

# Environment, Development and Transport Committee

Item No.

<b>Report title:</b>	<b>Norfolk Minerals and Waste Local Plan - Development Scheme</b>
<b>Date of meeting:</b>	<b>20 May 2016</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe – Executive Director, Community and Environmental Services</b>
<b>Strategic impact</b> Norfolk County Council has a statutory duty to produce and maintain an up-to-date minerals and waste local plan which forms the basis for determining any planning applications for minerals and waste matters that are lodged with the Authority. Section 16 of the Planning and Compulsory Purchase Act requires every County Council to prepare and maintain a Minerals and Waste Development Scheme (MWDS). The scheme must specify the development plan documents (DPDs) that the County Council will produce, their subject matter, geographical area and the timetable for the preparation and revision of the DPDs. The Act requires the scheme to be kept up to date.	

## Executive summary

The review of the MWDS in the draft Minerals and Waste Monitoring Report (2014-15) identifies that the stages from Pre-Submission onwards in the Silica Sand Review of the Minerals Site Specific Allocations DPD will not be in accordance with the adopted timetable. The draft Monitoring Report also identifies that all of the stages of the Review of the Core Strategy and Minerals and Waste Development Management Policies DPD ('the Core Strategy') will not be in accordance with the adopted timetable. Progress with both of these reviews is detailed in section 2.1 of the draft Monitoring Report (attached as Appendix 2). A formal revision to the MWDS is therefore necessary and is attached as Appendix 1.

Due to the delay in progress with the Review of the Core Strategy, it is now proposed to replace the review of the Core Strategy with a joint review of all three of the adopted DPDs that form the Minerals and Waste Local Plan and to use this review to extend the timescale of the Local Plan to 2036. The review will also consolidate the three current DPDs (i.e. the Core Strategy, the Minerals Site Specific Allocations and Waste Site Specific Allocations) into one Minerals and Waste Local Plan, in accordance with current national planning policy. Further details about the reasons for the delays and the proposed Review of the Minerals and Waste Local Plan as a whole are included in the report.

### Recommendations:

- 1. That the revised Minerals and Waste Development Scheme shall have effect from 1 June 2016.**
- 2. That the revised Minerals and Waste Development Scheme timetable be included in the Minerals and Waste Monitoring Report 2014-15.**

## 1. Proposal

- 1.1. The Minerals and Waste Development Scheme (MWDS) has been updated, and EDT Committee is recommended to bring the Scheme into effect on 1 June 2016. The Scheme sets out a timetable for producing minerals and waste

planning policy documents including the remaining stages of the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD and the Review of the Minerals and Waste Local Plan. The revised MWDS is attached as Appendix 1.

- 1.2. The draft Minerals and Waste Monitoring Report (2014-15) should also include the revised MWDS timetable in Section 2.1, which reports the implementation of the MWDS (attached as Appendix 2).

#### **Single Issue Silica Sand Review**

- 1.3. The Single Issue Silica Sand review of the Minerals Site Specific Allocations DPD (the 'Silica Sand Review') began with an Initial Consultation stage in March and April 2015 and a Preferred Options Consultation in November and December 2015. The revised MWDS includes the current Pre-Submission representations period taking place during May and June 2016 followed by submission to the Secretary of State in September 2016. Following submission, the timetable for the examination, hearing and Inspector's Report are determined by the Planning Inspectorate and detailed in The Planning Inspectorate's document 'Examining Local Plans Procedural Practice'. The hearing commencement is expected to take place in November 2016 with the Planning Inspector's report expected to be received in January 2017. Once the Council has received the Inspector's report and implemented any modifications required to the plan, the Council will then make the decision whether to adopt the plan or not. The first full Council meeting at which the Silica Sand Review could be adopted is April 2017.
- 1.4. Appropriate adjustments have therefore been made to the Scheme to ensure a realistic future timetable for the Silica Sand Review.

#### **Review of the Minerals and Waste Local Plan**

- 1.5. The revised MWDS includes a Review of the Minerals and Waste Local Plan. The Minerals and Waste Local Plan consists of all of the adopted Minerals and Waste DPDs, which are: Core Strategy and Minerals and Waste Development Management Policies DPD, Minerals Site Specific Allocations DPD and Waste Site Specific Allocations DPD.
- 1.6. The Review of the Minerals and Waste Local Plan will include consideration of whether the existing Core Strategy, Development Management and Site Allocation policies in the adopted DPDs remain up-to-date and will also extend the plan period from 2026 to 2036. The review will also consolidate the three existing DPDs into one Norfolk Minerals and Waste Local Plan, in accordance with national planning policy.
- 1.7. The timetable for the Review of the Minerals and Waste Local Plan is contained in the revised MWDS. An Initial Consultation stage is proposed for six weeks during June to August 2017, followed by a Preferred Options Consultation for six weeks during February to March 2018. The Pre-Submission representations period would take place during November and December 2018 with Submission in March 2019.
- 1.8. Following submission, the timetable for the examination, hearing and Inspector's Report are determined by the Planning Inspectorate and detailed in The Planning Inspectorate's document 'Examining Local Plans Procedural Practice'. The hearing commencement is expected to take place in May 2019 with the Planning Inspector's report expected to be received in August 2019. Once the Council has received the Inspector's report and implemented any recommendations required to the plan, the Council will then make the decision whether to adopt the plan or not. Although dates for committee and full Council meetings are not available for 2019, the first full Council meeting at which the

revised Minerals and Waste Local Plan could be adopted is expected to be October 2019.

- 1.9. Appropriate adjustments have therefore been made to the Scheme to ensure a realistic future timetable for the Review of the Minerals and Waste Local Plan and EDT Committee are recommended to approve the revised Scheme (attached as Appendix 1 to this report).

## **2. Evidence**

- 2.1. The Minerals and Waste Monitoring Report is produced annually and should contain information on the implementation of the Minerals and Waste Development Scheme, as well as the extent to which the policies set out in Development Plan Documents are being achieved. The review of the MWDS in the draft Minerals and Waste Monitoring Report (2014-15) identifies that the stages from Pre-Submission onwards in the Silica Sand Review will not be in accordance with the adopted timetable. The draft Monitoring Report also identifies that all of the stages of the Review of the Core Strategy will not be in accordance with the adopted timetable. Progress with both of these reviews is detailed in section 2.1 of the draft Monitoring Report (attached as appendix 2).
- 2.2. The National Planning Policy Framework (NPPF) (paragraph 153) states that “each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified.” Therefore reviewing all three existing DPDs to consolidate them into one Norfolk Minerals and Waste Local Plan would be in accordance with the government’s preferred approach in the NPPF.
- 2.3. The national Planning Practice Guidance (PPG) (paragraph ref: 12-008-20140306) states that most local plans are likely to require updating in whole or in part at least every five years. The Core Strategy was adopted in 2011 and both the Minerals and Waste Site Specific Allocations DPDs were adopted in 2013. Therefore, a review of the Core Strategy is already required and a review of the Minerals and Waste Site Specific Allocations will be required by 2018.
- 2.4. Reviewing all three DPDs together will be a larger piece of work than only reviewing the Core Strategy, but it will be more efficient in terms of using shared evidence, reducing the number of separate consultations, representations period and examinations required.
- 2.5. Two public consultation stages of six weeks each are considered to be appropriate to ensure that the planning policy process is front loaded and that stakeholders are consulted at an appropriate stage early in the process. The six week formal representations period, prior to submission, is a legal requirement.
- 2.6. Following submission, the timetable for the examination, hearing and Inspector’s Report are determined by the Planning Inspectorate and detailed in The Planning Inspectorate’s document ‘Examining Local Plans Procedural Practice’. Therefore, the timetable in the revised MWDS is based on The Planning Inspectorate’s guidance for these stages of the process.
- 2.7. The currently known dates of EDT Committee meetings and full Council meetings have been taken into account in the revised MWDS. For those stages of the MWDS planned to take place after April 2017 likely EDT Committee and full Council meeting dates have been estimated to plan these decision making stages of the minerals and waste planning policy process into the timetable of the MWDS.
- 2.8. The timetable in the revised MWDS is thought to be realistic and achievable with the resources available. However, EDT Committee may wish to alter detailed

timing of individual consultation periods.

- 2.9. As part of the forthcoming examination of the Silica Sand Review, the Planning Inspector will assess the legal compliance of the Silica Sand Review, including its compliance with the adopted Minerals and Waste Development Scheme. Therefore a revised MWDS needs to be brought into effect to enable the Silica Sand Review to be legally compliant.

### **3. Financial Implications**

- 3.1. The review of the MWDS has identified that the remaining stages of the Silica Sand Review, from the Pre-Submission representations period onwards, will not be in accordance with the existing MWDS timetable. Appropriate resources have been reallocated to the end of the 2016/17 financial year to enable the revised timetable to be met. The financial implications of the remaining stages of the Silica Sand Review process were included in the EDT Committee Report of 11 March 2016 and forecast that the costs of the Silica Sand Review in 2016/17 would be £40,550. These costs will be managed by the Planning Services service.
- 3.2. The review of the MWDS has identified that the Review of the 'Core Strategy and Minerals and Waste Development Management Policies DPD' will not be in accordance with the existing MWDS timetable. The revised MWDS proposes that the three DPDs that together form the Norfolk Minerals and Waste Local Plan should be reviewed together. This approach to the review is expected to be more efficient than reviewing each DPD individually and would therefore minimise the cost to the County Council at each stage of the process.
- 3.3. To minimise publication costs throughout the Review of the Minerals and Waste Local Plan process, all stakeholders, including parish councils, will be consulted online wherever possible. Notwithstanding these savings, the Review of the Minerals and Waste Local Plan will give rise to additional costs, which will be managed by the service. The costs are as follows:
- 3.4. Based on the experience of previous planning policy production, costs including officer time in the collection of evidence, formulation of policy and assessment of consultation responses and:

	<b>Year</b>	<b>Estimated costs</b>
Publication of consultation documents	2017/18	£10,000
Publication of Pre-Submission documents	2018/19	£5,000
Statutory notices costs	2017/18 to 2019/20	£3,000
Planning Inspector costs for examination (based on 12 days of hearings)	2019/20	£120,000
Programme officer costs for examination	2019/20	£9,000
Venue hire for examination hearings	2019/20	£5,000
<b>Total estimated costs</b>		<b>£152,000</b>

These costs will vary depending on the level of public engagement with the process and the duration of the examination hearings. As stated above, consultation will be carried out via the internet and email wherever possible as this minimises the cost and time. However, there will still be a need for some hard copies of consultation documents to be produced and for some correspondence by letter to ensure that the consultation process is accessible to all.

### **4. Issues, risks and innovation**

- 4.1. There is a legal duty under Section 16 of the Planning and Compulsory Purchase Act 2004 to prepare and maintain a Minerals and Waste Development

Scheme. The scheme must specify the development plan documents (DPDs) that the County Council will produce, their subject matter, geographical area and the timetable for the preparation and revision of the DPDs. The Act requires the scheme to be kept up to date.

- 4.2. The Minerals and Waste Development Scheme will be published on Norfolk County Council's website, as required by the relevant legislation.
- 4.3. As part of the forthcoming examination of the Silica Sand Review, the Planning Inspector will assess the legal compliance of the Silica Sand Review, including its compliance with the adopted Minerals and Waste Development Scheme. Therefore a revised MWDS needs to be brought into effect to enable the Silica Sand Review to be legally compliant.

## **5. Background**

- 5.1. The current MWDS came into effect on 1 June 2013 and contains the timetable for the Silica Sand Review and the Core Strategy Review.
- 5.2. The Silica Sand Review was planned to consist of one public consultation stage to take place in June to August 2015, followed by the Pre-Submission representations period during October to December 2015. However, we carried out two public consultations on the Silica Sand Review. An additional consultation stage was included to enable an Initial Consultation to be carried out on the Silica Sand Review process.
- 5.3. An Initial Consultation took place for six weeks during March and April 2015 and a Preferred Options Consultation took place for six weeks during November and December 2015. The Initial Consultation asked how the different environmental, landscape, heritage and amenity constraints should be dealt with when defining areas of search for future silica sand extraction. The Preferred Options Consultation asked about the suitability of a specific site and ten potential areas of search for future silica sand extraction. The additional time added into the process by carrying out two consultation stages meant that all other stages in the Silica Sand Review process (Pre-Submission, Submission, Hearing Commencement and Adoption) will not take place in accordance with the timescales in the current adopted MWDS.
- 5.4. Another reason for the delay in the Silica Sand Review process was that insufficient sites for silica sand extraction were proposed in response to a 'call for sites' in June 2015 and therefore officers needed to define areas of search for future silica sand extraction and assess them.
- 5.5. The current MWDS (June 2013) contains the timetable for the Review of the Minerals and Waste Core Strategy and Development Management Policies DPD ('the Core Strategy Review'). The first public consultation stage for the Core Strategy Review was planned to take place during June to August 2015, followed by a Pre-Submission representations period in October to December 2015 and Submission in January 2016. None of these stages in the Core Strategy Review have taken place.
- 5.6. The reasons for the delay in progressing with the Core Strategy Review are as follows:
  - A reduction in the resource deployed on minerals and waste planning. The timetable in the current MWDS was based on a Policy Team consisting of three FTEs. However, between September 2013 and July 2014 the team consisted of one FTE and since July 2014 the Policy Team has consisted of 1.8 FTEs.
  - The additional work required for the Silica Sand Review, detailed in paragraphs 5.2 and 5.3 above, has reduced the resource available for the

## 5.7. **Background Papers**

Norfolk Minerals and Waste Development Scheme (June 2013)  
<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/recycling-minerals-and-waste-planning/local-development-scheme.pdf?la=en>

National Planning Policy Framework (DCLG, March 2012)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance (DCLG)  
<http://planningguidance.communities.gov.uk/blog/guidance/local-plans/>

The Town and Country Planning (Local Planning) (England) Regulations 2012  
<http://www.legislation.gov.uk/ukxi/2012/767/regulation/10/made>

Localism Act (2011)  
<http://www.legislation.gov.uk/ukpga/2011/20/contents>

## **Appendices**

1. Draft Norfolk Minerals and Waste Development Scheme
2. Section 2.1 of the draft Norfolk Minerals and Waste Development Framework: Monitoring Report 2014-2015

## **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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