



Buckinghamshire Minerals and Waste Local Plan

Thursday 22 February 2018

Report from Cabinet Member for Planning and Environment

Purpose of this Report

1. To consider the Draft Submission Buckinghamshire Minerals and Waste Local Plan 2016-2036 for Regulation 19 consultation and thereafter submission of the Plan to the Secretary of State for Housing, Communities and Local Government for examination.

Background

2. The Cabinet at their meeting on 8th January 2018, considered the Draft Submission Buckinghamshire Minerals and Waste Local Plan 2016-36 (BMWLP) and agreed that it should be submitted to the Full Council meeting of the County Council for approval. The Cabinet Report is attached as Appendix C to this report.

Progress of the Draft Buckinghamshire Minerals and Waste Local Plan

3. All local planning authorities are under a statutory obligation to prepare a local plan. Buckinghamshire County Council (BCC) as a Minerals and Waste Planning Authority has a statutory responsibility for Minerals and Waste Planning in Buckinghamshire. As such we have a responsibility to prepare an up to date planning policy framework for the waste management facilities that are needed to manage household, commercial, industrial, construction and hazardous waste arisings in Buckinghamshire. Approval of this Proposed Submission version of the Draft Buckinghamshire Minerals and Waste Local Plan 2016-2036 would enable the Draft Plan to progress to the next stage of public consultation and submission to the Secretary of State ahead of a public examination in the summer to ensure the County Council has an up to date local plan for minerals and waste management development activity in Buckinghamshire.
4. In April 2015 the County Council started to prepare a Replacement Minerals and Waste Local Plan (RMWLP) for Bucks with the intention to review and update the

“saved” policies from the Buckinghamshire Minerals and Waste Local Plan adopted in 2006 (BMWLP 2006) and consider new site allocations for minerals and waste. However decision was taken in November 2016 to combine a review of the Bucks Minerals and Waste Core Strategy (BMWCS) (2012) with a review of saved policies and sites as part of a new minerals and waste local plan for Bucks to cover the period up to 2036 in one updated Bucks Minerals and Waste Local Plan (BMWLP).

5. In January 2017, the Minerals and Waste Local Development Scheme (MWLDS) set out the project management framework for preparing the Buckinghamshire MWLP which will, when adopted, replace the Minerals and Waste Local Plan (adopted June 2006) and the Minerals and Waste Core Strategy (November 2012). The MWLDS sets out a number of key milestones and the first key milestone was the informal consultation on the Draft MWLP, Preferred Options in the summer 2017. The County Council undertook consultation for a period of eight week from 2 August to 27 September 2017 on the Preferred Options document of the Draft BMWLP. The Preferred Options draft document sets out the County Council’s preferences for strategic policies and site allocations in order to meet the provision of minerals and waste over the plan period and the development management policies for determining development proposals submitted to the County Council.
6. As part of this consultation, seven exhibition events were organised around the County to publicise the draft plan, engage with the local communities, and hear their views on the preferred locations of future mineral extraction and waste management facility sites. Two workshops were also arranged to engage with miners and waste industry and operators. A total of 77 responses were received to the Draft BMWLP Preferred Options document. Some respondents have made multiple responses and this has totalled around 220 representations. Respondents have included all the district councils in Buckinghamshire, 16 parish/town councils, 12 councils outside of Buckinghamshire, 14 from the minerals and waste industry and 31 individuals (17 predominantly from the Hedgerley area). The details of representations and their assessment are set out in the Cabinet Report. A full record of the representation received and officer response is set out in Appendix B “Draft Buckinghamshire Minerals and Waste Local Plan 2016-2036: Preferred Option Document : Schedule of Representation” to this Report.
7. The Report considered by Cabinet on 8th January 2018 set out the full assessment of the representations received and highlighting the main issues for their consideration. With no key issues identified that require additional consideration, the BMWLP can now directly move forward to its next stage, Proposed Submission. This is a second key milestone in the MWLDS and the submission of the Draft Plan to the Secretary of State for independent examination is also a key milestone. The Proposed Submission BMWLP forms Appendix A to this report. The changes made to the Proposed Submission documents are not considered to be significant from the Preferred Options documents.
8. Representations on the Proposed Submission MWLP will be able to be made for a six week period from 5th March to 19th April 2018. This is the last stage at which

representations can be made on the MWLP prior to its submission. Representations need to be made in relation to whether the MWLP meets certain defined Tests of Soundness (positively prepared, justified, effective and consistent with national policy) as well as through its preparation whether it has met legal and procedural requirements, including the Duty to Co-operate. As at the Draft Plan (Preferred Options) stage, there will be accompanying documents that will provide the evidence base for the BMWLP.

9. Following this period of representations the plan will be submitted to the Secretary of State for Housing, Communities and Local Government for examination. This is anticipated to be by 31 May 2018. All representations made will be forwarded on to the Inspector in charge of the examination.
10. The Inspector will commence examination of the plan, concentrating on whether it has met the tests of soundness and is legally and procedurally compliant, as soon as possible after submission there will be public hearing sessions held as part of the examination. These public hearing sessions are anticipated to be in summer 2018. On the basis of the representations received at Preferred Options stage it is anticipated the public hearing sessions will last about a week. As is always the case at examination, the Inspector is likely to propose some modifications and these will be subject to consultation before the County Council formally adopt the Draft Plan following Full Council resolution to adopt.
11. The Inspectors Report should be received in autumn 2018. All of the recommendations of the Inspector are binding on the Council, although the Council can choose not to adopt the plan as an alternative to accepting the Inspector's recommendations. It is expected that the BMWLP will be adopted at full Council in early 2019.

Recommendation

Council is asked to:

- (i) **Approve the proposed submission draft of the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (attached as an Appendix A to the agenda), for the purpose of:**
 - a). **formally consulting, for a statutory period of 6 weeks in accordance with Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012, and**
 - b). **submission of the proposed draft, the ("Submission Draft") to the Secretary of State for Housing, Communities and Local Government for examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (subject to (ii) and (iii) below.**

- (ii) Delegate authority to the Director of Growth and Strategy and Highways, in consultation with Cabinet Member for Planning and Environment, to make minor amendments to the final BMWLP document to address typographical errors and improve clarity, provided that these amendments do not alter policies significantly or change the sense of supporting text, prior to the start of the publication period.
- (iii) Delegate authority to the Director of Growth and Strategy and Highways, in consultation with Cabinet Member for Planning and Environment, to approve any minor modifications or other amendments which arise during the examination of the Submission Draft by the Inspector appointed by the Secretary of State for Housing, Communities and Local Government. Any significant amendments that require a key decision by the Cabinet Member for Planning and Environment, is taken in consultation with the local member(s).

CABINET MEMBER FOR PLANNING AND ENVIRONMENT

APPENDIX

- A. Buckinghamshire Minerals and Waste Plan 2016-36: Submission (Regulation 19) Document -
<https://democracy.buckscc.gov.uk/ieListDocuments.aspx?CId=107&MId=9684>
- B. Draft Buckinghamshire Minerals and Waste Local Plan 2016-2036: Preferred Option Document : Schedule of Representations.
<https://democracy.buckscc.gov.uk/ieListDocuments.aspx?CId=107&MId=9684>
- C. Cabinet Report: 8th January 2018 “Buckinghamshire Minerals and Waste Local Plan Pre-submission consultation”
<https://democracy.buckscc.gov.uk/ieListDocuments.aspx?CId=124&MId=9518>