

Report to Cabinet

Title:	Buckinghamshire Minerals and Waste Local Plan
Date:	Monday 8 July 2019
Author:	Cabinet Member for Planning and Environment
Contact officer:	Lisa Michelson, Head of Strategic Plan&Infrastructure
Local members affected:	(All Electoral Divisions);
Portfolio areas affected:	All

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

The independent examination in public into the Buckinghamshire Minerals and Waste Local Plan (BMWLP) has concluded with the Inspector finding the BMWLP sound subject to the Main Modifications outlined in Appendix 1. The BMWLP was submitted to the Planning Inspectorate for examination on 1st June 2018, with hearing sessions being held on 24th and 25th September 2018. The modifications to the BMWLP address the issues and concerns that the Inspector and consultees had with the draft plan. The Council consulted on proposed modifications between December 2018 and March 2019. The Inspector has considered the discussions and decisions that were undertaken during the hearing sessions, along with the written representations received during the consultation on the draft plan and upon the modifications and has issued his report (Appendix 1). The Council now needs to consider the implications of this report and take a decision on adopting the plan.

Recommendation

It is recommended that Cabinet:

- 1) Notes the progress made on the Buckinghamshire Minerals and Waste Local Plan 2016-2036.***
- 2) Notes the Inspector's conclusion that the BMWLP, with the recommended Main Modifications, is sound and capable of adoption.***
- 3) Recommends the Buckinghamshire Minerals and Waste Local Plan (Appendix 2) progresses to full Council for approval and adoption.***

1. Work on a replacement Minerals and Waste Local Plan began in 2014 to replace the “saved” policies of the Buckinghamshire Minerals and Waste Local Plan 2004-2016. Some of the policies had been replaced by the Buckinghamshire Minerals and Waste Core Strategy 2012 and it was expected that a replacement Minerals and Waste Local Plan would update the remaining policies as well as allocate sites for minerals and waste developments. An Issues and Options consultation was undertaken on what the replacement Minerals and Waste Local Plan should address.
2. Following on from the Issues and Options consultation, in line with government guidance and to ensure a more efficient plan-making process, the scope of the proposed replacement Minerals and Waste Local Plan was widened to subsume the Minerals and Waste Core Strategy. This decision was taken as the policies within the Core Strategy were also nearing the requirement for review. This meant all policies in the development framework could be reviewed to ensure all the policies within the development framework were consistent with national policy.
3. The County Council is required to have an up to date development framework which sets out policies to enable the decision making on minerals and waste development planning applications.

B. Other options available, and their pros and cons

4. Should the Local Plan not be adopted it will mean that the development plan for Buckinghamshire, the Buckinghamshire Minerals and Waste Local Plan 2004-2016 and the Buckinghamshire Minerals and Waste Core Strategy 2012, would be out of date. This will have implications on how the policies can be used in determining planning applications. There will be further resource and financial implications as work will have to begin again on the creation of further Local Plan to ensure the County Council are meeting their requirement of having an up to date plan in place.

C. Resource implications

5. No resource implications.

D. Value for Money (VfM) Self Assessment

6. It is with existing agreed budget expenditure.

E. Legal implications

7. In accordance with Article 4.3 of the Buckinghamshire Constitution, the Minerals and Waste Local Plan is a statutory document and this must be approved by the Council.
8. The following findings by the Inspector in his Report of the 5th June 2019 should be noted:
9. The Inspector was satisfied that the statutory Duty to Co-operate imposed upon the Council by section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) and prescribed consultation under Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), in respect of the Plan’s preparation, was met.
10. The Inspector concluded that that his examination of the legal compliance of the Plan is that all legal requirements are met.

11. The Inspector found that the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010, has been fulfilled.
12. The Inspector, in paragraph 126 of his Report concluded that, with the recommended main modifications set out in the Appendix, the Buckinghamshire Minerals and Waste Local Plan 2016-2036 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (2012).

F. Property implications

13. None arising directly from this report.

G. Unitary Council

9. As the BMWLP 2016-2036 covers the current administrative boundary of Buckinghamshire, the new Buckinghamshire Council will be able to adopt the plan without any implications to minerals and waste policies and planning.
10. The Plan is required to be reviewed every 5 year from adoption and the Council is required to monitor the effectiveness of the Plan. It will be for the new authority to consider the effectiveness of the policies and to the extent the plan needs reviewing within the 5 years.

H. Other implications/issues

11. None arising directly from this report

I. Feedback from consultation, Local Area Forums and Local Member views

12. A number of consultations have been undertaken on the BMWLP in accordance with Governmental requirements and the Buckinghamshire Statement of Community Involvement. These have included:

Issues and Options Consultation

13. The Issues and Options Consultation on Buckinghamshire replacement Minerals and Waste Local Plan was consulted on from 19th February and 2nd April 2015. The consultation set out a number of questions on what the replacement Minerals and Waste Local Plan should address and set out option on how to address these matters. Matters included how should the identification of future minerals and waste sites been addressed.
14. The responses to this consultation on what matters should be addressed and how respondents felt they should be addressed fed into the drafting of the policies for the draft plan consultation.

Call for Sites Consultation

15. At the same time as the Issues and Options Consultation a request for the industries and landowners to submit minerals and waste sites for consideration in the Local Plan was undertaken. 13 sites nominations were received for minerals site, while only 2 sites were nominations for waste. These sites along with other were assessed as for their suitability for allocations as part of the Local Plan evidence base.

Preferred Options Consultation

16. The Preferred Options consultation was undertaken from 2nd August to 27th September 2017. This set out the draft policies, proposed site allocations and the spatial strategy for mineral extraction and waste management. The consultation sought people's views on the proposed approach to each. Ahead of the consultation a number of member's briefing sessions were undertaken to show how the policies in the plan were developing and allow opportunities for members to ask questions on the proposals within the plan. Due to the consultation 7 public exhibition events were carried out across the County in Amersham, Aylesbury, Beaconsfield, Buckingham, Gerrards Cross, High Wycombe and Iver. In addition to this the Council ran 2 workshops for the industry, operators and land owners.

Submission Plan Consultation

17. A consultation on the Plan, which would be submitted for examination, was undertaken between the 5th March and 3rd May 2018. This Plan set out that policies and proposals for minerals and waste development taking into consideration all the comments received from consultees during the previous consultations.

J. Communication issues

18. The Council is required to notify all the consultees to the Minerals and Waste Local Plan of the adoption of the plan. Consultees included Parish Councils, Neighbouring Authorities, Industry and members of the public who have provided comments on the Local Plan. These will be notified by email, where an email is known for them, or by letter. Further to this a press release will also be issued to all the local media.
19. The Council are also required to notify the Planning Inspectorate of the adoption of the Plan to ensure their records are updated.

K. Progress Monitoring

20. Policies within the Local Plan are reviewed every year to ensure that they are fit for purpose. Table 10 of the Local Plan sets out performance indicators for reviewing the policies, this is undertaken in the Annual Monitoring Report. Further information is gathered from analysing planning applications and survey returns from operators.

L. Review

21. The policy forming part of this decision will be reviewed within five years.
 22. Paragraph 33 of The National Planning Policy Framework 2018 requires "policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary". It is expected that a review of the policy in the plan will be undertaken within this five year period. The work undertaken to monitor the Local Plan each year will help to assess whether the policy requires reviewing. The Local Plan includes this requirement along with other circumstances in which a plan review may be required stating "it is anticipated that more detail in respect of Heathrow expansion and development proposals related to the Oxford Milton Keynes-Cambridge corridor will be forthcoming and the scale of these could in themselves lead to a review or partial review of the BMWLP".
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Background Papers

Appendix 1 – Inspector’s Report and Main Modifications

Appendix 2 – Buckinghamshire Minerals and Waste Local Plan 2016-2036

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.

If you have any views on this paper that you would like the Cabinet Member to consider, please inform the Democratic Services Team by 5.00pm on Friday 5 July 2019. This can be done by telephone (to 01296 382343), or e-mail to democracy@bucksc.gov.uk