



Cabinet Member Decision ±Economy, Skills and Infrastructure
Friday, 24 April 2015

Agenda

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1	Approval of Proposed Revised Mineral and Waste Local Development Scheme for Worcestershire	1 - 34

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4. The National Planning Policy Framework (NPPF) states that; 'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs'. In Worcestershire, sand and gravel (of several kinds), limestone, sandstone and granite, silica sand, building stone, brick clay, coal, and brine have all been worked in the past. Construction and demolition waste has also been and continues to be recycled into aggregates at large scale in the county. There is little evidence that oil and gas resources exist in the county and by implication, no evidence that

9. Brick clay and silica sand reserves do however appear to be adequate. Brick production in the county fell after the banking crisis of 2008 but is now recovering and the county has the capacit

Health and well-being: Mineral workings have the potential to affect health and well-being from dust, vibration, noise and other emissions produced during operations and by creating traffic congestion and disturbance. The Plan will include policies to make sure

which are yet to be set for the entire period covered by the LDS.

19. The statutory regulations do however require that the final document must be approved by Cabinet and Council before it is submitted to the Secretary of State and formally published for public comment. Members will therefore have the ultimate power to approve its contents.

20. The Cabinet Member with Responsibility for Economy, Skills and Infrastructure is now asked to approve the revised Mineral and Waste Local Development Scheme for Worcestershire with immediate effect.

MINERALS AND WASTE LOCAL DEVELOPMENT SCHEME

**Worcestershire County Council
24th April 2015**

This is the Council's eighth Local Development Scheme.

This scheme has been prepared in compliance with the Planning & Compulsory Act 2004 as amended and the Town and Country Planning (Local Planning) (England) Regulations 2012

Preface

"Minerals are essential to support sustainable economic growth and our quality of life. It is therefore essential that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs."

National Planning Policy Framework 2012 para 142

"How we deal with our waste is important for a range of broader concerns such as material security, energy, climate change and environmental protection. While good progress has been made over the last decade to reduce the volume of waste sent to landfill and increase recycling, we can and must go further and faster. If we do, we will see the benefits not only in a healthier natural environment and reduced impacts on climate change, but also in the competitiveness of our businesses through better resource efficiency and innovation,

MINERALS AND WASTE LOCAL DEVELOPMENT SCHEME1

National planning policy now requires the production and annual review of a "Local Aggregates Assessment" (LAA) to summarise the nature of the local demand for and supply of aggregate minerals. The LAA must be informed and considered by the Aggregates Working Party (formerly Regional Aggregates Working Party) (RAWP). The AWP has only met once during the period of plan preparation to date which has frustrated and delayed the development of the LAAs in the West Midlands.

Of the original team of 4 in the Minerals and Waste Planning Policy section developing the Plan, one went on maternity leave in August and another accepted voluntary redundancy, as a BOLD saving, leaving in September 2013.

Together these:

caused delay, disruption and some loss of time and

led to delays in elements of the work, notably that documents could only be formatted

	<ul style="list-style-type: none"> - the Redditch Local Plan (currently in the process of being superceded by the Redditch Draft Local Plan no. 4), - the Malvern Local Plan, - the Worcester Local Plan and - Wychavon Local Plan, <p>(all three currently in the process of being superceded by the South Worcestershire Development Plan) and</p> <ul style="list-style-type: none"> - the Wyre Forest Core Strategy.
The Waste Core Strategy for Worcestershire	The Waste Core Strategy for Worcestershire Development Plan Document was found "sound" and adopted in November 2012.

Purpose of the Minerals and Waste Local Development Scheme

- 1.7. The Local Development Schemes sets out the Local Development Documents that the Council intends to prepare over the next 3 years. It gives an overview of the topics that these documents will relate to and a timescale for their preparation, setting out key milestones.
- 1.8. Achievement of the milestones in the Local Development Scheme is monitored through the Annual Monitoring Report prepared and published by the Council each year. The Local Development Scheme will be updated if there are changes to the timescales proposed or if the Council intends to prepare new statutory planning documents.
- 1.9. This Local Development Scheme (version 8) sets out the timescale for the preparation of the Minerals Local Plan for Worcestershire. The difference between a "Core Strategy" (as in the Waste Core Strategy for Worcestershire) and "Local Plan" reflects changes in terminology in government policy introduced in the Localism Act, National Planning Policy Framework and new statutory regulations. A "Core Strategy" and a "Local Plan" both set out strategic planning policies for the relevant topics and both carry the same weight in decision making.

Possible future Planning documents

- 1.10. The council intends to produce detailed Concept Plans to guide the restoration of the Specific Sites identified in the Plan. Because the decision to do so will be influenced by responses to the Third and Soundness Consultations and ultimately by the Inspector it is not possible at this stage to be able to say if these plans will be within the main body of the Plan itself or should be produced subsequently as Supplementary Planning Documents.
- 1.11. The Council's monitoring of the Waste Core Strategy and anecdotal evidence from developers and tippers suggests that although the Waste Core Strategy policies on landfill are working adequately and the county has sufficient permitted landfill space on paper, the current distribution of permitted landfill space may not be adequate to meet market need, in particular, the need for "inert" landfill capacity in the north of the county. The Council proposes therefore

to re-assess this policy through the Mineral and Waste Local Development Scheme Annual Monitoring Report (the "AMR") to consider if a "Landfill in Worcestershire, Supplemen

Schedules of Proposed Minerals and Waste Development Documents

- 1.16. At present the Council's priorities in the Local Development Scheme are to:
- monitor the Waste Core Strategy Development Plan Document and
 - prepare

Schedule 2

Key stages in the process of and indicative timetable for producing the Minerals Local Plan

Commentary on Schedules 1 and 2: Key milestones for the preparation and adoption of the Minerals Local Plan⁴

Consultation Proposals

1.18.

that the Council thinks will be affected by the Minerals Local Plan⁵. The Council will undertake this in three ways:

Inviting as wide a range of contacts as possible to join the consultation database. All of those who wish to join will be formally consulted at each stage; informing the general public through public notices, press releases and publicity through the Council's website and social media; and engaging with partners and key stakeholders regarding specific issues to fulfil the Council's 'duty to cooperate'.

1.19. The consultation methods followed will be broadly in accordance with the Council's revised Statement of Community Involvement (adopted 2015) pending its revision or replacement.

1.20. The statutory regulations prescribe that certain consultees should be involved and the council intends to work particularly closely with the following in the preparation of the Minerals Local Plan:

The 6 City, District and Borough Councils in the County

All Mineral Planning Authorities within 45km⁶ of the county and others where particular issues of common concern are identified

The West Midlands and other Aggregate Working Parties as appropriate

The British Geological Survey and mineral producer business groups and individual companies

Water resources, biodiversity and pollution control Environment Agency and Statutory Undertakers

the West Midlands Resource Technical Advisory Body for Waste (RTAB), and adjoining RTABs as appropriate, regarding the use of secondary, recycled and alternative materials as aggregates

Natural England, Worcestershire Wildlife Trust and Biological Records Office regarding Environmental Data

English Heritage and County Historic Environment and Archaeology Service regarding heritage information

Highways Agency, rail and water regulators and County Highways authorities regarding transport issues.

1.21. Associated agencies such as Worcester Regulatory Services and other organisations and individuals will be consulted as appropriate. The council will maintain and update a database of all consultees it has engaged with and prepare consultation statements setting out who it has consulted and how,

⁴ The Waste Core Strategy was prepared under the 2008 regulations but was adopted under Regulation 26 of the . The Minerals Local Plan will be prepared in accordance with the

⁵ All references to consultations on the emerging Minerals Local Plan should be read as also referring to the Sustainability Appraisal and Habitats Regulations Assessment which will be prepared alongside it.

⁶ It is estimated by the Minerals Product Association that it is not economic to transport most aggregates more than 38km. To reflect the potential influence of market forces a 45km catchment is considered a reasonable distance of consideration.

during the course of developing the plan. All consultees who have requested to be involved in minerals planning will be involved in the formal consultation alongside focused consultation with key stakeholders on specific technical issues.

Evidence Base

- 1.22. The evidence base to support the development of the Minerals Local Plan will be developed in consultation with the community as a whole and relevant organisations and agencies as part of the plan making process.
- 1.23. Documents will be published on the council's Minerals Local plan web pages as "living documents" updated and revised as necessary. All will be consulted on formally but will also be open to public comment throughout the process, up to submission to the Secretary of State. All will be prepared by the Council's Planning Unit unless specialist expertise is necessary; at present this is anticipated to be limited to some Sustainability Appraisal and Habitats

1.32. The council cannot legally adopt a3(e)4(g)an has been found3(e)4(g)unsound.

Plan Monitoring and Review

- 1.36. It is a statutory requirement that the Council prepares an Annual Monitoring Report⁸ (AMR) to assess progress in the implementation of the Local Development Scheme and the extent to which policies in development plan documents are being achieved or are still relevant. The AMR reports on the monitoring indicators included in the adopted Waste Core Strategy, indicators developed as part of the emerging and finally adopted Minerals Local Plan and other matters relating to the council's duties as the Mineral and Waste Planning Authority for Worcestershire. The indicators in the Waste Core Strategy set out targets and review triggers and a process to assess if a failure to meet a target is significant. The purpose is to formally review the effectiveness of the strategy and to identify whether changes are necessary.
- 1.37. The Annual Monitoring Report:
Compares progress against the targets and milestones set out in the Minerals and Waste Local Development Scheme and
Monitors the council's adopted minerals and waste local development documents (the Waste Core Strategy and Minerals Local Plan and once adopted) to:
- assess the extent to which policies are being implemented.
 - identify policies that may need to be amended or replaced.
 - measure the performance of the policy documents against their vision and strategic objectives.
 - establish whether policies have had unintended consequences.
 - establish whether assumptions and objectives behind policies are still relevant.
 - establish whether targets are being achieved.
 - indicate where and when it is necessary to revise the policy documents.
- 1.38. The Council will publish the Annual Monitoring Report on its website before the end of December each year. The AMR both informs the council's

disseminate good practice. This is useful but not

Appendix 3: Inter-Relationship of Documents

The inter-relationship (chain of conformity) of the Documents included in the Minerals and Waste Development Scheme is set out below:

**Waste Core
Strategy for
Worcestershire**

Appendix 4: Schedule of policies in the county of Hereford and Worcester Minerals Local Plan (adopted April 1997) saved by the Secretary of State, **to be superceded by the Minerals Local Plan for Worcestershire.**

The following six policies will be superceded when the Minerals Local Plan is adopted.

- | | |
|-----|----------------------------|
| M.1 | Regional Production |
| M.2 | Safeguarding of Deposits |
| M.3 | Mineral Extraction |
| M.4 | Restoration and Aftercare |
| M.5 | Abberley and Malvern Hills |
| M.6 | Recycled Materials |

All of these policies and all of the text and maps currently supporting the COUNTY OF HEREFORD AND WORCESTER MINERALS LOCAL PLAN (ADOPTED APRIL 1997) will be superceded when the Minerals Local Plan for Worcestershire is adopted.

Appendix 5: Glossary

(Note: terms in *italics* are explained elsewhere in the glossary)

The Act: the Planning and Compulsory Purchase Act 2004.

Annual Monitoring Report: part of the *Local Development Framework*, the Minerals and Waste Local Development Scheme Annual Monitoring Report (the "AMR") assesses the implementation of the *Minerals and Waste Local Development Scheme* and the extent to which policies in *Local Development Documents* are effective and are being successfully implemented. The statutory regulations enacted under *the Act* prescribe that all planning Authorities must prepare and publish AMRs annually.

Core Strategy: sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. Core Strategies have the status of a *Development Plan Documents*. The government's preferred term for Core Strategies is now "*Local Plans*."

Development Plan: as set out in Section 38(6) of *the Act*, the Development Plan originally consisted of the relevant *Regional Spatial Strategy* (or the Spatial Development Strategy in London) and the *Development Plan Documents* contained within its *Local Development Framework*. The Waste Core Strategy was prepared on this basis. The government has now revoked every aspect of Regional Planning in Planning law and policy. The evidence base on which the WMRSS was prepared will remain a material consideration until superceded by subsequent research.

Development Plan Documents: spatial planning documents that are subject to independent examination will form the *Development Plan* for a local authority area for the purposes of the Act. They can include a *Core Strategy* or *Local Plan*.

Habitats Regulations Assessment: Plans and projects, such as the Waste Core Strategy and the Minerals Local Plan, which have the potential to affect European sites of nature conservation importance, have to be assessed against the requirements of the Habitat Regulations to determine whether they will have any likely significant effects on the integrity of any European designated sites.

(Worcestershire County Council) needs to prove that the plan would have no likely significant effects on European
Habitats Regulations Assessment.

Local Development Document: the collective term in the *Act* for *Development Plan Documents* (DPDs), *Supplementary Planning Documents* and the *Statement of Community Involvement*. The statutory regulations specify that DPDs are "*Local Plans*".

Local Plan: sets out the long-term spatial vision for the local planning authority area, the spatial objectives and strategic policies to deliver that vision. Local Plans have the status of *Development Plan Documents*.

Local Development Framework: term used in PPS 12 (now revoked) to describe the collection of Plans and supporting documents (see *Minerals and Waste Local development Framework* below) which collectively made up the Development Plan in a Planning Authority area.

Local Development Scheme: document, setting out the nature, content and timetable of all of the *Development Plan Documents* a local planning authority intends to produce. The

statutory regulations enacted under *the Act* prescribe that all planning Authorities must prepare and publish a *Local Development Scheme*. *Development Plans* will not be found "sound" at Examination if they do not comply with the latest Local Development Scheme for a local authority area.

Minerals and Waste Development Framework: in two-tier areas, counties are responsible for producing Minerals and Waste Development plans. The suite of documents, including *Development Plan Documents*, *Supplementary Planning Documents*, *Statement of Community Involvement*, *Annual Monitoring Reports* and *Local Development Scheme* together make up what was referred to in PPS 12 (now revoked) as "the Minerals and Waste Development Framework".

Minerals and Waste Local Development Scheme (LDS): sets out the programme for preparing *Local Development Documents*. Statutory regulations require all authorities to produce a Local Development Scheme.

Saved policies or plans: existing adopted Development Plans were saved for three years from the date of comment of the *Act*. Policies in the Structure Plan for Worcestershire, which were still considered relevant and conformed to the Regional Spatial Strategy, were further formally superseded or revoked. The "saved" policies in the Hereford and Worcester Minerals Local Plan will remain extant until superceded by the Minerals Local Plan for Worcestershire.

Statement of Community Involvement (SCI): sets out the standards which authorities will achieve with regard to involving local communities in the preparation of *local development documents* and development control decisions. The Statement of Community Involvement is not a *Development Plan Document* but the firs0(u)4(n)4(i)3(t)-2(y)104()7(f)-1g3(o)4(n)-6(a)4(i)4(t)-2()-2((p

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WORCESTERSHIRE COUNTY COUNCIL EQUALITY IMPACT ASSESSMENT TEMPLATE

Please read the brief guidance which provides essential information for anyone who is unfamiliar with the County Council Equality Impact Assessment process.

Background information:

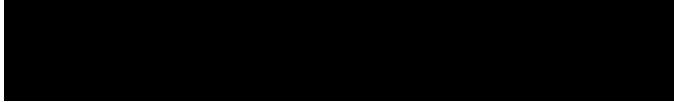
Name:	N Dean
Job Title:	Minerals and Waste Planning Policy Manager
Service area:	Planning
Directorate:	BEC
Telephone:	01905 766374
Email address:	ndeane@worcestershire.gov.uk
Date assessment commenced:	24/02/2015
Date assessment completed:	25/02/2015

Function, strategy, project, policy or procedure being assessed:

Name of the function, strategy, project, policy or procedure being assessed:	Minerals and Waste Local Development Scheme v8 April 2015
Is this a new or an amended policy?	Amended
Does the policy form part of a wider programme which has already been screened for equality relevance?	Yes

Stage 1 - Please summarise the main objectives, aims and intended outcomes of this policy

Aims/Objectives:	The County Council is the Minerals and Waste Planning Authority for Worcestershire and is responsible for all minerals and waste planning matters in the county. The <i>Planning and Compulsory Purchase Act</i> (Ch 5 paras 16 and 17) as revised by the <i>Localism Act 2012</i> and supplemented by the <i>Town and Country Planning (Local Planning) (England) Regulations 2012</i> states that County Councils must prepare, maintain and publish a Minerals and Waste Local Development Scheme setting out the process, programme and timescale of the Development and Supplementary Development Plans they intend to prepare (currently the Minerals Local Plan).
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Please summarise how these outcomes will be achieved?	The revised scheme will be formally approved by the Cabinet Member with responsibility. The scheme sets out a timetable for the production and adoption of the Minerals Local Plan.
Where an existing policy is to be amended please summarise principle differences between the existing and proposed policies?	The proposed scheme updates the former and revises and extends the timetable for the production of the Minerals Local plan.

Stage 2 - Information gathering/consultation

Please give details of data and research which you will use when carrying out this assessment:	EIA Desktop Screenings for the previous Local Development Scheme in July 2012 and for the Minerals Local Plan in July 2012 will be referred to. Assessment of equalities compliance issues required in the National Planning Policy Framework and National Planning Policy Guidance.
Please give details of any consultation	

Please indicate how these actions will be taken forward as part of your team/service/directorate planning:	The LDS and AMR are part of the BEC Service Plan.
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Stage 5 - Monitoring & Review

How frequently will proposed action be monitored?	A response document is published after each consultation. The results are reported in the AMR
How frequently will intended outcomes be evaluated?	After each consultation and annually.
Who will be responsible for monitoring and evaluation?	The Minerals and Waste Planning Policy Manager (N Dean).
How will you use the monitoring and evaluation results?	To revise the Council`s consultation database.

Stage 6 - Publication

Worcestershire County Council requires all assessments to be published on our website. Please send a copy of this assessment to the Corporate Equality and Diversity Team for publication.

	Signature	Date
Completing Officer:	N D Dean	<u>25/02/2015</u>
Lead Officer:	M Joynes	25/02/2015
Service Manager:	N Hudson	Click here to enter a date.