

HERTFORDSHIRE COUNTY COUNCIL

CABINET

WEDNESDAY, 9 NOVEMBER 2016 AT 2.00PM

COUNTY COUNCIL

TUESDAY, 15 NOVEMBER 2016 AT 10.00AM

<u>Agenda Item</u> <u>No</u> 7
<u>Agenda Item</u> <u>No</u> 5A

ADOPTION OF THE REVISED MINERALS AND WASTE DEVELOPMENT SCHEME (MWDS)

Report of the Chief Executive and Director of Environment

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Executive Member: Derrick Ashley. Environment, Planning and Transport

1. Purpose of Report

- 1.1 To seek Cabinet approval to the changes made to the Hertfordshire Minerals and Waste Development Scheme (MWDS) (attached to Appendix 1 to the report) and consequently the new timetable (attached to Appendix 2 to the report) for document production.

2. Summary

- 2.1 Statutory local plan making regulations¹ require Hertfordshire County Council (“the County Council”) as Minerals and Waste Planning Authority to produce a MWDS. The scheme details the planning documents the Council intends to produce, the timetable for their production and indicates opportunities for public participation. The County Council has produced a number of these schemes since 2005, which are revised when necessary.
- 2.2 The previous Minerals and Waste Development Scheme (MWDS) was presented to the Community Safety and Planning Cabinet Panel and adopted by the County Council in November 2014.
- 2.3 The reasons for updating the MWDS are set out below:
- Following the first stages of the review of the Minerals Local Plan (Initial consultation, stakeholder event and call for sites) (MLP) the Minerals and Waste Planning Authority has reviewed the work undertaken so far and the elements needed within the next stages of plan production. Further

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012.

technical work is needed to ensure that a robust evidence base supports the MLP this includes site assessment, sustainability appraisal and Habitats Regulation Assessment. The technical work will inform the next stages of the review process and is a crucial stage for the Draft Plan. The time needed to complete the technical work in full and ensure a robust evidence base for the Draft Plan needs to be reflected in a revised MWDS.

- Since the MWDS was adopted in 2014, the Employment Land Areas of Search Supplementary Planning Document has been adopted by the County Council. Therefore, the MWDS should reflect this position.
- It is proposed that the MWDS should also set out the proposed timeline to review the Waste Local Plan. The Waste Site Allocations document (2014), which forms part of the Waste Local Plan states that 'the plan will be reviewed in full every five years and a partial review may be undertaken sooner than that if required'.

2.4 The MWDS and timetable has, therefore, been amended to reflect these changes, and is set out in further detail in Section 5 below. The scheme covers the period 2016 to 2020. The timetable attached as Appendix 2 to this report sets out the estimated plan production timescale during this time.

3. Recommendation/s

- 3.1 The Environment, Planning & Transport Cabinet Panel will consider a report on this item of business at its meeting on 2 November 2016. The Panel will be invited to recommend that Cabinet recommends to County Council that County Council approves the revised Minerals and Waste Development Scheme and new timetable as set out in the report and its appendices.
- 3.2 The Cabinet Panel's recommendation/s to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Order of Business.
- 3.3 Cabinet's recommendation/s to County Council will be set out in the Council Order of Business.

Background

- 4.1 Under the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012, local planning authorities are required to produce a Local Development Scheme. For the County Council, this is known as Minerals and Waste Development Scheme (MWDS). This document should set out what documents are to be prepared, the timescale, and key milestones for their preparation over the coming three years, the resources required and any identifiable risks.
- 4.2 The County Council approved its first MWDS in April 2005 with subsequent updates in 2006, 2007, 2008, 2010, 2011, 2013 and 2014.

- 4.3 The chapters within the MWDS for Hertfordshire cover the requirements identified in paragraph 4.1 above. Section 2 covers the adopted minerals and waste planning documents in addition to other planning documents such as the Statement of Community Involvement, Authority's Monitoring Report (AMR) the Local Aggregate Assessment and Supplementary Planning Documents produced by the County Council.
- 4.4 Section 3 highlights the relationship between national policy, local plans and strategies which the County Council need to take into account when producing planning documents.
- 4.5 The MWDS also includes a section on review and monitoring which sets out the stages of preparation for the review of the Minerals and Waste Planning documents. Whilst the MWDS provides an overview of the milestones for plan production, the County Council is also required to produce additional documents for monitoring purposes in the form of the Authority's Monitoring Report and the Local Aggregate Assessment (LAA). The Minerals and Waste Development Scheme specifies that these will be carried out annually. The AMR contains monitoring information relating to whether the County Council has met the MWDS targets and milestones and whether there is a need to update the MWDS.
- 4.6 The timetable included within the MWDS and set out in Appendix 2 to this report also shows the documents that will either be continually monitored or produced during the timescale of the revised MWDS.
- 4.7 The Waste Core Strategy and Development Management Policies document sets out the strategic, spatial element of the waste development framework and contains development management policies, for waste management in the County. This document was adopted in November 2012. It is listed within the timetable to be monitored on an annual basis through the Authority's Monitoring Report (AMR).
- 4.8 The Waste Site Allocations document identifies sites and areas for waste management facilities. The document includes maps and planning briefs for sites identified as existing strategic sites, Allocated Sites and Employment Land Areas of Search. The Waste Site Allocations document was adopted in July 2014. The document will be monitored on an annual basis through the Authority's Monitoring Report (AMR). This document would record any issues which may trigger a review, for example changes in data, site circumstances or change in strategy direction.
- 4.9 The Employment Land Areas of Search Supplementary Planning Document is designed to assist developers submitting waste related developments within the 60 Employment Land Areas of Search (ELAS) that are identified in the adopted Waste Site Allocations document. Following public consultation in May – June 2015, this document was adopted by County Council in November 2015. It is listed within the timetable to be monitored on an annual basis through the Authority's Monitoring Report (AMR) along with the Waste Site Allocations.

- 4.10 Section 5 sets out the resources for staffing and support, budget provision and the management process for document production. In addition, this section includes risks and contingencies for the programming of work and within the decision making context.

5 Key Changes

- 5.1 The timetable outlined in the previous MWDS covered the period July 2014-December 2018 and set out the documents that the County Council intended to produce over that time. The MWDS has been updated to reflect the adoption of the Employment Land Area of Search Supplementary Planning Document (“SPD”) and to provide an up-to-date, accurate timescale of plan production for the Minerals Local Plan and to incorporate the review of the Waste Local Plan, taking account of anticipated Council meeting dates and possible extensions to consultations to allow for holiday periods.

Minerals Local Plan review

- 5.2 The main changes to the MWDS for the Minerals Local Plan are set out below. The key milestones for the Minerals Local Plan are also set out in Section 4 of the MWDS. The key milestones are considered to be realistic and achievable, barring unforeseen circumstances.
- 5.3 The main change is the delay to the MLP Draft Plan consultation due to further technical work needed to inform the Draft Plan to ensure that a robust evidence base supports the MLP. This will, consequently have a knock on affect to the subsequent stages of the review process.

Milestone	MWDS 2014	Proposed MWDS 2016
Initial Consultation (Public Engagement)	Included as part of evidence gathering	August 2015 – October 2015
Call for Sites	Included as part of evidence gathering	February – April 2016
Draft MLP Plan consultation (Public Engagement)	September-October 2016 (Six weeks)	August – October 2017
Date for Publication of MLP Proposed Submission (Public Participation)	June-July 2017 (Six week)	August – October 2018
Submission to the Secretary of State for independent examination	August 2017	November 2018
Possible independent examination period (depending upon the precise date when the document is submitted to	September-November 2017	January – March 2019

the Secretary of State)		
Publication of the Inspector's Report into the examination of the document (this is dependent upon the precise dates of the independent examination)	December 2017- February 2018	April - June 2019
Presentation of the Minerals Local Plan to Cabinet Panel, Cabinet and County Council for adoption	June-July 2018	October – November 2019
Proposed Date for Adoption of the Minerals Local Plan	July 2018	November 2019

Waste Local Plan review

- 5.4 The timeline for the Waste Local Plan review is set out below. These key milestones are also set out in Section 4 of the MWDS. The timeline shows the initial evidence base work to be undertaken through 2017 – 2019. It is anticipated that within this time at least one stage of public consultation would be undertaken and, if required, a call for sites. Following this, it is the intention that the Draft Waste Local Plan consultation would be undertaken in summer 2019 and subsequent plan making stages following this. The key milestones are considered to be realistic and achievable, barring unforeseen circumstances.

Milestone	Proposed MWDS 2016 Timeline
Initial stages including evidence gathering, initial consultation and call for sites (if required)	2017 -2019
Draft WLP Plan consultation (Public Engagement)	August – October 2019
Publication of Proposed Submission (Public Participation)	August – October 2020
Submission to the Secretary of State	November/December 2020
Possible Examination and Adoption of the Waste Local Plan	2021

6 Next Steps

- 6.1 The MWDS is not subject to independent examination and will not be published for the public to make formal comment. However, in order for it to be brought into effect there needs to be a resolution. This requirement is specified in Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011:

‘To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect’.

- 6.2 It is, therefore, intended that the Minerals and Waste Development Scheme be considered by Cabinet on 9 November 2016 and for adoption by County Council at its meeting on 15 November 2016.

7 Financial Implications

- 7.1 The cost of producing the Minerals and Waste Development Scheme can be met from existing budgets. The approximate costs of document production are set out in the Minerals Waste Development Scheme.

8 Equalities Impact Assessment (EqIA)

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered, the equality implications of the decision that they are making.
- 8.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council’s statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 8.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 8.4 It is not anticipated that people with protected characteristics will be affected disproportionately by the proposals set out in the report. Each stage of plan production will be subject to its own Equalities Impact Assessment.

Appendix 1 – Minerals and Waste Development Scheme

Appendix 2 – Minerals and Waste Development Scheme Timetable 2016

Background documents referred to and used in writing this report:

The National Planning Policy Framework (2012), DCLG

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance (2014), DCLG

<http://planningguidance.communities.gov.uk/blog/guidance/minerals/>

Town and Country Planning (Local Planning) (England) Regulations 2012

http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf

The Planning and Compulsory Purchase Act 2004

<http://www.legislation.gov.uk/ukpga/2004/5/contents>

The Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Hertfordshire Statement of Community Involvement (2013)

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/sci1/>

Waste Core Strategy and Development Management Policies document (adopted November 2012)

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/wasteplan/wstd-evfrmrk/>

Waste Site Allocations document (adopted July 2014)

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/wasteplan/wstd-evfrmrk/wastesiteallocationsdocument/>

Employment Land Area of Search SPD (adopted November 2015)

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/wasteplan/wstd-evfrmrk/18791775/>

Minerals Local Plan (adopted March 2007)

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/mlp/mlpadoptionmarch2007/>

Environment, Planning and Transport Cabinet Panel, (2 November 2016)

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