



Buckinghamshire Minerals and Waste Plan 2016-2036

Thursday 25 July 2019

Report from Cabinet Member for Planning and Environment

Purpose of this Report

1. The independent examination in public into the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP) has concluded with the Inspector finding the BMWLP sound subject to the Main Modifications outlined in Appendix 1. The Council now needs to consider the implications of this report and take a decision on adopting the plan.
2. 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.
3. The purpose of the BMWLP is to provide the basis for planning applications for, or linked to, minerals and waste development in Buckinghamshire to be determined. It sets out:
 - the spatial strategy for minerals and waste development in the county and the amount of provision that will need to be made for such development;
 - the vision and strategic priorities, or objectives, for minerals and waste development in Buckinghamshire to 2036;
 - development principles and policies for controlling and managing development and to address locally-specific issues;
 - site-specific allocations for minerals development;
 - areas of focus within which waste development could be accommodated; and
 - a geographical presentation of the Plan's policies, site specific allocations and designations (where possible) on a detailed OS map of the county (the Policies Map).
4. The BMWLP with the incorporated modifications outlined by the Inspector is set out in Appendix 2.

Background

5. 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 Some of the policies had been replaced by the Buckinghamshire Minerals and Waste Core Strategy 2012 and it was expected that a replacement Minerals and Waste Local Plan would update the remaining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.
6. 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 were consistent with national policy.
7. 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 sites, while only 2 sites were nominated for waste development. These sites along with others were assessed as for their suitability for allocations as part of the Local Plan evidence base.
8. 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 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.
9. A consultation on the Submission 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 comment received from consultees during the previous consultations

Legal Requirement

10. 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. The following findings by the Inspector in his Report of the 5th June 2019 should be noted:
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.

11. The Inspector concluded that his examination of the legal compliance of the Plan is that all legal requirements are met. The Inspector also found that the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010, has been fulfilled.

Inspector's Report

12. The Modifications set out in the Inspector's Report, bar a few minor changes, have not significantly altered from those the Council consulted on during the Modification consultation.

13. The most significant modification to the draft BMWLP are

- Revising the approach to secondary and recycled aggregates to ensure a steady and adequate supply by removing the reference to the reduction in the reliance of primary minerals and instead seeks to maximise the contribution made by recycled and secondary aggregates;
- Ensuring that the supply of sand and gravel is in accordance with the information provided in the future Local Aggregate Assessment (LAA);
- Revising the calculation of waste capacity needs to reflect the updated information on London's waste exports to non-hazardous landfill in Bucks as set out in the Draft London Plan;
- Ensuring that the policy for minerals and waste development in the AONB is consistent with the National Planning Policy Framework 2018;
- Revising the Spatial Strategy for Waste Management by merging Policy 11 and 14 to remove duplication between the Spatial Strategy and Sustainable Waste Management Networks;
- The new policy continues to reflect the Spatial Strategy to focus facilities in urban growth areas (High Wycombe, Aylesbury and Buckingham);
- A new paragraph to provide detail regarding the spatial planning and land use context particularly with regards to the Green Belt and AONB and how this influences the distribution of growth locations and waste management facilities between the north and south of the plan area.

Review of the Plan

14. 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.

15. 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".

16. These infrastructure schemes are required to identify the aggregate resource that is required for the scheme and how they propose to manage the waste the schemes

generate. As these schemes are within, or in close proximity to, Buckinghamshire they may place an additional requirement on Buckinghamshire mineral reserves and waste management capacity that has not already been factored into the future capacity needs, as some of these schemes are early in their development. As and when these schemes provide information on their requirements, this will be considered by the Council to assess the impact on the County's minerals reserves and waste management capacity.

17. Policies within the Local Plan are monitored 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.

Recommendation

Council is asked to:

- 1. Agree the adoption and publication of the Buckinghamshire Minerals and Waste Local Plan 2016-2036**

CABINET MEMBER FOR PLANNING AND ENVIRONMENT

Appendix 1 – Inspector's Report and Main Modifications

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