

14th March 2013

Agenda Item: 4

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

Further Revisions to the Minerals and Waste Development Scheme

Purpose of the Report

1. To seek Committee approval for amendments to the Nottinghamshire Minerals and Waste Development Scheme (MWDS), which is to be sent to the Department for Communities and Local Government (DCLG).

Information and Advice

2. The Planning and Compulsory Purchase Act 2008 (amended) requires the County Council to produce a Development Scheme. The Development Scheme does not form part of the Development Plan, its purpose is to set out the timetable and resources for preparing new Development Plan Documents (DPDs) for minerals and waste.
3. The revised Minerals and Waste Development Scheme (attached) sets out the County Council's proposed programme for the preparation of its minerals and waste Development Plan Documents (DPDs). This replaces the current Minerals and Waste Development Scheme which was approved by the County Council in September 2012.
4. Prior to the introduction of the National Planning Policy Framework (NPPF) in 2012, local planning authorities could prepare a 'portfolio' of separate DPDs which, taken together, made up the Local Development Framework for their administrative area. However, the introduction of the NPPF has returned to the concept of a single Local Plan rather than separate documents unless these are clearly justified.
5. Work on the first of an intended series of three waste DPDs, the Waste Core Strategy, was substantially completed when these changes were announced. The Council has therefore continued to progress this as a separate DPD. However, work on the equivalent minerals DPDs was at a much earlier stage, meaning that these could be combined and taken forward as a single Local Plan in line with the NPPF. This new approach to the preparation of the Minerals Local Plan was approved by this Committee in January 2013. It has therefore been necessary to revise the timetable contained in the Development Scheme to ensure that it is kept up to date. Small textural changes to the scheme have also

been made to ensure consistency with the Government's new approach to Local Plans.

6. The MWDS has two key objectives:

- To inform the public and stakeholders of the Council's commitment to producing documents that will make up the development framework for minerals and waste planning in Nottinghamshire and the programme for their preparation; and
- To reflect the County Councils priorities in terms of producing documents for both the Waste Development Framework and the Minerals Local Plan.

7. The County Council will continue to review the Development Scheme and progress will be reported annually through the Annual Monitoring Report (AMR).

Key Changes from previous Development Scheme

8. The most significant change to the Development Scheme is to set out the new arrangements for producing a single Minerals Local Plan instead of separate DPDs. This should provide greater certainty to both developers and local communities and speed up the plan-making process by up to a year.

9. The Waste Core Strategy was submitted to the Secretary of State for independent examination in January this year and will therefore remain a separate DPD. However, it is now proposed to combine the subsequent Development Management and Site-Allocations DPDs into a single document.

10. Other changes to the Development Scheme include minor revisions to the text to ensure that this reflects the terminology within the NPPF and the addition of an extra map to clarify the difference in geographical coverage between the minerals and waste DPDs. The Minerals Local Plan only covers the administrative area of Nottinghamshire whereas the waste DPDs are being prepared jointly with Nottingham City Council and therefore their geographic coverage is both the Nottinghamshire and Nottingham City areas.

11. The new preparation timetable for the production of the Minerals Local Plan and Waste DPDs is set out in the revised Development Scheme and detailed in the tables below (please note the timetable for the Waste DPDs is unchanged):

Minerals Local Plan:

Stage	Dates	Completed
Minerals Safeguarding Consultation	April 2009	Yes
Issues and Options Consultation	27 January – 30 March 2012	Yes
Preferred Approach Consultation	September 2013	No
Submission Draft consultation	April 2014	No

Submission	August 2014	No
Pre-hearing meeting	October 2014	No
Examination	December 2014	No
Adoption	March 2015	No

Waste Development Framework:

Stage	Dates	Completed
Waste Core Strategy Issues and Options Consultation	23 October – 8 December 2006	Yes
Waste Core Strategy Further Issues and Options Consultation	3 September – 29 October 2010	Yes
Waste Core Strategy Preferred Approach Consultation	22 July – 16 September 2011	Yes
Waste Core Strategy Proposed Submission Draft	5 March – 30 April 2012	Yes
Waste Core Strategy Submission	January 2013	Yes
Waste Core Strategy Pre-hearing meeting	March 2013	No
Waste Core Strategy Examination Hearing	May 2013	No
Waste Core Strategy Adoption	July 2013	No

Other Options Considered

12. None. It is a statutory requirement for the Council to have up to date Minerals and Waste Development Plans in place.

Reason for Recommendation

13. To provide clarity for Members, Officers, members of the public, developers and other interested parties on the timetable for the production of the Minerals Local Plan and a Waste Development Framework in order for the County Council to meet its statutory functions as a Minerals and Waste Planning Authority.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are

described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications (DJK 11.02.2013)

15. There is a provision of £325k to cover the Waste Development Framework enquiry; the costs will be incurred over the two financial years 2013/13 and 2013/14. Costs will be incurred through Examination of the Plans by the independent inspector. The costs of the Minerals local plan will be met through a corporate contingency claim.

Implications for Sustainability and the Environment

16. The production of the Minerals Local Plan and Waste Development Framework is a statutory function of the County Council.

RECOMMENDATION

1. The Committee approve the revised Minerals and Waste Development Scheme.

Jayne Francis-Ward

Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact:

Lisa Bell, Team Manager – Planning Policy, 0115 9774547

Constitutional Comments (CEH 12.02.13)

The Environment and Sustainability Committee has authority to consider and approve the recommendations set out in the report.

Financial Comments (DJK 14.02.2013)

The contents of this report are duly noted; the financial implications are contained within the report.

Appendices

Appendix 1 - Nottinghamshire Minerals and Waste Development Scheme

Electoral Division(s) and Member(s) Affected

All



Minerals and Waste Development Scheme

March 2013

Preface

Nottinghamshire County Council has prepared this Minerals and Waste Development Scheme in accordance with the requirements of the Town and Country Planning (Local Development) (England) Amended Regulations 2008. The County Council resolved to bring this scheme into effect on the 14^h March 2013 and it replaces the previous scheme brought into effect in September 2012.

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1 Introduction to Local Plans and Development Plan Documents (DPDs)

- 1.1 Nottinghamshire County Council is the minerals and waste planning authority for the county of Nottinghamshire; see Appendix A for a map showing the geographical coverage of the plan area. This means that it is responsible for all matters associated with minerals and waste development, including setting the land use policies and determining planning applications for such development.
- 1.2 The Nottinghamshire Minerals Local Plan (2005) and Waste Local Plan (2002) form part of the statutory development plan – along with the East Midlands Regional Plan (until it is revoked) and district and borough Local Plans within Nottinghamshire. Decisions on planning applications should be made on the basis of having an up-to-date statutory development plan. Both the Waste and Minerals Local Plans are in the process of being replaced.
- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out that each Local Planning Authority should produce a Local Plan for its area and that any additional Development Plan Documents should only be prepared where clearly justified. Previous national guidance required local planning authorities to produce Local Development Frameworks which could include:
 - **Core Strategies**, which set out the spatial vision, spatial objectives and core policies for the development of the local planning authority area;
 - **Policies Map**, which illustrates county wide proposals
 - **Site Specific Allocations and Development Management Policies Documents**, which set out detailed policy guidance and also land allocations;
 - **Additional DPDs**, such as area specific documents. NPPF guidance states however, that these should only be prepared where clearly justified.
- 1.4 Nottinghamshire County Council had significantly advanced the review of the 2002 Waste Local Plan prior to the new requirements set out in the NPPF and as such is continuing to progress a separate Waste Core Strategy, followed by a Site Specific Allocations and Development Management Policies Development Plan Document and a Policies Map to illustrate the proposals.
- 1.5 The review of the Minerals Local Plan was in its infancy in March 2012 when the NPPF was published and as such the County Council are progressing the Minerals Local Plan to replace the 2005 Local Plan. This document will contain a vision, strategic objectives, strategic policies, policies identifying the future provision requirements, development management policies and a policies map.
- 1.6 The Waste Development Framework and the Minerals Local Plan are both subject to examination by an independent Planning Inspector.
- 1.7 **Complementary documents** are important related documents which exist alongside the Development Plan Documents/Local Plan, these include:
 - **Supplementary Planning Documents**, add further detail to the policies of the Local Plan. They can be used to provide further guidance for

development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the Development Plan.

- **Statement of Community Involvement**, specifies how the authority intends to involve communities and stakeholders in the process of preparing planning policy documents. The Planning Bill 2008 removed the requirement for future reviews of the Statement of Community Involvement to be subject to examination.
- **Development Scheme** (this document), sets out details of planning policy documents to be produced and the time scales and arrangements for production.
- **Annual Monitoring Report**, sets out progress in terms of producing planning policy documents and implementing policies.

2 The Minerals and Waste Development Scheme

2.1 The Minerals and Waste Development Scheme (MWDS) sets out the County Council's programme for the preparation of the Waste Development Framework and Minerals Local Plan.

2.2 The MWDS has two key objectives:

- To inform the public and stakeholders of the Council's commitment to producing the Waste Development Framework and Minerals Local Plan in Nottinghamshire and the timetable for their preparation; and
- To establish the County Council's priorities in terms of producing documents for both the Waste Development Framework and the Minerals Local Plan.

2.3 The County Council will review the MWDS and progress will be reported annually through Annual Monitoring Reports (AMRs). The AMR will be published on the Council's website.

3 Existing Plans and Transitional Arrangements

3.1 Following the review of the planning system through the 2004 Planning and Compulsory Purchase Act which altered the way in which statutory development plans were prepared, the Government put in place transitional arrangements that allow existing plans and policies to be 'saved' while the new local plan documents are prepared. These saved plans form part of the development plan until they are replaced under the current planning system. The plans which are currently saved are as follows:

- The Joint Nottinghamshire and Nottingham Waste Local Plan (2002) (with the exception of policies W2.1, W3.2 and W3.24);
- The Nottinghamshire Minerals Local Plan (2005) (with the exception of policies M3.2, M3.21, M6.5, M6.9, M6.10, M7.4 and M11.1)

4 The Timetable

4.1 The new development plan will comprise of separate waste development plan documents and a Minerals Local Plan as detailed in Table 1 below:

Table 1: Minerals and Waste Documents to be produced

Minerals Local Plan		
Document	Date for submission	Date for adoption
Minerals Local Plan	March 2014	October 2014
Waste Development Plan		
Waste Core Strategy	January 2013	July 2013
Waste Site Allocations and Development Management Policies Document	January 2015	August 2015

4.2 The detailed production stages and key milestones are set out in Appendix B.

4.3 All new development plan documents are subject to an on going process of strategic environmental assessment (SEA), combined with the existing practice of sustainability appraisal (SA). This examines the likely environmental, social and economic effects of new policies and proposals and informs the direction and content of each stage of the plan preparation process. The information used and the outcome of the appraisal process is to be set out in a report, which will accompany each document at each stage of its preparation and subject to public consultation.

4.4 All development plan documents are also subject to equalities impact assessment (EQIA) which is a management tool that ensures that all new policies do not discriminate against certain groups and that all opportunities to promote equality are sought in plan preparation.

4.5 The Minerals Local Plan and Waste Development Framework will be subject to a Habitats Regulations Assessment (HRA). The purpose of the HRA of land use plans is to ensure the protection of the integrity of European sites is a part of the planning process at a regional and local level. A HRA Screening Report (March 2011) has been produced, covering both minerals and waste and concluded that no additional assessment would be necessary at this stage of the process.

- 4.6 DPDs are also subject to Strategic Flood Risk Assessments (SFRA), a Level 1 SFRA has been carried out which collates and reviews available information on flood risk in Nottinghamshire.

5 Progress to Date

- 5.1 The table below sets out the progress made to date on the Minerals Local Plan and the Waste Core Strategy.

Table 2: Minerals and Waste development plan progress to date

Minerals Local Plan	
Stage	Date
Minerals Call for Sites Key Stakeholders Consultation	June-December 2008
Minerals Safeguarding Key Stakeholders Consultation	April 2009
Minerals Background Papers Industry Consultation	November-December 2011
Issues and Options Public Consultation	27 January – 30 March 2012
Minerals Revised Call for Sites Consultation	May-June 2012
Waste Core Strategy	
Stage	Date
Issues and Options Public Consultation	23 October – 8 December 2006
Further Issues and Options Public Consultation	3 September – 29 October 2010
Preferred Approach Public Consultation	22 July – 16 September 2011
Proposed Submission Draft Public Consultation	5 March – 30 April 2012
Schedule of Proposed Changes Public Consultation	1 October – 12 November 2012

- 5.2 A full timetable for the Minerals Local Plan and Waste Development Plan Documents to be produced is contained in Appendix B.

6 Joint Working

- 6.1 The new Waste Development Plan Documents are being prepared jointly with Nottingham City Council, as was the case with the existing waste local plan. The County Council has taken the lead role and financial resources will be split proportionately according to the population. The County Council will therefore contribute 72% of the costs; and the City Council 28%.
- 6.2 There are no significant mineral issues within the Nottingham City boundary and therefore it will not be involved in the preparation of the new Minerals Local Plan. If the City Council receive any planning applications for minerals development, they will be determined against the policies set out the most up to date version of the Nottingham City Local Plan.

7 Risk Assessment

- 7.1 In setting out the proposed timetable for work on the new development plan documents, it is important to ensure that these targets are realistic, achievable and take account of possible problems that may arise. The main areas of risk in terms of implementing the development documents are identified as:
- **Uncertainty** – as the new documents are being prepared there is a risk that critical new policy guidance, such as the National Planning Policy Framework (NPPF), the proposed removal of national planning guidance or legislation could impact upon the timetable for plan preparation.
 - **Consultation outcomes** - the consultation process could identify additional issues/options to be evaluated and/or the scale of objections could significantly increase the workload and delay implementation. To minimise the risk, extensive pre-submission consultation is to be carried out with stakeholders, statutory consultees, local enterprise partnerships and other key consultees, including parish councils, local environmental groups and the minerals and waste industry.
 - **Demand on consultees and the Planning Inspectorate** – many local authorities are likely to be preparing new development plans documents to a similar timetable. This could lead to delays in consultee responses and in time-tabling independent examinations. To minimise this risk the County Council intends to liaise with the Planning Inspectorate to ensure a realistic timetable for preparing each document is achieved.

- **Soundness of development plan documents** – if any document was declared unsound by an Inspector the County Council would have to address the issues of why the document was found unsound, therefore additional work would need to be carried out and the timetable would slip. This would result in significant budget and timetable implications.
- **Joint working** – uncertainty of decision making could lead to significant issues, in addition both the County Council and City Council have different Committee/Cabinet reporting mechanisms and timetables.
- **Legal Challenge** – the document could be subject to successful legal challenge which would result in all or part of the plan being quashed, this would mean starting the plan over.

8 Community Involvement

- 8.1 The Statement of Community Involvement (SCI) sets out the standards to be achieved by the County Council in involving stakeholders and the community in the preparation, alteration and continuing review of planning policy documents and planning applications. It contains the County Council's proposals for fully engaging all sections of the community and stakeholders at an early stage in the preparation of each document.
- 8.2 An independent examination into the County Council's SCI was carried out and found sound. The SCI was formally adopted by the County Council in June 2007.
- 8.3 A review of the adopted SCI is currently underway and is currently subject to public consultation with the anticipation of this document being adopted in the Spring 2013.

9 Development Scheme Monitoring and Review

- 9.1 An Annual Monitoring Report (AMR) is prepared each year to assess progress in implementing the Development Scheme, and subsequently to determine whether aims and objectives are being achieved through the policies and proposals of the planning policy documents. In the event that there are unavoidable slippages in the LDS timetable, and 'milestones' have not been achieved, the AMR will explain what the reasons are for the delay. It will also set out any amendments to the Development Scheme and the revised timetable for implementation to reflect the delay.
- 9.2 The AMR will also include annual technical monitoring information to provide the context for assessing the success of the policies in the planning policy documents.

10 Further Information

10.1 For further information on this minerals and waste development scheme or any of the documents mentioned please contact the County Council at the address shown below. Information on the existing minerals and waste local plans and the development plan process is also available on the County Council's website.

By Post: Nottinghamshire County Council
Planning Policy
County Hall
Loughborough Road
West Bridgford
Nottingham
NG2 7QP

Email: development.planning@nottscc.gov.uk

Website: www.nottinghamshire.gov.uk

10.2 This information can be made available in alternative formats and languages.

Glossary

Terms shown in *italics* are defined elsewhere in the glossary.

Annual Monitoring Report (AMR): the annual monitoring report will assess the implementation of the Local Development Scheme and whether policies in *Local Development Documents* are being successfully implemented.

Core Strategy (CS): a *Development Plan Document* which sets out the long-term spatial vision for the local planning authority area.

Development Plan (DP): consists of the relevant *Regional Spatial Strategy* and the *Development Plan Documents* contained within the *Local Development Framework*.

Development Plan Documents (DPD): statutory documents which set out the *local planning authority's* formal planning policies for its area. Together with the *Regional Spatial Strategy*, these documents make up the *Development Plan* for that area. There are different types of document (see also *Core Strategy, Development Control Policies, Site Specific Policies, and Proposals Map*).

Development Management Policies (DMP): a suite of criteria-based policies designed to ensure that all development meets the aims and objectives set out in the *Core Strategy*. Can be included in another *Development Plan Document* or may form a stand-alone document.

Development Scheme: a document setting out the timescales for the production of development plan documents.

Equalities Impact Assessment (EQIA): a management tool that makes sure that policies and working practices do not discriminate against certain groups and that, opportunities are taken to promote equality.

Habitats Regulation Assessment (HRA): required under the European Directive 92/43/EEC on the “conservations of natural habitats and wild fauna and flora for plans” that may have an impact of a European nature conservation site, such as a Special Protection Area. It is an assessment of the impacts of implementing a plan or a policy on a European nature conservation site with the purpose of considering the potential impacts against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site.

Independent Examination: all *Development Plan Documents* need to be tested for soundness through an independent examination held by an independent inspector appointed by the Secretary of State.

Issues and Options (IO): initial, informal consultation stage setting out the main planning issues and a range of possible options. Responses will help to identify what are the most realistic options, which will then be put forward as *Preferred Options*.

Local Development Document (LDD): the collective term for *Development Plan Documents*, *Supplementary Planning Documents* and the *Statement of Community Involvement*.

Local Development Framework (LDF): the name for the portfolio of *Local Development Documents*. It consists of *Development Plan Documents*, *Supplementary Planning Documents*, a *Statement of Community Involvement*, the *Local Development Scheme* and *Annual Monitoring Reports*. Together these documents will provide the framework for delivering the spatial planning strategy for a local authority area (see also *Minerals and Waste Development Framework*).

Local Plan (LP): a plan setting out the spatial and strategic direction for development within a plan area. For Nottinghamshire this only relates to minerals and waste development.

Local Strategic Partnership (LSP): partnerships of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood in how services are provided.

Minerals and Waste Development Framework (MWDF): the equivalent of the *Local Development Framework*, produced by County Councils who are responsible minerals and waste planning.

Minerals and Waste Development Scheme (MWDS): the equivalent of the *Local Development Scheme* produced by County Councils who are responsible for minerals and waste planning.

National Planning Policy Framework (NPPF): the NPPF replaces all other national planning policies documents (PPG/PPS) and many circulars, with the exception of Planning Policy Statement 10 'Planning for Sustainable Waste Management', streamlining them into one document. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local and neighbourhood plans can be produced reflecting the needs and priorities of the local area.

Neighbourhood Plan (NP): A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Preferred Options (PO): Informal consultation stage which will identify the *Local Planning Authority's* preferred approach(es) to likely development proposals and any alternatives that have been rejected, along with the reasons for this.

Proposals Map: the adopted proposals map illustrates on a base map all the policies contained in *Development Plan Documents*, together with any saved policies. It must be revised as each new *Development Plan Document* is adopted, and it should always reflect the up-to-date planning strategy for the area.

Regional Plan/Regional Spatial Strategy (RSS): the strategic plan for the East Midlands.

Saved Policies or Plans: existing adopted development plans which are to be saved (usually up to 3 years unless otherwise extended by Government direction) until they are replaced by the new style *Development Plan Documents*.

Site Allocations Document: *Development Plan Document* which allocates specific sites for development.

Statement of Community Involvement (SCI): a document which informs how a council will involve the community on all major planning applications and in the preparation of documents.

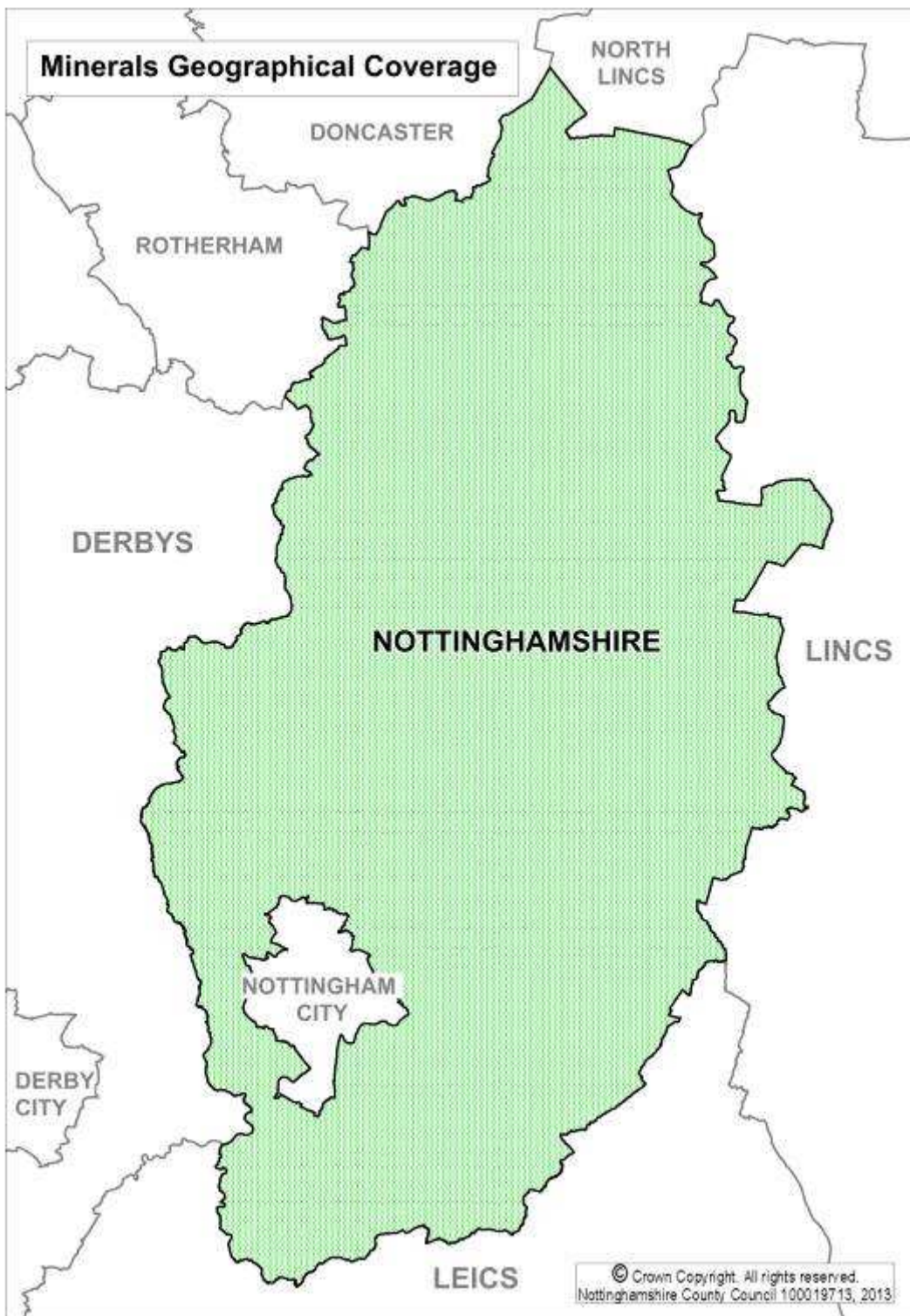
Strategic Environmental Assessment (SEA): a procedure (set out in the Environmental Assessment of Plan and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

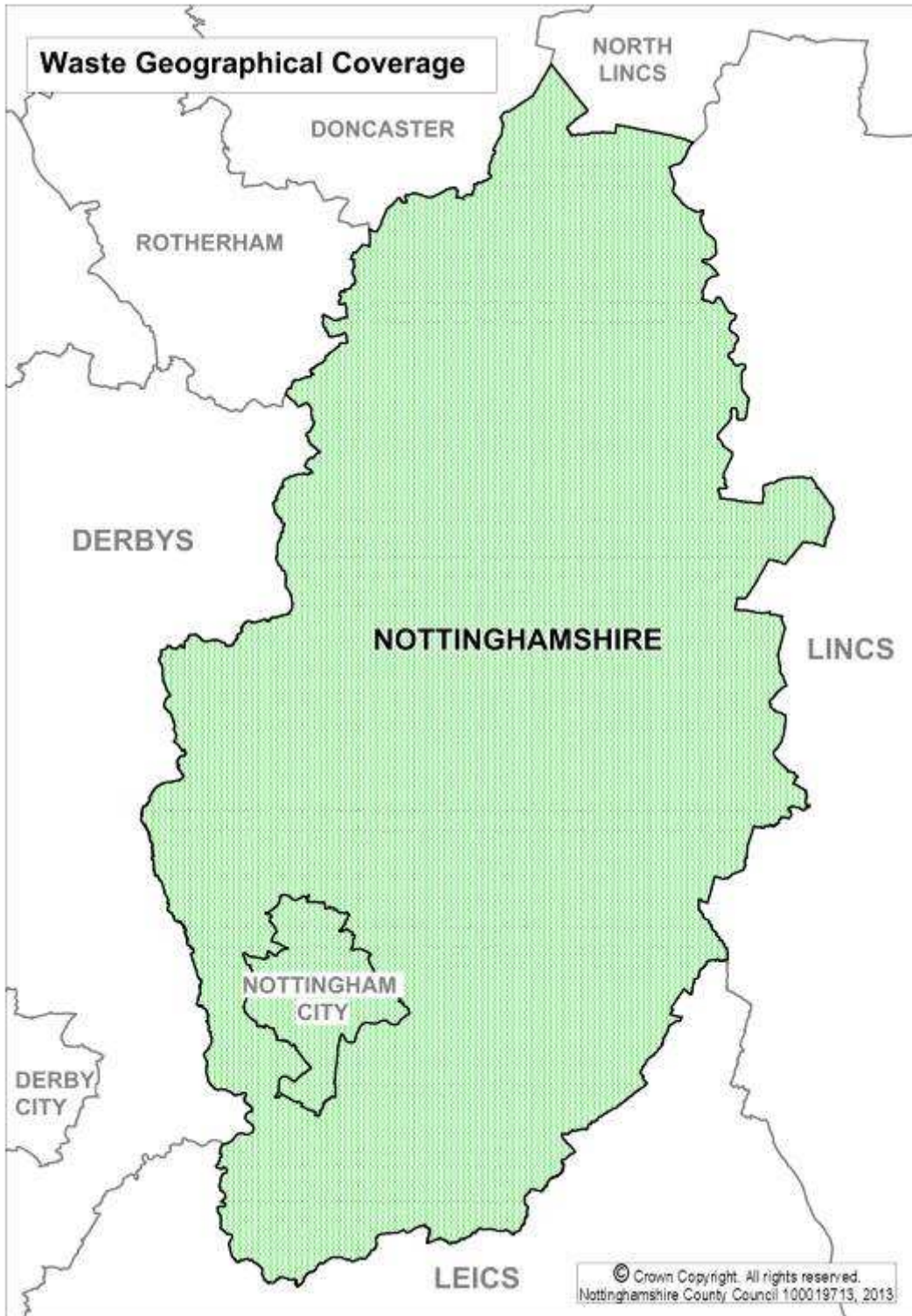
Submission Draft: Final draft of the Local Plan/Core Strategy, submitted to the Secretary of State and Local Government, subject to independent examination by the Planning Inspectorate, which includes public hearings and a Inspector's Report. Formal representations made at this stage will be considered at the *Independent Examination*

Sustainability Appraisal (SA): a document that examines the social, economic and environmental effects of strategies and policies in a development plan from the outset of its preparation. In the UK this process incorporates the EU requirement for *Strategic Environmental Assessment* of plans or programmes.

Sustainable Community Strategy (SCS): local authorities are required to prepare these, with the aim of improving the social, environmental and economic well being of their areas in conjunction with local public, private, voluntary and community sectors.

Appendix A – Geographical Plan Coverage





Appendix B – Minerals and Waste Timetable

Minerals Local Plan

Stage	Dates	Completed
Minerals Safeguarding Consultation	April 2009	Yes

Stage	Dates	Completed
Issues and Options Consultation	27 January – 30 March 2012	Yes

Stage	Dates	Completed
Preferred Approach Consultation	September 2013	No
Submission Draft consultation	April 2014	No
Submission	August 2014	No
Pre-hearing meeting	October 2014	No
Examination	December 2014	No
Adoption	March 2015	No

Waste Development Framework

Waste Core Strategy:

Stage	Dates	Completed
Waste Core Strategy Issues and Options Consultation	23 October – 8 December 2006	Yes
Waste Core Strategy Further Issues and Options Consultation	3 September – 29 October 2010	Yes
Waste Core Strategy Preferred Approach Consultation	22 July – 16 September 2011	Yes
Waste Core Strategy Proposed Submission Draft	5 March – 30 April 2012	Yes
Waste Core Strategy Submission	January 2013	Yes
Waste Core Strategy Pre-hearing meeting	March 2013	No

Waste Core Strategy Examination Hearing	May 2013	No
Waste Core Strategy Adoption	July 2013	No

Waste Site Allocations and Development Management Policies:

Stage	Dates	Completed
Waste Site Allocations and Development Management Polices Preferred Approach	February 2014	No
Waste Site Allocations and Development Management Policies Submission Draft	September 2014	No
Waste Site Allocations and Development Management Policies Submission	January 2015	No
Waste Site Allocations and Development Management Policies Pre-hearing meeting	April 2015	No
Waste Site Allocations and Development Management Policies Examination	May 2015	No
Waste Site Allocations and Development Management Policies Adoption	August 2015	No