1. Purpose of Report

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

2. Summary

2.1 Statutory local plan making regulations require 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 current Minerals and Waste Development Scheme (MWDS) was adopted by the County Council in November 2016.

2.3 The reasons for updating the MWDS are set out below:

• The continuing progress of the Minerals Local Plan. Following the primary stages of the Minerals Local Plan (MLP) review (Initial consultation, stakeholder event and call for sites), the MLP has undergone Regulation 18 consultation. The time required to process representations, and consider amendments to the Draft Plan document ahead of the Regulation 19 Proposed Submission consultation, should be reflected in the MWDS.

• The primary stages of the Waste Local Plan (WLP) review have concluded including public consultation on the WLP Initial Consultation Document (February 2018). The timeline to review the WLP should be amended in the MWDS to reflect the time required to process and address representations received as the review of the WLP moves forward.

2.4 The MWDS and timetable has been amended to reflect these changes. Section 5 of this report covers the changes implemented in further detail. The revised MWDS covers the period 2018 to 2022. The timetable attached to Appendix 2 of the report sets out the estimated plan production timescale during this time.

3. Recommendations

3.1 The Growth, Infrastructure, Planning and the Economy Cabinet Panel will consider this item of business at its meeting on 14 November 2018. The Panel will be invited to consider the revised MWDS and new timetable and to recommend to Cabinet that it recommends to Council that Council adopts the revised Minerals and Waste Development Scheme, attached as Appendix 1 to the report, and approves the revised timetable for document production, attached as Appendix 2 to the report.

3.2 The Cabinet Panel’s recommendation/s to Cabinet will be reported orally at the Cabinet meeting and circulated in the Cabinet Order of Business.

3.3 Cabinet’s recommendation to County Council will be circulated in the Council Order of Business.

4. Background

4.1 In line with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, local planning authorities are required to produce a Local Development Scheme. For the County Council, this is known as the Minerals and Waste Development Scheme (MWDS). This document sets out the planning documents to be prepared, the timescale, all key milestones for their preparation over the coming three years, the resources required in their production, and any identifiable risks.

4.2 The MWDS sets out the stages of preparation and key milestones for the review of the Minerals and Waste Planning documents. The County Council
is also required to produce additional annual monitoring documents in the form of the Authority’s Monitoring Report (AMR)\textsuperscript{2} and the Local Aggregate Assessment (LAA)\textsuperscript{3}. 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.

4.3 Section 2 of the revised MWDS covers the documents identified in paragraph 4.1 and 4.2 of this report, as well as the two additional Supplementary Planning Documents produced by the County Council. Table 1 below provides a brief overview the documents listed in MWDS.

Table 1 – Documents Included in the Minerals and Waste Development Scheme

<table>
<thead>
<tr>
<th>Document</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minerals Local Plan</td>
<td>The Minerals Local Plan (MLP) was adopted in March 2007 and contains the preferred areas for sand and gravel extraction in Hertfordshire, as well as the policies used for determining planning applications for mineral extraction. The MLP is being reviewed.</td>
</tr>
<tr>
<td>Waste Local Plan</td>
<td>The adopted Waste Local Plan (WLP) is comprised of two documents, the ‘Waste Core Strategy and Development Management Policies’ document adopted November 2012, and the ‘Waste Site Allocations Development Plan’ document adopted July 2014. Together they set out the waste management strategy for Hertfordshire and the location of existing waste sites, and those with the potential for future waste facilities. The WLP is currently being reviewed with the aim of adopting a new single-document WLP.</td>
</tr>
<tr>
<td>Statement of Community Involvement</td>
<td>Adopted in March 2013, the Statement of Community Involvement sets out the Council’s intentions for the involvement of communities in relation to the preparation and revision of the Minerals and Waste Development documents and consideration of planning applications for which Hertfordshire County Council is the planning authority.</td>
</tr>
<tr>
<td>Authority’s Monitoring Report</td>
<td>The Authority’s Monitoring Report reviews the Minerals and Waste Development Scheme, Plan-production progress of the MLP and WLP. It also reviews the performance of adopted policies, indicators of the MLP and WP, the capacity of new waste management facilities, and whether Plans conform to international and national regulations.</td>
</tr>
<tr>
<td>Local Aggregate Assessment</td>
<td>The Local Aggregate Assessment (LAA) document monitors aggregate production and plans for a steady and adequate supply of aggregate in Hertfordshire (namely sand, gravel and clay within the county). The</td>
</tr>
</tbody>
</table>
4.4 Section 3 of the MWDS highlights the relationship between national policies, Local Plans, and the strategies which the County Council must take into account when producing planning documents.

4.5 The timetable included and set out in Appendix 2 of this report shows the documents that will either be continually monitored or produced during the timescale of the revised MWDS.

4.6 It should be noted that following a legal challenge to the National Planning Policy Framework (NPPF), there may be an additional need to review each document covered by the MWDS, ensuring conformity with any possible amendments to the NPPF.

4.7 Section 5 of the MWDS 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 November 2016-December 2020. The revised MWDS covers the periods 2018 to 2022 and sets out the documents that the County Council intend to produce over that time.

5.2 The revised MWDS reflects the progress of the Minerals Local Plan review and Waste Local Plan review, providing an amended timescale for both plans production.

5.3 Alterations to the timetable have been influenced by:

- Staff resource - as the Policy team work on both plans;

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<table>
<thead>
<tr>
<th>Mineral Consultation Areas in Hertfordshire Supplementary Planning Document</th>
<th>Adopted in November 2007, this document ensures that district and borough councils consult the County Council before determining applications for developments in mineral consultation areas. As part the of the Minerals Local Plan review, the content of this document will become part of the emerging Minerals Local Plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Land Areas of Search Supplementary Planning Document</td>
<td>Adopted in November 2015, this document is designed to assist developers submitting waste related developments within the 60 Employment Land Areas of Search that are identified in the adopted Waste Site Allocations document. It is listed within the timetable to be monitored on an annual basis through the Authority’s Monitoring Report, and will be reviewed at the same time as the Waste Local Plan.</td>
</tr>
</tbody>
</table>
• Implementation of the General Data Protection Regulation – influencing how the County Council consults and manages personal data;
• The number of consultation responses received – a large number of consultation representations were received to the Draft Minerals Local Plan, extending the time needed to process each representation and respond. This has influenced and extended the amended Waste Local Plan timetable should a similar public response be received.

Minerals Local Plan review

5.4 The main changes to the MWDS for the Minerals Local Plan (MLP) are set out below. The key milestones for the MLP, set out in Section 4 of the MWDS, are considered to be realistic and achievable, barring unforeseen circumstances.

5.5 The main update for the MLP review is the completion of a Regulation 184 public consultation on the Draft Plan document which took place between December 2017 and February 2018.

5.6 The timeline of the MLP review has been extended to reflect the large volumes of representations received during the Draft Plan consultation, and the resource and time required to process them.

Table 2 – Timeline for the MLP Review

<table>
<thead>
<tr>
<th>Milestone</th>
<th>MWDS 2016</th>
<th>Proposed MWDS 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Consultation (Public Engagement)</td>
<td>August 2015 – October 2015</td>
<td>August 2015 – October 2015</td>
</tr>
<tr>
<td>Call for Sites</td>
<td>February – April 2016</td>
<td>February 2016 – April 2016</td>
</tr>
<tr>
<td>Draft MLP Plan consultation (Public Engagement)</td>
<td>August – October 2017</td>
<td>December 2017 – February 2018</td>
</tr>
<tr>
<td>Date for Publication of MLP Proposed Submission (Public Participation)</td>
<td>August – October 2018</td>
<td>January – June 2019</td>
</tr>
<tr>
<td>Submission to the Secretary of State for independent examination</td>
<td>November 2018</td>
<td>July 2019</td>
</tr>
<tr>
<td>Possible independent examination period (depending upon the precise date when the document is submitted to the Secretary of)</td>
<td>January – March 2019</td>
<td>September – November 2019</td>
</tr>
</tbody>
</table>

Milestone | MWDS 2016 | Proposed MWDS 2018
--- | --- | ---
State) |  |  
Publication of the Inspector’s Report into the examination of the document (this is dependent upon the precise dates of the independent examination) | April - June 2019 | December 2019 – February 2020
Presentation of the Minerals Local Plan to Cabinet Panel, Cabinet and County Council for adoption | October – November 2019 | March - May 2020
Proposed Date for Adoption of the Minerals Local Plan | November 2019 | June - August 2020

**Waste Local Plan review**

5.7 The timeline for the Waste Local Plan review is set out in Table 3. Key milestones of the review are set out in Section 4 of the MWDS. The timeline shows the initial evidence base work to be undertaken through 2017 – 2019, and has been amended to consider the impact of Minerals Local Plan work occurring at the same time. The key milestones are considered to be realistic and achievable, barring unforeseen circumstances.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>2016 Timeline</th>
<th>Proposed MWDS 2018 Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial stages including evidence gathering, initial consultation and call for sites (if required)</td>
<td>2017 -2019</td>
<td>2017 – 2019</td>
</tr>
<tr>
<td>Initial Consultation (Public Engagement)</td>
<td>August – October 2019</td>
<td>February 2018 – March 2018</td>
</tr>
<tr>
<td>Draft WLP Plan consultation (Public Engagement)</td>
<td>August – October 2020</td>
<td>June 2019 – October 2019</td>
</tr>
<tr>
<td>Publication of Proposed Submission (Public Participation)</td>
<td>November/December 2020</td>
<td>June 2020 – October 2020</td>
</tr>
</tbody>
</table>
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 Panel on 14 November 2018, Cabinet on 26 November 2018 and for adoption at County Council on 27 November 2018.

7. **Financial Implications**

7.1 The production and submission of the Minerals Local Plan to the Secretary of State by the summer of 2019 is a statutory duty and the associated costs (printing, distribution, adverts etc.), employing consultants to carry out the required site selection and sustainability appraisal, in preparation for an Examination in Public are included in existing budgets.

7.2 As an outcome of submitting the Plan the cost of any resulting Examination in Public (EiP) is estimated to be £160,000 in 2019/20 and £120,000 in 2020/21; proposals are currently being worked up for inclusion in the Integrated Plan. Should these not be agreed then this could result in an additional pressure for the service.

8. **Equalities Implications**

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 No EqIA has been undertaken in relation to this report. Each stage of plan production will be subject to its own Equalities Impact Assessment.

Background Information

The National Planning Policy Framework (2018), DCLG

National Planning Practice Guidance (2014), DCLG
http://planningguidance.communities.gov.uk/blog/guidance/minerals/

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

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

Hertfordshire Statement of Community Involvement (2013)
http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/sci1/

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/mlpadoptio
nmarch2007/