

CABINET
12 JULY 2018**MINERALS AND WASTE LOCAL DEVELOPMENT SCHEME**

Relevant Cabinet Member

Cllr Ken Pollock

Relevant Officer

Director of Economy and Infrastructure

Recommendation

1. The Cabinet Member with Responsibility for Economy and Infrastructure recommends that Cabinet:

- (a) approves the Minerals and Waste Local Development Scheme (LDS) July 2018 – June 2021;**
- (b) authorises the Director of Economy and Infrastructure to make minor amendments to the LDS prior to publication;**
- (c) delegates authority to the Director of Economy and Infrastructure in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to approve the preparation of the draft Mineral Site Allocations Development Plan Document, carry out the informal preliminary consultations on it in accordance with the LDS, and make any amendments to it to create a final draft, without the need for further formal approval by Cabinet;**
- (d) agrees that the final draft Minerals Site Allocations Development Plan Document then be returned to Cabinet for recommendation to Council for approval before it is formally published for public representations as a statutory 'draft' Development Plan Document and submitted to the Secretary of State for examination;**
- (e) delegates authority to the Director of Economy and Infrastructure, in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure, to approve the preparation of a new draft Waste Local Plan and the informal preliminary consultations on it in accordance with the LDS, and any amendments to it, without the need for further formal approval by Cabinet; and**
- (f) agrees that the final draft Waste Local Plan be returned to Cabinet for recommendation to Council for approval before it is formally published for public representations as a statutory 'draft' Development Plan Document and submitted to the Secretary of State for examination.**

Background

2. Worcestershire County Council is the Local Planning Authority for minerals and waste planning for the county of Worcestershire. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, sets out the requirement for Local Planning Authorities to prepare and maintain a scheme and schedule of planning policy documents that it intends to produce, known as a Local Development Scheme. The Minerals and Waste Local Development Scheme (LDS) has two main purposes:

- to inform the public about the preparation and adoption of planning documents; and
- to establish and reflect Council priorities and enable work programmes to be set for the preparation of the documents.

3. As circumstances change and the process of making development plans moves forward, it is necessary to review and revise the LDS in order to keep it up to date. The LDS at Appendix 1 is proposed to replace the previous document which came into effect in July 2017.

4. This revision extends the timetable for the preparation of the Minerals Local Plan due to a revised approach to site allocations and sets a timetable for the production of a Mineral Site Allocations Development Plan Document. The latter is a revision to the proposed plan structure to maintain consistency with the revised National Planning Policy Framework (NPPF) that is due to come into effect in summer 2018. It also outlines the consequent changes to the timetable for commencing the review and revision of the adopted Waste Core Strategy for Worcestershire. The main proposed changes to the LDS are set out below:

Worcestershire Minerals Local Plan and proposed Mineral Site Allocations Development Plan Document

5. Minerals development in Worcestershire is currently guided by national policy and by those policies within the 1997 'County of Hereford and Worcester Minerals Local Plan' that have not yet expired. Once adopted, the emerging Minerals Local Plan for Worcestershire will replace the 1997 Plan. This emerging plan is about to enter its Fourth Stage of Consultation, preparation for which is well underway and on target for quarter four 2018. As a result of concerns raised following the Third Stage Consultation of the Minerals Local Plan an additional call for sites was required in late 2017, to address insufficiency of future minerals supply and concerns over the paucity of the information for some of the already submitted sites. This 4th call for sites successfully generated both further sites and more detailed information of the previously submitted sites.

6. A number of these sites are expected to come forward with planning applications in the medium term, whilst as noted in the July 2017 LDS a review of our site selection process is also required prior to submitting the plan to the Planning Inspectorate for consideration. This process review is time-consuming, and may result in planning applications for individual sites being submitted prior to the Minerals Local Plan being adopted, resulting in applications having to be determined against national planning policy without any local policy being in place.

7. It is therefore proposed that we progress the strategic elements of the Minerals Local Plan which includes the strategy and vision for minerals in the county and planning policy as one document with the site allocation being addressed in a separate Development Plan Document (DPD) which will have its own preparation schedule. This approach will ensure that the strategic elements of the Minerals Local Plan could be progressed as quickly as possible to provide certainty over the vision, objectives, spatial strategy and development management policies. This would provide a high level of certainty in relation to whether stakeholders consider the method to be appropriate and robust, although will delay allocation of Specific Sites and Preferred Areas.

8. Previously, the Minerals Local Plan was intended to include allocations and strategic policies within a single document. Principally due to the new requirement for 5-yearly reviews of plans set out in the amended Town and Country Planning (Local Planning) (England) Regulations 2012, it is considered that the most effective approach for the Council is to have a separate site allocations DPD. The process and rigour in developing this is exactly the same as for the Minerals Local Plan itself and it has to go through the same steps. The purpose of the recommendations relating to the Minerals Site Allocations DPD is to enable the preparation of the preliminary version to proceed. Publication of the formal 'draft' plan is a matter for Council, although Cabinet will consider the document and recommend it to Council for publication. Accordingly, the matter will be reported back to Cabinet and thereafter to Council.

9. Once adopted by Council, both the Minerals Local Plan and separately the Site Allocations Development Plan Document will be subject to the requirement for regular review every 5 years from adoption. This requirement means an assessment must be carried out of whether the plan remains relevant and effectively addresses the needs of the local community, or whether policies need updating. This will result in either publishing the reasons that policies or allocations do not need updating, or in updating the Local Development Scheme to set out the timetable for revising the plan. This review will be undertaken as part of the annual Authority Monitoring Report (AMR).

10. The Minerals and Waste Planning Policy team has been re-shuffled to meet the requirements of this new approach, with support from specialist consultants where it is prudent and cost effective to do so.

Waste Core Strategy for Worcestershire

11. The current LDS timetable also includes the initial stages in the review and preparation of a new waste local plan, The Waste Core Strategy was adopted in 2012 and its implementation has since been monitored through the annual Authority Monitoring Report. Although the plan is for the period 2012-2027, the July 2017 LDS anticipated the requirement to review the plan regularly to ensure that it remains relevant and responds to changes in local context and national policy.

12. From April 2018, under Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review local plans at least once every five years from their adoption date. This requirement means an assessment must be carried out of whether the plan remains relevant and effectively addresses the needs of the local community, or whether

policies need updating. As set out above, this will result in either publishing the reasons that policies do not need updating, or in updating the Local Development Scheme to set out the timetable for revising the plan. This does not necessarily mean that a full revision will be required, but the government anticipates that most plans are likely to require revising in whole or in part at least every five years. Reviews should be proportionate to the issues, and annual Authority Monitoring Reports will play a significant role in determining whether there is a need to undertake a partial or full revision of a plan.

13. As the Waste Core Strategy was adopted in 2012, the requirement for a formal review will be addressed as part of the next Authority Monitoring Report (Scheduled in the July 2018 LDS at Appendix 1 for Quarter 4 of 2018 to Quarter 1 of 2019). However, no significant failings have been identified through the Authority Monitoring Reports to date, and therefore no urgent requirement for full or partial revision of the plan is anticipated.

14. The submission and examination of the Worcestershire Minerals Local Plan and the preparation of the Minerals Site Allocations Development Plan Document have therefore been given priority in preparing the July 2018 LDS at Appendix 1, whilst preparatory work for review and revision of the Waste Core Strategy is scheduled to commence in Quarter 2 of 2021. This is as soon as practicable given the need to progress the Minerals Development Plan Documents within existing staffing resources, and is considered to be an appropriate means of securing compliance with review requirements. The implementation of the Waste Core Strategy will continue to be monitored through the annual Authority Monitoring Report and the Local Development Scheme will be revised if the need for a more urgent review and revision of the Waste Core Strategy is identified. For instance, changes of circumstances could cause plan policies to become out of date, reducing their weight as planning considerations

Legal, Financial and HR Implications

15. There are financial implications associated with preparing the documents set out within the LDS. Plan development work is a core funded activity supported by specific reserve to fund specialist development plan work and to cover the cost of examination in public. The scale of this examination will reflect the scale of responses to the formal consultation, but the specific reserve, totalling £200k for 2018-19, is expected to be sufficient to cover the financial implications. Internal staff resources in the Strategic Planning and Environmental Policy team are dedicated to producing the Minerals Local Plan and the associated documents including the Habitats Regulations Assessment and supervision of consultants producing the Sustainability Appraisal.

16. External consultants are being used where there is demonstrable value for money and to maximise efficiency in supporting internal staff resources. Additional costs will be incurred through consultation and examination which will include the procurement of external expertise. This has been fully costed and an indicative budget agreed with Finance for this.

Privacy Impact Assessment

17. None identified as a direct result of this report.

Equality and Diversity Implications

18. An Equality Relevance Screening has been completed in respect of these recommendations. The screening did not identify any potential Equality considerations requiring further consideration during implementation.

Contact Points

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Supporting Information

- Appendix 1 Minerals and Waste Local Development Scheme July 2018 – June 2021

Background Papers

In the opinion of the proper officer (in this case the Director of Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

Minerals and Waste Local Development Scheme adopted July 2017

http://www.worcestershire.gov.uk/download/downloads/id/8400/minerals_and_waste_local_development_scheme_2017.pdf