found unsound. In view of this, we are reviewing the work we have done on this aspect of the evidence base. The proposals for an energy from waste treatment plant to deal with the county's residual municipal waste will be a key element in developing the spatial strategy for waste management in the Core Strategy. When decisions have been made on the planning applications for EFW plants at Ardley and Sutton Courtenay it will be possible to generate spatial strategy options that take this into account.

20. We are required to carry out Sustainability Appraisal (SA) of the MWDF. This assessment must take into account social, economic and environmental criteria and should also encompass the requirements for Strategic Environmental Assessment. As the first stage in this process, we have prepared a Scoping Report, which has been published on the County Council website. This provides a framework, including sustainability appraisal objectives, for assessment of the documents that will make up the MWDF. SA should be integrated with the plan preparation process, and the next stage will be appraisal of the spatial strategy options for mineral working.
21. There is a strong emphasis in the LDF system on community involvement and consultation at an early stage in the plan preparation process, before documents are published for formal comment. A main plank of community involvement so far has been the Minerals and Waste Stakeholder Forum, comprising about 20 people drawn from: the minerals and waste industries; district councils; parish councils; local action groups; environmental organisations; and statutory bodies. This group was independently facilitated and met 7 times between May 2005 and January 2007. We are now drawing up a programme of consultation workshops and meetings with key stakeholder groups, including: statutory and technical consultees; adjoining authorities; the minerals and waste industries; district councils; parish councils; and environmental and amenity groups. County Council members will be kept informed and will be invited to the district councils meeting. This consultation will be used to inform the selection of preferred options.

RECOMMENDATION

22. **The Growth and Infrastructure Scrutiny Committee is RECOMMENDED to note the report.**

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Background Papers: Nil

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October 2009

**Oxfordshire Minerals and Waste Development Framework
Revised Timetable for Preparation of Minerals and Waste Core Strategy (July 2009)**

Document Title and Status	Brief Description	Chain of Conformity	Commence Preparation	Consult on scope of Sustainability Appraisal (milestone)	Community Engagement & Consultation (Reg. 17 / 25 public participation)	Draft Submission Document or SPD (milestone)	Submit to Secretary of State (milestone)	Independent Examination	Adoption (milestone)
Minerals and Waste Core Strategy Development Plan Document	To set out the Council's vision, objectives, spatial strategy and policies; and to identify strategic sites for minerals and waste development; for a period of at least 15 years	Must be in general conformity with Regional Spatial Strategy	<i>Commenced March 2005</i>	<i>April – May 2009</i>	<i>Initial Issues & Options consultations June 2006 (Core Strategy) & Feb/April 2007 (Sites); Initial Preferred Options consultation (Core Strategy) Feb 2007; Further engagement & consultation Nov 2008 – Oct 2009; Revised Preferred Options consultation Jan – Feb 2010</i>	Publish for representations to be made October 2010	December 2010	Pre-hearing meeting January 2011; Hearings March – April 2011; Inspector's final Report August 2011	November 2011

Notes:

1. The Statement of Community Involvement was adopted in November 2006 and is therefore not shown here.
2. Stages in italics have already been completed.
3. Decisions on the need for other Development Plan Documents: Minerals and Waste Detailed Site Allocations DPD or DPDs, and for and Supplementary Planning Documents: Minerals and Waste Development Code of Practice SPD and Restoration and After-use of Minerals and Waste Sites SPD; will be made when preparation of the Core Strategy is further advanced.