

COUNCIL – 24 MARCH 2015

OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN: A. MINERALS AND WASTE LOCAL PLAN, PART 1 – CORE STRATEGY – PROPOSED SUBMISSION DOCUMENT B. REVIEW OF OXFORDSHIRE STATEMENT OF COMMUNITY INVOLVEMENT

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

Introduction

1. The County Council has a statutory duty to prepare a new Oxfordshire Minerals and Waste Local 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 the National Planning Policy for Waste (October 2014), and having due regard to the recent National Planning Practice Guidance (March 2014).
2. This report covers two separate but connected documents that relate to the Minerals and Waste Local Plan:
 - A. Minerals and Waste Local Plan, Part 1 – Core Strategy – Proposed Submission Document; and
 - B. Review of Oxfordshire Statement of Community Involvement.
3. The Core Strategy will form the central part of the new Oxfordshire Minerals and Waste Local Plan. It is a strategic policy document that requires full Council approval before it can be published for representations to be made and then submitted to the Government for independent examination. The Oxfordshire Statement of Community Involvement is also a policy document that requires a decision by full Council to be adopted.
4. A report to Cabinet on 25 November 2014 included a draft amended Minerals and Waste Local Plan, Part 1 – Core Strategy – Proposed Submission Document and a revised Oxfordshire Statement of Community Involvement. This report to Cabinet, which also included the Oxfordshire Local Aggregate Assessment 2014 and the Oxfordshire Minerals and Waste Development Scheme (Sixth Revision) 2014, is at Annex 1.
5. Cabinet resolved to agree the draft Minerals and Waste Core Strategy in principle for recommendation to Council for publication and submission to the Secretary of State; and to recommend the revised Oxfordshire Statement of

Community Involvement to Council for adoption. Cabinet also resolved to approve the Local Aggregate Assessment 2014 and the revised Minerals and Waste Development Scheme 2014.

A. Minerals and Waste Local Plan, Part 1 – Core Strategy – Proposed Submission Document

Background and Consultation

6. Part 1 of the Minerals and Waste Local Plan – the Core Strategy – sets out the Council's vision, objectives, spatial strategy and core policies for the supply of minerals and management of waste in Oxfordshire to 2031. Detailed site proposals for mineral working and waste management facilities will be allocated in a follow-on Part 2 document – the Site Allocations Document.
7. A Consultation Draft Core Strategy was agreed by Cabinet on 28 January 2014 and was published for public consultation over a 6 week period commencing on 24 February. The Consultation Draft Plan is on the Council's website at:
<https://www.oxfordshire.gov.uk/cms/content/minerals-and-waste-core-strategy>.
8. Responses to the Consultation Draft were received from 155 organisations and individuals, making a total of 644 separate comments. A list of the respondents, grouped by category of organisation, and a summary of issues raised in the consultation responses are at Annex 2. The full responses are available in the Members' Resources Centre be seen in the Minerals and Waste Policy Team at Speedwell House, Oxford.
9. A schedule of all the responses received, with a summary of the comments made by each respondent, grouped by section, policy and paragraph of the plan, and the proposed County Council response to each comment has been drafted and is available in the Members' Resources Centre.

Amendment of Core Strategy and Recommendation of Cabinet

10. The Minerals and Waste Cabinet Advisory Group met five times in 2014 to consider the comments made on the Consultation Draft Core Strategy and the changes that should be made to it. In the light of those comments and taking into account the Local Aggregate Assessment 2014 and other technical work carried out over the past year, and also having due regard to current national planning policy and guidance, the Core Strategy has been amended.
11. The issues raised in the responses to the Consultation Draft and an amended version of the Core Strategy were reported to the Cabinet on 25 November 2014. The amended Core Strategy included the main changes that had been identified as necessary, taking into account the views of the Cabinet Advisory

Group. This included key changes to policies and supporting text, but it was recognised that amendments to the plan had not been completed.

12. The key issues and amendments to the Core Strategy were outlined at paragraphs 22 – 54 of the report to Cabinet (at Annex 1). The report recommended a draft amended version of the Core Strategy, including key changes to policies and supporting text but with more detailed amendments to be made before it was put to Full Council.
13. The Cabinet resolved to:
 - i. agree the amended Minerals and Waste Local Plan: Part 1 – Core Strategy at Annex 3 in principle as the basis of a complete amended version of the Plan for recommendation to Council for publication and submission to the Secretary of State under Regulations 19 and 22 of the Town and Country Planning (Local Planning (England) Regulations 2012; and
 - ii. authorise the Deputy Director Strategy & Infrastructure Planning in consultation with the Cabinet Member for Environment to finalise the Plan for recommendation to Council.

Amended Core Strategy for Publication and Submission

14. Further changes have been made to the draft of the Core Strategy that was agreed in principle by Cabinet, including amendments to update the document and to ensure it is in line with current national planning policy and guidance. As far as possible, the changes address the comments that were made on the Consultation Draft Core Strategy, February 2014. A summary of these changes is at Annex 3.
15. The amended Core Strategy has been informed by the Oxfordshire Local Aggregate Assessment 2014 (LAA), as approved by the Cabinet on 25 November 2014, and the County Council's Oxfordshire Waste Needs Assessment 2015. The Core Strategy (policy M2) does not include the provision level figures from the LAA because these are subject to review and potential change annually. Instead, policy M2 states that provision will be made in accordance with the most recent LAA and the figures from the LAA 2014 are included in the supporting text (paragraph 4.19 and Table 2).
16. A similar approach is taken for waste, since the Waste Needs Assessment is also subject to review and updating as waste production, forecasts and capacity are monitored and updated or new information becomes available. Therefore, policies W1 and W3 respectively do not include figures for the amounts of waste that need to be managed and the amounts of capacity that need to be provided. Instead, these policies refer to the figures in the most recent Oxfordshire Waste Needs Assessment or update in the Oxfordshire Minerals and Waste Annual Monitoring Reports. Current figures from the Waste Needs Assessment 2015 are included in the supporting text, in particular at Tables 4 to 7.

17. The amended version of the Core Strategy is at Annex 4. This has been sent to the Cabinet Member for Environment, in accordance with the Cabinet resolution, and his response will be reported at the Council meeting.

Sustainability Appraisal and Other Assessments

18. It is a legal requirement that the Minerals and Waste Local Plan is subject to Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA). These have been carried out by consultants as a combined assessment, in a number of stages throughout the preparation of the Core Strategy. The assessment has informed the development of the Core Strategy as an iterative process.
19. The most recent SA/SEA report was prepared in February 2014, on the Consultation Draft Core Strategy, and is available on the Council's website. Following further work by the consultants on assessment of the amended Core Strategy, a revised SA/SEA report is now being prepared, to be available for publication when the Core Strategy is published. A summary of the main findings of the SA/SEA has been prepared by the consultants and is available in the Members' Resources Centre.
20. A Habitats Regulations Assessment (HRA) screening report also needs to be prepared because of the potential for minerals and waste developments proposed in the Plan to impact on Special Areas of Conservation. An HRA screening report was prepared in August 2011, with a Technical Supplement in January 2012, and these are available on the Council's website. That work is being updated, to relate to the amended Core Strategy, and a revised HRA screening report will be available for publication when the Core Strategy is published. A draft report is available in the Members' Resources Centre. This finds that the amended Core Strategy will not give rise to minerals or waste development that will have a likely significant effect on a Special Area of Conservation and that such likely significant effects are screened out.
21. A Strategic Flood Risk Assessment (SFRA) must also be carried out. An SFRA was undertaken by consultants in 2009 and 2010 and is available on the Council's website. The SFRA is now being reviewed by the consultants to take into account updated mapping of and information on fluvial flooding, surface water flooding and groundwater flooding and to relate to the amended Core Strategy. The reviewed SFRA will be available for publication when the Core Strategy is published. The consultants are first carrying out an initial assessment for the review of the SFRA, to establish the significance of changes in the flooding information since the original SFRA work was undertaken, although after discussion with the Environment Agency the preliminary view of officers is that these changes are unlikely to be such that significant amendments need to be made to the Core Strategy. A draft report by the consultants will be available in the Members' Resources Centre prior to the meeting.

Duty to Co-operate

22. The statutory duty to co-operate was brought in by the Localism Act 2011. Under this, the County Council must co-operate with other councils and with certain specified bodies in relation to strategic matters in preparing the Minerals and Waste Local Plan. Planning for minerals supply and waste management are both strategic matters in that they have cross-boundary implications.
23. In order to meet this duty, a programme of engagement with the relevant other councils and bodies has been undertaken, mainly through correspondence but where necessary through officer meetings, including through meetings of the South East England Aggregate Working Party and the South East Waste Planning Advisory Group. The Minerals and Waste Cabinet Advisory Group was kept informed of progress with this work. The duty to co-operate is an on-going requirement but I consider that it has been met in the work that has been undertaken to date on preparation of the Core Strategy and related documents (including the Local Aggregate Assessment) and that there are no unresolved issues on strategic matters between the Council and any of the other relevant councils or bodies. A draft statement on compliance with the duty to co-operate will be prepared for publication when the Core Strategy is published and a final version of this will accompany the Core Strategy when it is submitted for examination.

Conclusion and Next Steps

24. I believe that as a result of considering the comments made in the responses to the consultation draft Core Strategy, carrying out further technical work (including the Local Aggregate Assessment 2014 and the Waste Needs Assessment 2015) and taking into account current national planning policy and guidance, the Core Strategy has been significantly improved and strengthened. Some further detailed updating and amendment are needed to get the document into a form that can be published for representations to be made and then submitted for examination, but the strategy and policy elements of the document are now in a final form. I consider that the amended version of the Core Strategy at Annex 4 should be found to be legally compliant and sound when examined by an independent inspector and therefore that, subject to such further detailed updating and amendment as is necessary, it can now be published and submitted.
25. Subject to approval, the Minerals and Waste Local Plan: Part 1 – Core Strategy Proposed Submission Document will be published in May, for representations to be made. Following this, it can then be submitted (together with the representations received) in September to the Government, for independent examination by a planning inspector. Public examination hearings would be expected to be held towards the end of 2015 and the Inspector's report received in spring 2016. Subject to a favourable report, the Council would then be able to adopt the Core Strategy.

B. Review of Oxfordshire Statement of Community Involvement

26. The Statement of Community Involvement (SCI) is a statutory planning document that sets out how Oxfordshire County Council will involve the community (consultees, stakeholders and other interested parties) in:
- i. preparing and reviewing the Minerals and Waste Local Plan; and
 - ii. making decisions on planning applications for minerals, waste and County Council developments.
- The Council must comply with its SCI in preparing local plan documents.
27. The current SCI was adopted by the Council in November 2006. Since then there have been changes in legislative requirements for consultation and in the way the Council carries out consultation. The procedures for producing and consulting on local plans have been simplified and have been changed to take account of increased use of electronic communications. In addition, a statutory duty to co-operate has been introduced, which links to the SCI.
28. In view of these changes, a draft revised Oxfordshire SCI was agreed by Cabinet on 15 July 2014 and was published for public consultation between 1 September and 13 October 2014.
29. The comments received during that consultation are summarised at Annex 5, accompanied by a proposed County Council response to each one. These comments were reported to the Cabinet on 25 November 2014 (see Annex 1), together with proposed amendments to the revised SCI in the light of these comments. The consultation responses and amendments to the SCI were outlined at paragraphs 61 – 64 of the report. The report recommended a revised SCI for adoption by the Council.
30. The Cabinet resolved to RECOMMEND to Council to:
- (a) adopt the Oxfordshire Statement of Community Involvement with the amendments as shown in Annex 5 (now Annex 6) to replace the existing Oxfordshire Statement of Community Involvement adopted on 7 November 2006; and
 - (b) authorise the Deputy Director Strategy & Infrastructure Planning in consultation with the Cabinet Member for Environment to make any further factual corrections or updating required and finalise the adopted Statement of Community Involvement for publication.
31. The revised Oxfordshire Statement of Community Involvement is at Annex 6, which shows changes from the consultation draft as insertions and ~~deletions~~. I consider that, in accordance with the recommendation of the Cabinet, this should now be adopted by the County Council to replace the SCI adopted in 2006. This will ensure that an up to date SCI is in place before the Minerals and Waste Local Plan: Core Strategy is published for further consultation and submitted to the Secretary of State for examination later this year.

Financial and Staff Implications

32. The new Minerals & Waste Local 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 specific reserve (£191,000) was created last financial year to help fund the abnormal costs of plan preparation (including the commissioning of specialist background technical studies) and the independent examination. By the end of this financial year some £47,000 of that reserve will remain. A one-off service pressure has been identified and an additional £90,000 has been allocated for 2015/16 to fund the examination.

Legal Implications

33. 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. The European Waste Framework Directive, 2008 (2008/98/EC), as transposed through the Waste (England and Wales) Regulations 2011 (as amended), require waste planning authorities to put in place waste local plans.

Risk Management

34. If a new Minerals and Waste Local Plan 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 National Planning Policy Framework and National Planning Policy for Waste, which are considerably less comprehensive and detailed in their coverage of these matters. Having an up to date Statement of Community Involvement in place will help the Council to demonstrate that the Core Strategy is legally compliant and "sound" when it is independently examined.
35. The review of the Strategic Flood Risk Assessment (SFRA) has not yet been completed. Whilst output from an initial assessment to establish the significance of changes in the flooding information since the original SFRA work was undertaken will be available in advance of the meeting, it is possible that the full review could identify a need for further amendments to be made to the Core Strategy. The preliminary view of officers, after considering this in discussion with the Environment Agency, is that the changes in flooding information are unlikely to be such that significant amendments will need to be made to the Core Strategy; and therefore that taking a decision on the Core Strategy in advance of completion of the review of the SFRA carries a low risk. The initial assessment by the consultants should confirm whether this view is correct by identifying whether or not any changes of significance for the strategy or policies in the Core Strategy need to be made. In the event

that the review of the SFRA leads to changes of significance needing to be made to the Core Strategy, it would have to be reconsidered by Council.

RECOMMENDATIONS

36. The Council is RECOMMENDED to:

In respect of A:

- (a) approve the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy at Annex 4 for publication and submission to the Secretary of State for independent examination under Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and**
- (b) authorise the Director for Environment and Economy to finalise the text, tables, diagrams and plans in the Core Strategy in consultation with the Cabinet Member for Environment, and to finalise the supporting documents, provided that the strategy and policy content of the Core Strategy is not materially changed; and**
- (c) authorise the Director for Environment and Economy to publish the Core Strategy and supporting documents in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and**
- (d) authorise the Director for Environment and Economy to consider any representations received on the published Core Strategy in consultation with the Cabinet Member for Environment and to finalise and submit the Core Strategy and other required documents and information to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and**
- (e) authorise the Director for Environment and Economy to represent the Council, present evidence and respond to any comments made by other parties and any relevant changes in legislation or national policy or guidance during the examination of the Core Strategy and, in consultation with the Cabinet Member for Environment, to put forward to the Inspector any necessary changes to the Core Strategy if required during the examination.**

In respect of B:

- (a) adopt the Revised Oxfordshire Statement of Community Involvement at Annex 6 to replace the existing Oxfordshire Statement of Community Involvement adopted on 7 November 2006; and**
- (b) authorise the Director for Environment and Economy to carry out final editing and preparation of the Revised Oxfordshire Statement of Community Involvement for publication.**

BEV HINDLE

Deputy Director for Environment and Economy (Strategy & Infrastructure Planning)

Background papers:

- i. Responses received to the Minerals and Waste Local Plan: Core Strategy, Consultation Draft February 2014.
- ii. Oxfordshire Local Aggregate Assessment 2014.
- iii. Oxfordshire Waste Needs Assessment 2015.
- iv. Summary of the main findings of Sustainability Appraisal / Strategic Environmental Assessment of the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, 2015.
- v. Draft revised Habitats Regulations Assessment Screening Report for the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, 2015.
- vi. Initial Assessment for a Review of the Strategic Flood Risk Assessment for the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, 2015.
- vii. Responses received to the Revised Oxfordshire Statement of Community Involvement, Consultation Draft September 2014.

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

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