

PLACE OVERVIEW AND SCRUTINY COMMITTEE
22 APRIL 2026

Oxfordshire County Council's Minerals and Waste Responsibilities

Report by the Director of Economy and Place

RECOMMENDATION

1. The Committee is RECOMMENDED to

Note and comment on the content of this report.

Executive Summary

2. This report provides an overview of Oxfordshire County Council's (the Council) statutory responsibilities as the Minerals and Waste Planning Authority, and the governance, performance and resourcing arrangements in place to deliver those functions. Minerals and waste planning is a specialist and legally defined role, distinct from district planning functions, and is fundamental to supporting economic activity, protecting the environment and enabling sustainable growth across the county.
3. Oxfordshire is one of the largest mineral producing counties in the South East of England and manages significant volumes of waste through a network of strategically important sites and infrastructure. Decisions taken through minerals and waste planning have long-term implications, often spanning decades, and require careful balancing of environmental protection, community impacts, infrastructure needs and national policy requirements. The Council's role extends beyond determining planning applications to include planmaking, safeguarding resources, monitoring complex operational sites, and enforcing compliance where breaches occur.
4. The Council delivers its Minerals and Waste Planning responsibilities through three inter-related functions:
 - a) Minerals and Waste Policy and Strategy,
 - b) Minerals and Waste Development Management, and
 - c) Minerals and Waste Monitoring and Enforcement.
5. Each function carries defined statutory duties and operates within a national framework of legislation, policy and performance expectations. Together, these functions provide the strategic framework, decision making and regulatory oversight necessary to ensure minerals and waste development is planned, controlled and managed in the public interest. This report highlights sustained high levels of demand and activity across all three functions.

6. Development Management activity extends well beyond the determination of planning applications, with a significant proportion of officer time devoted to post-permission casework, condition discharge, legal agreements and long-term site management.
7. Monitoring and enforcement activity is essential to maintaining environmental standards and public confidence, particularly given the scale, longevity and operational complexity of minerals and waste sites.
8. Policy and Strategy activity is entering a critical period, with the requirement to prepare a new Minerals and Waste Plan within a statutory 30-month timetable, alongside a number of large National Strategic Infrastructure Projects and District developments requiring technical liaison .
9. The report also identifies key risks facing the Council. These include the consequences of preparing a new Minerals and Waste Plan , the challenges of meeting new national plan-making timescales, limited service resilience arising from specialist and hard to fill roles, and the risk of mineral resource being made inaccessible by development ('sterilisation') or loss of waste infrastructure if effective safeguarding and liaison are not maintained.
10. This report does not require any decision but provides information on how the Council's statutory Minerals and Waste Planning functions are currently being undertaken. This includes establishing the resources available, defining team responsibilities, demonstrating how reporting is undertaken and decisions are made and monitored, alongside the risks that require ongoing management.

Introduction and Statutory Context

11. The Council is the Minerals and Waste Planning Authority for Oxfordshire and as such plan for, regulate and monitor all minerals and waste development and safeguard minerals and waste infrastructure impacted by all other developments. These powers are gained through various planning and environmental legislation which include (but are not limited to):
12.
 - [Town and Country Planning Act 1990](#)
 - [Environment Act 1995](#)
 - [Planning and Compulsory Purchase Act 2004](#)
 - [Environment Act 2021](#)
 - [Levelling Up and Regeneration Act 2023](#)
 - [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
 - [The Waste \(England and Wales\) Regulations 2011](#)
 - [The Town and Country Planning General Regulations 1992](#)

13. The exercise of the planning functions of the Council are also subject to national planning policy and guidance set out in the following key documents:
- [National Planning Policy Framework](#)
 - [National planning policy for waste - GOV.UK](#)
 - [Planning practice guidance - GOV.UK](#)
14. The Town and Country Planning Act 1990 (TCPA) Schedule 1 establishes which authorities are responsible for exercising planning functions and set the planning authority roles whilst the subsequent primary and secondary legislation and provides details of further statutory powers and responsibilities.
15. The Council has three distinct functions for minerals and waste planning:
- (a) **Minerals and Waste Policy and Strategy** - Setting the strategic framework and policies for determining development
 - (b) **Minerals and Waste Development Management** – Determining planning application for minerals and waste (county matters) development and related matters
 - (c) **Minerals and Waste Monitoring and Enforcement** - Monitoring of compliance with planning permissions for consented minerals and waste management sites, investigation of breaches of minerals and waste planning control and the taking of enforcement action where expedient to do so to remedy such breaches (both permitted and unauthorised developments).

Minerals and Waste Policy and Strategy

16. The Council is responsible for preparing the Minerals and Waste Plan. This plan sets out how the Council will manage the supply of minerals and the treatment and disposal of waste over the long term, identifying what facilities are needed and identifying sites where they could be located. Setting the Policies that should be considered, the Minerals and Waste Plan sits alongside the District Councils' Local Plans and community-led Neighbourhood. Together with any emerging Spatial Development Strategy, these documents form the statutory development plan, which guides all planning decisions across the county.

Minerals and Waste Development Management Applications

17. Under this statutory backdrop, whilst District Councils are responsible for determining planning applications relating to most forms of development, including housing, commercial premises, retail spaces and similar uses, the Council is responsible for determining planning applications relating to minerals development, such as quarries and associated infrastructure including rail depots, as well as all forms of waste management facilities, including

composting sites, recycling centres, waste transfer stations, and energy recovery facilities.¹

Minerals and Waste Development Management Monitoring and Enforcement

18. Minerals and waste monitoring and enforcement form a key element of the Council's statutory Minerals and Waste Planning responsibilities. The Council is responsible for overseeing all permitted minerals and waste development sites, ensuring compliance with planning conditions, and investigating any allegations of unauthorised mineral and waste activity.
19. This function aims to maintain high standards of environmental protection and public safety by keeping sites operating within the law, addressing breaches of planning control, and supporting responsible operators. Through constructive engagement with landowners, operators, councillors and the public, the team works to remedy unauthorised development efficiently, uphold the credibility of the planning system, and enable appropriate, well-managed minerals and waste development across the county.

The Three Minerals and Waste Functions

20. The Minerals and Waste Planning function is undertaken by three teams, one for each function.
21. The teams are overseen by the Planning Development Manager.

Minerals and Waste Policy and Strategy Team

Team Resources

22. The Policy and Strategy Team are currently responsible for preparing the new Minerals and Waste Plan, monitoring the existing adopted Plan, and being statutory consultee for consultations impacting Oxfordshire's Minerals and Waste interests. It consists of:
 - a. 1 x Team Leader (Full Time)
 - b. 1 x Principal Planning Officer (Part Time)
 - c. 1 x Planning Officer (Full Time) (Vacant – Agency support currently provided for six months)
23. The Team also currently has a Strategic Environmental Assessment (SEA)/Climate Impact Assessment (CIA) Officer, funded by a Ministry of

¹ Both the County Council and the District Councils share responsibility for Regulation 3 applications, which are planning applications for development carried out by the authority itself e.g. new roads, county-council run schools and council buildings such as offices and libraries. This report does not cover Regulation 3 applications although Household Waste Recycling Centres are both Regulation 3 and county matter developments.

Housing, Communities and Local Government (MHCLG) and Public Practice Grants. This a part time, project-based role, for just under two years to specifically deliver the Minerals and Waste Plan's SEA/CIA.

24. Due to this team's level of responsibilities, and the requirement to prepare a new Plan within 30 months, additional resources are being explored to enable the Team to meet their statutory requirements.

Team Responsibilities

25. The responsibilities of the Minerals and Waste Policy and Strategy Team fall into two categories:
 - I. Minerals and Waste Plan
 - II. Statutory Consultee

Minerals and Waste Plan Responsibilities

26. The Minerals and Waste Policy and Strategy team provide the strategic planning framework that guides decision making across all minerals and waste development in Oxfordshire. This is delivered through the preparation and adoption of the Minerals and Waste Plan and its continuing monitoring and review through the annual Local Aggregate Assessment, Authority Monitoring reports and other supporting documents such as Waste Needs Assessment.
27. The work of this team supports the activities of the Development Management and Monitoring and Enforcement teams, ensuring alignment with national policy and legislation.
28. The Minerals and Waste Plan also provides the statutory mechanism of embedding the Authority's wider priorities into Oxfordshire's Development Plan. The preparation of a new Plan provides an opportunity to explore including the ambitions of the Authority's Local Nature Recovery Strategy, the Climate Action Framework, the Circular Economy principles and OXRail, for e.g. into statutory Policy.
29. The Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy, was adopted in 2017. This remains in place as part of the development plan for Oxfordshire and contains the Minerals and Waste Plan policies against which all relevant planning applications will be considered until 2031 or when a new Plan is adopted. Following a review of policies and the Council's landbanks for sharp sand and gravel and crushed rock currently being below the NPPF requirements, it has been agreed that a new Plan is to be prepared.
30. In addition, in accordance with the Levelling Up and Regeneration Act, the Council is required to issue formal notice of the preparation of the new Minerals and Waste Plan by December 2026, with Gateway 1 scheduled for

completion by April 2027. Following this, the Authority has a 30-month period in which to assemble the necessary evidence base, prepare a draft Plan, and undertake the statutory stages of public engagement. This will include at least two rounds of public consultation, followed by Examination in Public and subsequent Adoption of the Plan.

31. Minerals and Waste are recognised as a strategic issue, and there is the possibility that the Team will also be required to liaise with the newly introduced Spatial Development Strategy preparation, to provide a sound evidence base and ensure a new Minerals and Waste Plan can be successfully delivered.

Reporting & Decision Making

32. Historically, Cabinet approved the commencement of Minerals and Waste Local Plan preparation and the documentation for all consultation stages, with Full Council responsible for agreeing Submission and Adoption.
33. Under the new 30 month plan-making timetable, revised governance arrangements are being considered to ensure decisions can be taken at pace and allow the Team to meet statutory deadlines.
34. The Team produces the Local Aggregate Assessment annually, which is now approved through Delegated Decision by the Cabinet Member for Place, Environment and Climate Action.
35. The Authority Monitoring Report (AMR) is also subject to Cabinet approval; although required annually, production has fallen significantly behind due to resource constraints.
36. The Minerals and Waste Policy and Strategy Team must also provide regular updates to the Planning Inspectorate on progress with Plan preparation.
37. The Council is additionally required to maintain an up-to-date timetable for the Minerals and Waste Plan on its website.

Monitoring

38. The Planning Inspectorate maintains national records showing the stage each Local Planning Authority has reached; publication, submission, examination hearings, and adoption, which provides an official measure of plan-making progress. The Minerals and Waste Policy and Strategy Team have to report on the latest position regularly to them.
39. In addition, Local Authorities are required to publish an Authority Monitoring Report (AMR), which measures:

- a) Whether Local Plan milestones are being met
 - b) Whether policies are delivering their intended outcomes
 - c) Whether a review of the Plan is needed
40. The annual Local Aggregate Assessment also measures and assesses whether the Council are enabling a “a steady and adequate” supply and maintaining landbanks of sharp sand and gravel, soft sand and crushed rock in accordance with the requirements of the NPPF.
41. The Minerals and Waste Local Plan and associated evidence risks are monitored on the Corporate Risk Register.
42. There are currently no KPIs for the Minerals and Waste Local Plan.

Risks

43. Whilst the Council does have an adopted Minerals and Waste Plan and LAA, we are now required to prepared a new Minerals and Waste Plan along with updating our AMR. Not preparing a new Minerals and Waste Plan and other evidence would potentially raise the following:
- Policy and decision making risks (greater weight to landbank, more appeals).
 - Legal and compliance risks (failure to meet national expectations).
 - Operational risks (lack of evidence, uncoordinated planning).
 - Reputational risks (poor performance against national monitoring).
 - Strategic risks (inability to plan minerals and waste capacity).
44. In addition, if Central Government believe that a Plan is unsatisfactory, is not progressing adequately or requires preparation, they have the power to intervene in the Plan themselves.

Statutory Consultee Responsibilities

45. The Minerals and Waste Policy and Strategy Team also act as statutory consultee for minerals and waste matters across Oxfordshire.
46. In this role, the team provides specialist technical advice on planning applications, District Local Plans, Neighbourhood Plans and Nationally Significant Infrastructure Projects (NSIPs), ensuring that mineral resources are safeguarded and not sterilised waste infrastructure is protected, and proposed development aligns with the Minerals and Waste Plan and national policy requirements.
47. This role also ensures that strategic minerals supply and waste management capacity is available to meet the proposals requirements, and associated

environmental considerations are fully accounted for in planning decisions made by other authorities within the county and the Planning Inspectorate.

48. The Minerals and Waste Team maintains regular liaison with other Minerals and Waste Planning Authorities and relevant bodies to address cross-boundary issues, shared resources and strategic infrastructure. Engagement takes place through direct discussions and regional forums, including the South East Waste Planning Advisory Group and the South East of England Aggregates Working Party. This collaboration supports the exchange of evidence and alignment on matters such as mineral supply, waste movements, restoration and environmental impacts. Outcomes are reflected in plan-making and decision taking, including through Statements of Common Ground and Memorandums of Understanding.
49. The Table below summarises the number of consultations managed by the Policy and Strategy Team for consideration and comment over the last three years.

Year	No. of consultations received
2025	264
2024	217
2023	222

Reporting & Decision Making

50. Officers have delegated responsibility to respond to the majority of consultation responses. Responses to NSIPs are collated by the Strategic Planning Team and provided to Members for information as a joint Oxfordshire County Council response, and agreed by the Head of Regulatory Planning and Enforcement.
51. Duty to Cooperate and Memorandums of Understanding require agreement of the Head of Regulatory Planning and Enforcement. In some instances, these will require agreement with the Director of Economy and Place and the Cabinet Member for Place, Environment and Climate Action, and possibly final approval by Cabinet.

Monitoring

52. The team record and monitor the responses to the Districts within the Authority Monitoring Report, ensuring that the District Councils are safeguarding both minerals resources and supporting infrastructure and waste management facilities.

53. Records of liaison with other Authorities and Key stakeholders on minerals and waste movements and cooperation is required to be demonstrated at Examination of the Minerals and Waste Plan.
54. The Team currently have 2 KPIs relating to response rates to both District consultations and other stakeholder consultations.

Risks

55. Without effective liaison, there is a significant risk that mineral safeguarding areas, associated infrastructure and waste management facilities, could be compromised or the mineral resource made inaccessible ('sterilised') by incompatible development.
56. Sterilising viable mineral resources would be inherently unsustainable, removing opportunities for future generations to access locally sourced aggregates and potentially forcing the county to rely on more environmentally and socially unsuitable sites.
57. This not only increases long-term operational impacts, such as extended haulage distances and higher carbon emissions but also undermines the Council's ability to plan responsibly for its strategic minerals and waste needs.
58. There is also the risk that if NSIPs require significant aggregate or waste management capacity in their delivery, this will impact the Council's capacity to provide its own mineral and manage its existing waste arrangements.
59. In addition, if liaison is not undertaken with other Authorities and Key Stakeholders, the future Minerals and Waste Plan is at significant risk of being found unsound at future Examination.

Minerals and Waste Development Management Applications Team

Team Resources

60. The Minerals and Waste Development Management Applications Team is responsible for determining planning applications for Minerals and Waste development and related matters and Regulation 3 development and consists of:
 - a) 1 x Team Leader (Full time) (Currently Senior Planning Officer on secondment for Maternity Cover)
 - b) 1 x Senior Planning Officer (Full Time) (Currently Agency support – substantive post-holder on secondment to Team Leader position)
 - c) 1 x Planning Officer (Full Time)
 - d) 1 x Planning Officer (Full Time) (*Vacant*)

- e) 1 x Senior Planning Officer (Full Time) (*Temporary post funded by Buckinghamshire Council – please see below*)
- f) 2 x Senior Planning Officers (Full Time) (*Temporary posts funded by the Council as developer for Regulation 3 major road schemes*)

61. Due to current vacancies and the quantity of planning applications received, the Planning Development Manager is currently also responsible for a number of large applications

Team Responsibilities

62. The Minerals and Waste Development Management Applications Team are responsible for validating, assessing and determining planning applications relating to mineral extraction and waste management and Regulation 3 developments. These applications are diverse in scale and complexity, from major proposals such as a three million tonne sharp sand and gravel quarry with high-quality restoration delivering Biodiversity Net Gain and supporting the Local Nature Recovery Strategy, to facilities such as aggregate recycling operations that promote a circular economy by reprocessing waste into reusable materials, and essential infrastructure like sewage treatment works that enable wider development across the County.

63. The core role is to ensure that planning applications are determined taking into consideration development plan policies including District Local Plans, the Minerals and Waste Local Plan, national planning policy and guidance, and other material planning considerations. This includes

- publicising applications through newspaper advertisements, site notices and notification letters to facilitate the views of local residents;
- consulting the District and Parish Councils;
- consulting statutory consultees for technical advice and input including the Environment Agency, Natural England, Historic England and the Council itself as Highway Authority and Lead Local Flood Authority; and
- consulting other expert county council technical advisors including the Council's archaeology, landscape, ecology and arboriculture officers.

64. Potential impacts from such factors as traffic, noise, dust on such as landscape, biodiversity, water environment and local amenity are assessed. In accordance with paragraph 39 of the NPPF, officers are required to approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and approve applications for sustainable development where possible.

65. The Table below illustrates the workload of the team over the past five years, demonstrating both the volume of work and the diverse range of work undertaken. The data reflects sustained operational pressure and highlights the breadth of responsibilities managed by the service

	Total	Planning Applications	Section 73 planning applications	Scoping/ Screening Opinion	Prior Approval/ CLOPUD/ CLEUD/ ROMP	Non Material Amendment	Details Pursuant	Appeal
2025	59	15	5	3	2	5	28	1
2024	51	13	13	6	1	3	14	1
2023	93	23	16	9	4	6	35	
2022	76	14	16	16	0	5	24	1
2021	64	19	11	7	1	5	21	
2020	63	23	12	1	0	4	23	

66. As demonstrated, the Team's work does not stop at the determination of planning applications. The team also provides the following statutory functions:

- Section 73 planning applications for the modification of existing planning permissions
- Liaising with applicants and the Council's Legal Services Environment team with regard to the drafting of section 106 legal agreements for matters that cannot be required by planning conditions but which are necessary to make developments acceptable and vehicle Routing Agreements.
- Screening Opinions - a formal opinion of the Council as to whether Environmental Impact Assessment is required of a proposed development/application to inform an Environmental Statement.
- Scoping Opinions – a formal opinion of the Council as to what an Environmental Impact Assessment should include to inform an Environmental Statement.
- Prior approval applications for permitted development
- Certificates of Lawfulness for Existing (CLEUD) or proposed (CLOPUD) developments
- Determination of applications for the Review of Old Mineral Permissions i.e. new conditions to be attached to old mineral planning permissions to ensure that they are implemented in accordance with current planning requirements
- Non-material amendments to existing planning permission applications
- Applications for the discharge of conditions (Details pursuant to conditions attached to planning permissions)
- Preparation of evidence for and all other work associated with appeals made against refusals of planning permissions, conditions attached to planning permissions and for non-determination of applications within target dates. This includes meeting all statutory provisions with regard to notification and advertisement, finding and booking suitable local venues for hearings and public inquiries and presenting evidence a hearings and public inquiries.

67. Planning application fees in accordance with the [Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#) are charged. In addition to the statutory functions, a chargeable pre-application advice is also provided to potential applicants. In 2025/2025 these together totalled around £415,000. The Minerals and Waste Development Management team is also funded by Buckinghamshire Council to provide its statutory functions with regard to minerals and waste planning applications and related matters. In 2025/2025 this totalled £76,900.
68. The team also plays a key role post-permission by setting enforceable planning conditions, supporting effective handover to monitoring officers, and ensuring that permitted developments can be implemented responsibly and in accordance with policy

Reporting and Decision making

69. Officers either prepare reports on planning applications with Recommendations to the Planning & Regulation Committee to then make the decision or exercise delegated powers where appropriate, providing clear professional advice and justifications for planning application and other decisions taking into account the development plan and other material planning considerations. Most statutory planning functions are delegated from the Planning and Regulation Committee to the Director of Economy and Place and sub-delegated on from him to other officers principally the Planning Development Manager.

Monitoring

70. There are two national Key Performance Indicators that apply to the Minerals and Waste Development Management Applications team's functions on behalf of the Council. These relate to the speed of decision making (which is also a Council KPI) and the quality of decision making.
71. The speed of decision making is measured by the proportion of planning applications that are dealt with within the statutory time (13 weeks or 16 weeks for applications accompanied by an Environmental Statement) or agreed extended period. The current threshold is at least 60% determined as set out above. The Council's current performance over the measured period of January 2024 to December 2025 is 100% i.e. all planning applications were determined within the statutory time or agreed extended period.
72. The quality of decisions is measured by the proportion of decisions on applications that are subsequently overturned at appeal. The current threshold is that no more than 10% of total decisions are overturned. The Council's current performance over the measured period of January 2024 to December 2025 is 0% i.e. no application decisions were overturned on appeal.

Risks

73. If the Council were to fall below the measured criteria for either national performance indicator, then the Authority could be placed in special measures i.e. applicants would have the option of submitting planning applications direct to the Planning Inspectorate on behalf of the Secretary of State.

Minerals and Waste Development Management Monitoring and Enforcement Team

Team Resources

74. The Minerals and Waste Development Management Monitoring and Enforcement Team currently consists of:
- a) 1 x Team Leader,
 - b) 1 x Minerals and Waste Monitoring and Compliance Officer (Part Time),
 - c) 1 x Enforcement Officer (Part Time) and
 - d) 1 x Planning Assistant Apprentice (Currently in this team but shared on a rotating annual basis across the three teams).
75. The Council has an adopted [Local Monitoring and Enforcement Plan](#) which sets out the Council's strategy for pursuing planning compliance in Oxfordshire and the approach that the Council will take in investigating and remedying breaches of planning control.

Team Responsibilities

76. The Minerals and Waste Development Management Monitoring and Enforcement Team has three key responsibilities:
- Carry out scheduled visits to consented minerals and waste management sites to monitor compliance with the planning conditions on their planning permissions and obligations under section 106 legal agreements and compliance with routing agreements.
 - Investigate complaints about alleged non-compliance at consented sites and alleged unauthorised mineral and waste management development.
 - Seek to resolve any identified breaches of minerals and waste management planning control through voluntary resolution e.g. cessation, removal and restoration of the land or submission of an amending planning application seeking to regularise the development, or by the taking of formal enforcement action where it is considered expedient to do so.
77. A large amount of work is post-permission. Post-permission casework ensures that minerals and waste developments are carried out as approved, with all mitigation, controls and community protections in place or that they are

otherwise amended through appropriate further planning applications to reflect changing situations over time. Much mineral and waste development is temporary due for example to the finite mineral resource available at any site and changes in waste management technology. Unlike most other forms of temporary development, minerals and waste management sites often operate for long periods of time, sometimes decades, involve ongoing extraction or waste-handling activities, and carry environmental impacts that require control relating to matters such as landscape and visual impact, traffic, noise, dust and biodiversity. Ultimately the Council seeks to see a high standard of restoration and this increasingly includes delivering new and varied habitats as part of securing biodiversity gains. This means that planning conditions and legal agreements are not one-off safeguards, they must be thoroughly checked and discharged through the life of a site. This ongoing scrutiny and intervention ensures long-term developments remain lawful, safe, and aligned with the policies and outcomes the Council has set.

Consented Minerals and Waste Site Monitoring Responsibilities

78. The Council has a statutory duty to ensure that appropriate periodic inspections of establishments or undertakings carrying out disposal or recovery of waste are made² and they also undertake monitoring of planning conditions at mineral extraction or landfill sites for which fees are chargeable under the provisions of [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#). However, there is no provision in law for fees to be charged for monitoring visits to non-landfill waste management developments.
79. The Council sets and agrees an annual monitoring schedule of site inspections with operators of consented minerals and waste management sites requiring monitoring depending on:
- The size and nature of the site;
 - The number and complexity of conditions attached to the consent;
 - The stage of operation reached at a particular site, and;
 - The history of compliance exhibited by the site operator over a period of time.
80. Site inspections are followed up with a written report which identifies any non-compliance issues. In 2024/2025 a total of 160 site monitoring visits were carried out. The total fees charged totalled around £25,000.

Enforcement Responsibilities

81. As well as investigating alleged breaches of planning control at consented minerals and waste management sites, the Council has a statutory duty to investigate alleged unauthorised minerals and waste management developments. Officers visit the sites in the first instance to make an initial assessment of whether there is a breach of planning control. If there is then they seek to identify the landowners which includes use of the national Land

² Regulation 19 of the Waste (England and Wales) Regulations 2011

Registry's records but can also include local knowledge. Each site is unique but whether there has been a breach of planning control is undertaken through various means including:

- assessing the development on the ground to establish whether any development has in fact been carried out, whether it is a minerals or waste development or alternatively whether it is a District Council matter e.g. an engineering operation;
- checking the Council's own historic records for evidence of the existence of planning permission or Certificate of Lawfulness;
- checking the planning registers held by the District Councils for evidence of existing planning permission and that there is no existing planning permission or Certificate of Lawfulness;
- checking that the development does not benefit from permitted development rights under the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#);
- Service of a Planning Contravention Notice (a legal notice requiring a truthful response on penalty of a fine) to establish facts on those believed to own the land or be otherwise responsible for the alleged unauthorised development.
- each report to establish the facts, determining whether unauthorised development has occurred, and deciding whether action is justified in the public interest. Most cases are resolved informally through engagement with landowners and operators to secure compliance.

82. A total of 86 new alleged breaches of planning control were investigated in 2025.

83. Where informal voluntary resolution is not possible and it is considered expedient to take action to resolve the harm caused by the breach of planning control, the Council may use formal enforcement tools which include:

- Breach of Condition Notices at consented sites which is a notice requiring compliance with a breached planning condition setting out a time period for compliance and for which a period of at least one month has to be provided for the notice to come into effect;
- Enforcement Notice which is a notice which can be used at either consented sites or against unauthorised developments usually requiring cessation of the unauthorised development within one day and other steps for the removal of the development and restoration of the land with time periods for compliance. An enforcement notice can also be used against a breach of a planning condition (Breach of Condition Enforcement Notice). Again a period of at least one month has to be provided for the notice to come into effect;
- Stop Notices which are either served with or subsequent to the service of an enforcement notice requiring cessation of the development where significant harm to the environment is being caused in advance of the time period elapsing for an enforcement notice to come into effect;
- Temporary Stop Notice where significant harm to the environment is being caused whilst the Council is still investigating the alleged breach of planning control;

- Application to the High Court for an injunction where there is continued failure to comply with the requirements of an Enforcement Notice that has come into effect or a Stop Notice.
84. An appeal against an enforcement notice would lead to officers having to prepare evidence in support of the Council's case and, for a Public Inquiry, presenting proofs of evidence.
 85. Where there is a failure to comply with the requirements of a notice served by the Council, officers may also be required to prepare and give evidence as prosecution witnesses in court proceedings.
 86. Nine Planning Contravention Notices and two Breach of Condition Notices were served in 2025.
 87. Although there is no right of appeal against the service of a Breach of Condition notice, there is a right of appeal against an enforcement notice which must be lodged with the Secretary of State before the notice comes into effect.

Reporting & Decision Making

88. All decisions pertaining to the authorisation of taking formal enforcement action are delegated by the Planning and Regulation Committee to the Director of Economy and Place who in turn sub-delegates them to officers, principally to the Planning Regulation Manager in consultation with the County Solicitor.
89. The Council's Planning and Regulation Committee can also directly authorise formal enforcement action.

Monitoring

90. There is no national performance indicator for site monitoring and the enforcement of planning control. Officers are working on the development of a KPI but the enforcement of planning control has historically proved a difficult area for which to establish a meaningful measure of performance. Each alleged breach of planning control has unique circumstances and harms to the environment. As set out above there are various ways that officers seek to resolve them, the majority being through voluntary compliance including the submission of applications seeking to regularise the development. Some are resolved over short time periods but others can take a long period to resolve including where enforcement notices are appealed and then subject to the control of the Secretary of State through the Planning Inspectorate. There is a current enforcement notice which was served in 2020 for which an appeal was lodged before the notice came into effect and which for various reasons (including covid lockdown) the appeal hearing has yet to be held.

Risks

91. The Minerals and Waste Development Management Monitoring and Enforcement team has less dedicated officer resource than it had a decade ago.

Councillors on behalf of their local communities rightly expect the Council to address breaches of minerals and waste management planning control expeditiously. The investigation of unauthorised development can be resource-intensive, particularly when there is significant harm to the environment being caused and a reluctant or recalcitrant landowner or operator involved. The investigation of unauthorised developments can also take officers away from the routine monitoring of consented minerals and waste management sites.

Corporate Policies and Priorities

92. The Council's Minerals and Waste Planning functions support the delivery of the Corporate Plan by enabling a thriving local economy, protecting the environment, and ensuring communities have access to essential infrastructure. Through the preparation of the Minerals and Waste Plan, the Council provides a strategic framework that supports responsible resource use, effective waste management and long-term planning for growth. Development management and monitoring and enforcement activity ensure that development is carried out safely, lawfully and with appropriate environmental safeguards, supporting the Council's priorities for climate action, place-based planning and resilient communities. This report provides assurance that these statutory functions are being delivered in line with the Council's corporate objectives and governance arrangements.

Financial Implications

93. This report is primarily descriptive and does not propose new policies, programmes or decisions with direct financial implications. The Council's Minerals and Waste Planning functions are delivered within existing approved revenue budgets. However, the preparation of a new Minerals and Waste Plan within the statutory 30-month timetable is resource-intensive and may require additional funding to deliver and ensure statutory milestones are met, although in the first instance we would look to fund any overspend in the work within the wider service functional budgets. Any future financial implications arising from plan preparation, staffing or evidence requirements would be subject to separate consideration and approval through the Council's established budget and governance processes.

Comments checked by:

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Legal Implications

The legal implications section should be completed by a member of the legal service

94. There are no new legal implications arising from this report. The operation of the Minerals and Waste planning function is a statutory duty of the Council

under the provisions of the Town and Country Planning Act 1990 and other relevant planning legislation, much of which is detailed in paragraph 12 of this report. The Council is also responsible for determining its own planning applications as required by the Town and Country Planning General Regulations 1992. When operating its planning function, including making planning policy and making decisions on planning applications and enforcement matter the Council complies with the relevant law and policy.

Comments checked by:

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Staff Implications

95. The Council's Minerals and Waste Planning responsibilities are delivered by a small, specialist service across policy, development management, and monitoring and enforcement functions, with a mix of permanent, part-time, temporary and vacant posts, and Agency staff.
96. There is limited resilience to accommodate peaks in workload, complex applications, appeals, or increased monitoring and enforcement activity.
97. Development Management resources are under sustained pressure from application volumes and significant post-permission casework, while monitoring and enforcement capacity is constrained by limited staff resources.
98. In addition, the statutory 30-month timetable for preparing a new Minerals and Waste Plan is resource-intensive and, without additional capacity, presents a risk of slippage against key milestones and reduced ability to maintain other statutory workstreams. The Policy and Strategy Team is therefore exploring options for securing additional resources to help manage delivery risk.

Equality & Inclusion Implications

99. Equality and inclusion considerations are embedded within plan-making, development management, and monitoring and enforcement processes through public consultation, statutory engagement, and transparent decision-making.
100. The preparation of the Minerals and Waste Plan and Development Management Planning Applications include requirements for early and ongoing engagement with communities, stakeholders and under-represented groups, ensuring that potential impacts are identified and considered. They both also have regard to accessibility, environmental effects and impacts on local communities. Whilst having no statutory requirement for public engagement, The Monitoring and Enforcement team similarly engage with councillors and local communities in

the investigation of alleged breaches of planning control and consequent actions taken.

101. No adverse equality or inclusion impacts are identified as arising directly from this report

Sustainability Implications

102. The Council's Minerals and Waste Planning functions support sustainable development by ensuring mineral extraction and waste management are planned, assessed and monitored in line with environmental and climate considerations. This report does not introduce new policies or proposals with direct sustainability impact.

Risk Management

103. Risks associated with Minerals and Waste Planning are managed within each service area and are set out throughout this report. Policy and Strategy risks focus on plan-making timescales, evidence and statutory compliance; Development Management risks relate to application performance, appeals and workload pressures; and Monitoring and Enforcement risks concern compliance, environmental harm and reputational impact.
104. These risks are managed through established governance, performance monitoring and statutory procedures, with escalation where risks become significant.

Consultations

105. No public consultations are required with this report.

Robin Rogers – Director of Economy and Place

Annex: Nil

Background papers: Nil

Other Documents: N/A

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