

Cabinet - 15 November 2007

Minerals and Waste Development Scheme

**Report of the Strategic Director for
Environment and Economy**

Recommendation

Cabinet is recommended to : -

1. Endorse the submission of the proposed revisions to the Minerals and Waste Development Scheme detailed in **Appendix A**, to the Secretary of State for approval.
2. Resolve that the revisions be brought into effect upon receipt of a non-intervention letter from the Secretary of State.
3. Authorise the Strategic Director to make any minor amendments as necessary.

1. Background

- 1.1 Under the Planning and Compulsory Purchase Act 2004, the County Council is required to prepare and keep up to date a Minerals and Waste Development Scheme (MWDS), which sets out the programme for the production of its Minerals and Waste Development Documents. In line with the requirements of the Act, Cabinet approved the Scheme on the 26 May 2005, which came into effect on the 9 June 2005.
- 1.2 The Scheme has subsequently been amended twice in November 2005 and October 2006. Cabinet considered further amendments to the timetable in February 2007. At this time, Communities and Local Government (CLG) had written to all authorities anticipating that their Local Development Schemes would need revision in the light of new government guidance, the publication of the final "Barker Report" and the first two core strategies to be examined being found "unsound", which had sent shock waves through the planning arena. Members approved revisions to the MWDS, against a background of uncertainty about the way forward and what exactly was needed to be in place by the time a Core Strategy is submitted to the Secretary of State (SoS) for independent examination. The receipt of further guidance from Government after the February Cabinet resulted in the MWDS being submitted for approval by the Secretary of State with no submission dates identified. This resulted in a holding

direction being received from the SoS, allowing further time to take on board their advice and prepare an amended timetable.

2. Proposed Changes to the Programme

- 2.1 One of the areas of uncertainty in February 2007 was the need to undertake a Strategic Flood Risk Assessment (SFRA), as required by Planning Policy Statement 25 (PPS25) – Development and Flood Risk at the Core Strategy stage. Clarification sought from the Environment Agency, CLG and Government Office for the West Midlands (GOWM) confirmed that this does need to be in place as a part of the evidence base prior to submission of the Core Strategy for independent examination. The County Council, together with the Warwickshire Districts, Coventry City Council and Solihull Metropolitan Council have therefore commissioned consultants to undertake this work jointly. The County Council was not in a position to revise its MWDS until the consultants for the SFRA had been appointed and the timetable they are working to had been established.
- 2.2 In the meantime, Worcestershire County Council and Shropshire County Council having both submitted Core Strategies to the SoS for examination, were advised by the Planning Inspectorate (PINs) that should they proceed to examination, their Core Strategies were likely to be found “unsound”. This advice appears to be based on ‘emerging guidance’ that that core strategies should to be “allocating strategic sites and areas critical to the delivery of the strategy’s vision” and making the difficult decisions in the Core Strategy.
- 2.3 Therefore, against this background over the summer, your Officers have reviewed and questioned the approach that has, hitherto, been taken to the preparation of its waste core strategy. Advice has been sought from CLG, PINs and GOWM in order to avoid producing an ‘unsound’ core strategy. Further, it is understood from colleagues around the country that the issue is a national problem with several other County Council’s finding themselves in a similar position (some having incurred substantial abortive costs) National meetings have taken place with CLG, PINs and county waste authorities to resolve the issues emerging in relation to the identification of strategic sites and to find an agreed way forward. Therefore, whilst there are a number of issues still to be resolved, it is considered that there is now sufficient guidance emerging from CLG for the County Council to review and refresh both the Minerals and Waste Core Strategies.
- 2.4 Following detailed discussions with GOWM, it is considered that the Councils Waste Core Strategy needs to be taken back to the Options stage (i.e. two stages back in the process), instead of moving forward to submission as previously planned. Although we have consulted previously on the key issues in the waste field, the spatial options to deliver the waste strategy have not been considered in sufficient detail as is required to meet the test of soundness, which requires the County Council to demonstrate that *“the strategy/policies represent the most appropriate in all the circumstances, having considered the relevant alternatives and they are founded on a robust and credible evidence base”*. It is therefore proposed to consult on a range of spatial options to deliver the waste strategy. After the adoption of the Core Strategy it is still the intention to prepare a Site Allocations Development Plan Document.

- 2.5 In relation to the Minerals Core Strategy, it is considered that, in order to deliver the strategy in Warwickshire, it will necessitate the identification of strategic sites at the Core Strategy stage, in line with emerging guidance. Therefore, it is proposed to produce a Core Strategy only, which will identify strategic sites. This is a major change in direction and will require a lot more detailed evidence and site information to be in place by the time the Core Strategy is submitted for Examination. The revised timetable for the preparation of the Core Strategy reflects this. However, it ought to be stressed that the overall preparation time and estimated adoption date is only seven months after that previously endorsed by Cabinet for the Minerals Site Allocations Document.
- 2.6 Whilst the proposals outlined above mean that we have to go back two stages in the plan preparation process, in light of the experience of both Worcestershire and Shropshire County Councils Core Strategies and the emerging guidance, it should bring about the core strategies being found “sound”. The alternative of an “unsound” plan would result in substantial costs to the authority in rectifying them to the satisfaction of both CLG and PINs.

3. Conclusions

- 3.1 The proposed revisions to the Minerals and Waste Development Scheme are necessary to ensure that the development plan documents to be produced are found “sound” and the timescales are robust both in terms of the timetables proposed to prepare them, but also to address the issues outlined in sections 2.2 and 2.3 above.

JOHN DEEGAN
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29 October 2007

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WASTE CORE STRATEGY TIMETABLE

STAGE	APPROVED DATES	PROPOSED DATES
Early Stakeholder and community engagement	June 2005	December 2007 – May 2008
Consultation Date: Issues and Options	February 2006	Revised Spatial Options June 2008
Consultation Date: Preferred Options and Proposals	August 2006	December 2008
Date of Submission to the Secretary of State and public consultation on Core Strategy	January 2007	June 2009
Pre-Examination Meeting	May 2007	To be arranged by PINs
Examination	August 2007	December 2009
Receipt of Inspectors Report	-	June 2010
Estimated Date for Adoption (Full Council approval needed)	February 2008	July 2010

WASTE ALLOCATIONS DPD TIMETABLE

STAGE	APPROVED DATES	PROPOSED DATES
Early Stakeholder and community engagement	March 2008	March 2010
Consultation Date: Issues and Options	June 2008	To be agreed
Consultation Date:	October 2008	To be agreed

Preferred Options and Proposals		
Date of Submission to the Secretary of State and public consultation on Core Strategy	February 2009	To be agreed
Pre-Examination Meeting	August 2009	-
Examination	November 2009	-
Receipt of Inspectors Report	-	-
Estimated Date for Adoption (Full Council approval needed)	May 2010	-

MINERALS CORE STRATEGY TIMETABLE

STAGE	APPROVED DATES	PROPOSED DATES
Early Stakeholder and community engagement	February 2006	December 2007 – December 2008
Consultation Date: Issues and Options	July 2006	Revised Spatial Options January 2009
Consultation Date: Preferred Options and Proposals	January 2007	November 2009
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Estimated Date for Adoption (Full Council approval needed)	September 2008	September 2011