



East  
Northamptonshire  
Council

## Planning Policy Committee – 21 October 2013

### Northamptonshire Minerals and Waste Local Plan: Final Draft Plan – Pre-Submission Plan consultation response

#### Purpose of report

The purpose of this report is to secure agreement for a formal East Northamptonshire Council response in respect of a consultation regarding the “Northamptonshire Minerals and Waste Local Plan: Final Draft Plan”; currently being undertaken by the minerals and waste planning authority (Northamptonshire County Council). The closing date for comments is **31 October 2013**.

#### Attachment(s)

Appendix 1: Northamptonshire Minerals and Waste Local Plan: Final Draft Plan (August 2013)  
Appendix 2: Draft Representation Form (Consultation Response)

#### 1.0 Background

- 1.1 On the 5 September 2013, Northamptonshire County Council (NCC), the minerals and waste planning authority (MWPA) launched a statutory public consultation, regarding the Northamptonshire Minerals and Waste Local Plan (MWLP): Final Draft Plan (**Appendix 1**). This consultation is the final formal statutory consultation stage for the MWLP, prior to its submission to the Secretary of State.
- 1.2 The final (statutory) consultation for the MWLP has a limited scope. **Representations should be made on the basis of compliance/ non-compliance with legal requirements and on meeting the tests of soundness.**
- 1.3 This report will cover the following matters:
  - Key changes to the new MWLP, from the adopted “Minerals and Waste Development Framework” (MWDF);
  - Matters covered by the consultation – Legal compliance and “soundness” tests;
  - Potential issues of concern arising from Final Draft Plan.

#### 2.0 Key changes to the new MWLP

- 2.1 NCC instigated a partial review of its MWDF, in response to the changes to the planning system introduced through the 2011 Localism Act and National Planning Policy Framework (NPPF). The County Council launched the MWDF review, in accordance with the NPPF, to combine the following development plan documents (DPDs) into a single Local Plan:
  - Minerals and Waste Core Strategy (adopted May 2010);
  - Locations for Minerals Development DPD (adopted March 2011);
  - Locations for Waste Development DPD (adopted March 2011);
  - Control and Management of Development DPD (adopted June 2011).

- 2.2 The review both combines the four DPDs into a single Local Plan, and extends the Plan period from 2026 to 2031. The published Final Draft Plan (Appendix 1) incorporates all of the relevant policies and supporting text from the adopted MWDF, including a range of factual changes (e.g. recent minerals and waste consents) together with policy updates and some new explanatory text (shown as “tracked changes”). In order to enable Members to identify the parts of the MWLP which have been reviewed/ updated, the significant changes are explained below.
- 2.3 **Section 2 (Context of Minerals and Waste Development in Northamptonshire)** – The “Policy Context” sub-section of section 2 (paragraphs 2.1-2.6) has been factually updated to reflect recent policy and legislative changes. These include the NPPF, Waste Framework Directive, Landfill Directive and the Northamptonshire Joint Municipal Waste Management Strategy. Given that this update to the MWLP is purely factual, it is not considered appropriate to comment further about these changes.
- 2.4 **Section 4 (Strategy, Principles and Locations for Minerals Related Development)** – The introductory text from the adopted MWDF has been updated to reflect current national policy (NPPF) requirements (“Provisions to be Met”, paragraphs 4.1-4.6). Notably, these include a requirement to set an annual aggregates apportionment figure for Northamptonshire, on the basis of average aggregate sales over a ten year rolling period (paragraphs 4.1-4.2/ Table 2). MWLP **Policy 1 (“Providing for an adequate supply of aggregates”)** updates the adopted MWDF Policy CS5, to take account of this new NPPF obligation.
- 2.5 **Section 5 (Strategy, Principles And Locations For Waste Related Development)** – The sub-section, “Waste arisings in Northamptonshire” sub-section (paragraphs 5.1-5.21), is intended to replace the equivalent sub-section (paragraphs 6.1-6.10) from the adopted Core Strategy. This incorporates updated “Waste arisings and management method” data (Table 3) and recent evidence base references, such as the Local Assessment of Waste Management Needs (March 2013), undertaken to inform the plan-making process in relation to the current situation and future waste planning requirements.
- 2.6 Section 5 includes new “Waste arisings” sub-sections, regarding Hazardous waste (paragraphs 5.12-5.15), Radioactive waste (paragraphs 5.16-5.20) and Waste movements (paragraph 5.21). All provide significant new published data, concerning the source of different (non-inert) waste types and how the MWLP anticipates such materials should be managed, in relation to existing waste management capacity.
- 2.7 The MWLP (section 5) also gives greatly increased consideration to waste management and disposal capacity, explained through new supporting text (paragraphs 5.22-5.36; Tables 5-7). **Policy 11 (“Northamptonshire’s waste management capacity”)** updates the adopted MWDF Policy CS1, in order to promote: “*The development of a sustainable waste management network to support growth and net self-sufficiency*”. Policy 11 also sets new indicative waste capacity targets.
- 2.8 Section 5 also gives consideration to waste disposal facilities (paragraphs 5.78-5.100), although it emphasises that this is the least preferred option, but one that must be adequately catered for in order to manage wastes prior to the provision of new advanced treatment facilities and to cater for residual wastes for which there is no alternative management method available. The new MWLP also includes significant changes to the current (MWDF) policy framework for waste disposal, in particular:
- **Policy 18 (“Strategy for waste disposal”)** – updates to the adopted MWDF Policy CS3, providing new indicative waste disposal capacity requirements;
  - **Policy 21 (“Development criteria for radioactive waste disposal”)** – new criteria-based policy for radioactive waste disposal, with accompanying supporting text (paragraphs 5.96-5.100).

2.9 **Section 6 (Local Planning Considerations)** – The new MWLP includes policies for strategic development management matters relating to both minerals and waste related development as well as other forms of development where this is relevant. Section 6 includes significant changes to adopted criteria based policies concerning the impact of minerals and waste development and encouraging sustainable transport movements:

- **Policy 22 (“Addressing the impact of proposed minerals and waste development”)** – Updates the adopted MWDF Policy CS14, through providing strengthened environmental criteria and a new policy requirement to prepare site-specific management plans to ensure the implementation and maintenance of mitigation measures throughout construction, operation, decommissioning and restoration works.
- **Policy 23 (“Encouraging sustainable transport”)** – Updates the adopted MWDF Policy CS9), through providing additional spatial criteria aimed at reducing transport distances and movements.

2.10 The most significant changes that have been made to the adopted MWDF through the new Local Plan are set out above. These are accompanied by minor updates to the monitoring framework, including new indicators, targets and trigger points for the new Policy 21 (“Development criteria for radioactive waste disposal”).

### 3.0 Matters covered by the consultation

3.1 The current MWLP consultation is the final statutory stage in the Plan preparation process, before the County Council submits the final WMLP to the Secretary of State for its independent examination. The consultation is being undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (Statutory Instrument 2012 No. 767); Regulations 19, 20 and 35.

3.2 The Final Draft Plan consultation (also known as the Pre-Submission Draft consultation stage), unlike earlier consultations, does **not** provide a general opportunity to make objections, supporting statements or comments regarding the content of the MWLP. Instead, it only relates to the following:

- **Legal compliance** – whether the MWLP has been prepared in accordance with statutory requirements, e.g. “Duty to cooperate”, Statement of Community Involvement and has been subject to sustainability appraisal;
- **Tests of soundness** – that the WMLP is positively prepared, justified, effective and consistent with national policy (National Planning Policy Framework, paragraph 182).

3.3 Full details regarding matters of legal compliance and the tests of soundness are set out at the end of **Appendix 2**. At this stage, it is assumed that all of the relevant statutory requirements have been fulfilled; otherwise the County Council would not yet be seeking submission of the MWLP to the Secretary of State. Draft representations all relate to the tests of soundness, set out in the NPPF.

### 4.0 Potential issues of concern arising from Final Draft Plan

4.1 This report focuses upon changes that the new MWLP makes to the adopted MWDF. In most cases the proposed changes to adopted policies are welcome, for example through providing clearer or more robust policy criteria (in the case of policies 22 and 23).

4.2 In certain cases however, it is considered that additional clarification may be required for certain policies. This is deemed necessary in the case of the following policies, in order to ensure that these can fulfil the tests of soundness:

- **Policy 1** – Further clarification is needed, in order to provide a robust explanation (the “Justified” test) for the vastly reduced targets for sand and gravel extraction.
- **Policy 11** – In order to provide clarification for the revised indicative waste capacity requirements, a direct comparison with the adopted MWDF (Policy CS1) targets will assist in justifying the new targets (the “Justified” test).
- **Policy 18** – Substantial changes to the adopted MWDF (Policy CS3) in respect of both inert and non-inert waste disposal are noted. However, concerns are raised that the substantial increase in the non-inert waste landfill capacity requirement could conflict with national policy (“Consistency with national policy” test); i.e. the “Waste Hierarchy” (Planning Policy Statement 10, Annex C).
- **Policy 21** – The new criteria-based policy for radioactive waste disposal is welcome, although concerns are raised regarding the 4<sup>th</sup> criteria, regarding an “acceptable level” for adverse impacts. It is considered that further clarification will be required in order to ensure that Policy 21 may be effectively applied in decision making (the “Effectiveness” test).

4.3 It must be reiterated that the current consultation does **not** provide a general opportunity to object to the updated minerals and waste targets, except where these are not supported by a sufficiently robust evidence base (the “Justified” test). Similarly, the scope of the MWLP review does **not** include reassessing adopted minerals and waste site allocations from the Locations for Minerals Development and Locations for Waste Development DPDs (adopted March 2011).

4.4 Our role is generally defined through the statutory “duty to co-operate”. This requires that: *“In two tier areas, county and district authorities should cooperate with each other on relevant issues”* (NPPF paragraph 180). The role of East Northamptonshire Council should therefore be applied through adopting the part of a “critical friend”, highlighting issues which may affect the overall soundness of the Final Draft Plan prior to its submission.

## 5.0 Conclusion

5.1 The draft response (Appendix 2) has been prepared to enable Members to formulate a formal response to the WWLP (Final Draft Plan) at the final (statutory) consultation stage for the Plan. When adopted following its independent examination, the new MWLP will replace the adopted Northamptonshire MWDF. Members are asked to review each of these responses and consider whether these are appropriate and/ or whether there are any further issues or concerns.

5.2 Representations must be submitted to NCC, by 5pm on **Thursday, 31 October 2013**. The County Council will then review and collate these, and make any changes to the MWLP prior to its submission to the Secretary of State. Following submission of the MWLP and the independent examination, it is anticipated that the County Council will adopt the revised Plan by June 2014.

## 6.0 Equality and Diversity Implications

6.1 There are no equality and diversity implications arising from this report.

## 7.0 Legal Implications

7.1 There are no legal implications arising from this report.

## 8.0 Risk Management

8.1 There are no significant risks associated with this report. However, active engagement

with NCC through the current consultation will help to ensure that the Council can demonstrate that it is fulfilling the statutory “Duty to cooperate”.

## 9.0 Financial Implications

9.1 There are no financial implications associated with this report.

## 10.0 Corporate Outcomes

10.1 The relevant Corporate Outcomes are:

- Good quality of life: Sustainable development, Strong communities, Effective management of waste
- Effective partnership working
- Strong community leadership
- Effective management

## 11.0 Recommendation

11.1 Members are requested to review and endorse the draft East Northamptonshire Council representations (Appendix 2) regarding policies 1, 11, 18 and 21 of the Northamptonshire Minerals and Waste Local Plan: Final Draft Plan and/ or put forward any additional/ further comments if necessary.

*(Reason – to provide a formal Council response to the County Council’s Minerals and Waste Local Plan: Final Draft Plan that is currently out for consultation)*

<b>Legal</b>	Power: <b>Planning and Compulsory Purchase Act 2004, Town and Country Planning (Local Planning) (England) Regulations 2012</b>				
	Other considerations: None				
<b>Background Papers:</b> Minerals and Waste Core Strategy (adopted May 2010) Locations for Minerals Development DPD (adopted March 2011) Locations for Waste Development DPD (adopted March 2011) Control and Management of Development DPD (adopted June 2011)					
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<b>Date:</b> 14 October 2013					
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(Committee Report Normal Rev. 22)