

Environment, Development and Transport Committee

Item No.

Report title:	Revised Minerals and Waste Development Scheme
Date of meeting:	17 March 2017
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact 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 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

A review of the Minerals and Waste Development Scheme (MWDS) has identified that the stages from Submission onwards in the Silica Sand Review of the Minerals Site Specific Allocations DPD will not be in accordance with the adopted timetable. A formal revision to the MWDS is therefore necessary and is attached as Appendix 1.

The date included in the revised MWDS for the adoption of the Silica Sand Review assumes that the Planning Inspector will not require any Main Modifications to the Silica Sand Review prior to adoption. If Main Modifications are required, they would be subject to a six week representations period, which would mean that the planned adoption date of July 2017 would not be met and adoption would be planned for October 2017 instead. A verbal update will be provided at the EDT Committee meeting, following the examination hearing sessions on 14 and 15 March 2017, when the Inspector will have verbally advised whether any Main Modifications to the Silica Sand Review are required.

No changes are proposed to the adopted timetable for the review of all three adopted DPDs into a consolidated Minerals and Waste Local Plan.

Recommendations:

- 1. To resolve that the revised Minerals and Waste Development Scheme, updated verbally at EDT Committee if necessary, shall have effect from 24 March 2017.**

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 24 March 2017. 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 changes to the MWDS only relate to the timetable for the Single Issue Silica Sand Review.
- 1.3. Appropriate adjustments have been made to the Scheme to ensure a realistic future timetable for the Silica Sand Review and EDT Committee are recommended to approve the revised Scheme (attached as Appendix 1 to this report), updated verbally at EDT Committee if necessary.
- 1.4. No changes are proposed to the adopted timetable for the review of all three adopted DPDs into a consolidated Minerals and Waste Local Plan.

2. Evidence

- 2.1. The Silica Sand Review was submitted to the Secretary of State for examination in December 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 sessions will take place on 14 and 15 March 2017 and the Planning Inspector's report is expected to be received by the end of April 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 July 2017.
- 2.2. The date included in the revised MWDS for the adoption of the Silica Sand Review assumes that the Planning Inspector will not require any Main Modifications to the Silica Sand Review prior to adoption. If Main Modifications are required, they would be subject to a six week representations period, which would mean that the planned adoption date of July 2017 would not be met, and adoption would be planned for October 2017 instead. A verbal update will be provided at the EDT Committee meeting, following the examination hearing sessions on 14 and 15 March 2017, when the Inspector will have verbally advised whether any Main Modifications to the Silica Sand Review are required.

3. Financial Implications

- 3.1. The review of the MWDS has identified that the Submission of Silica Sand Review and subsequent stages (Hearing Commencement and Adoption), will not be in accordance with the existing MWDS timetable. There are no additional costs associated with the revised timetable. However, due to the examination hearings and adoption of the Silica Sand Review taking place later than originally planned, the costs of these examination and adoption of the Silica Sand Review will now arise in 2017/18 instead of in 2016/17 as originally planned. Appropriate resources have been reallocated to 2017/18 financial year to enable the revised timetable to be met. These costs will be managed by the Planning Services service.

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 current 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 2016 and contains the timetable for the Silica Sand Review and the Minerals and Waste Local Plan Review.
- 5.2. The MWDS planned for the Pre-Submission representations period of the Silica Sand Review to take place over a six week period during May and June 2016, followed by Submission to the Secretary of State in September 2016. The Pre-Submission representations stage was undertaken in accordance with the Scheme. However, due to issues raised in the representations received during the Pre-Submission stage, the decision was made to publish the 'Pre-Submission Addendum: Modifications' for a six week representations period during September and October 2016. Therefore the Submission of the Silica Sand Review was delayed by three months and did not take place until December 2016. The additional time added into the process by carrying out a representations period on the 'Pre-Submission Addendum: Modifications' meant that all the following stages of the Silica Sand Review process (Submission, Hearing Commencement and Adoption) did not /will not take place in accordance with the timescales in the current adopted MWDS.

5.3. Background Papers

Norfolk Minerals and Waste Development Scheme (June 2016)

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/minerals-and-waste-development-scheme>

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>

Officer Contact

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

Officer name : Caroline Jeffery

Tel No. : 01603 222193

Email address : caroline.jeffery@norfolk.gov.uk



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