

Cabinet

Report Title:	Suffolk Minerals & Waste Local Plan
Meeting Date:	12 July 2016
Lead Councillor(s):	Councillor Matthew Hicks, Cabinet Member for Environment and Public Protection
Local Councillor(s):	All Councillors
Director:	Geoff Dobson, Director of Resource Management
Assistant Director or Head of Service:	Sue Roper, Assistant Director Strategic Development/Resource Management
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Brief summary of report

1. The Government is keen to establish and maintain up-to-date Development Plans coverage for England. The Town and Country Planning system is “plan led” so that the main material consideration when considering planning applications is the Development Plan.
2. The County Council has a statutory responsibility to produce Minerals and Waste Local Plans. The Locals Plan Expert Group Report to the Secretary of State, published in March 2016, recommended that up-to-date Minerals and Waste Local Plans should be adopted by county councils by March 2018 at the latest. The most efficient way to achieve this would be for the County Council to produce a combined Minerals and Waste Local Plan. Previously the cabinet only resolved to prepare a Minerals Local Plan. This recommendation extends it to include waste issues.

What is Cabinet being asked to decide?

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| <ol style="list-style-type: none"> 3. Cabinet is recommended to: <ol style="list-style-type: none"> i) agree to the preparation of a combined Minerals and Waste Local Plan; ii) delegate authority to the Director of Resource Management to adopt a Minerals & Waste Development Scheme based upon the timescales set out in Appendix A; iii) agree on the issues and scope of policy review as set in paragraphs 18 to 23 of this report; iv) agree to funding of a combined Minerals and Waste Local Plan as set out in paragraph 7 of this report; v) agree to the extension of the responsibilities of the Member Panel to include Waste Local Plan matters; |
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| vi) delegate authority for publication of the Issues and Options Consultation documents to the Director of Resource Management after consultation with the Member Panel and the Cabinet Member for Environment and Public Protection. |
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Reason for recommendation

4. Failure to produce an up-to-date Minerals and Waste Local Plan (the 'Plan') could result in the County Council's minerals and waste plan-making function being put into special measures, resulting in the responsibility for the Plan being taken away and being produced by the Planning Inspectorate in consultation with the local community.

What are the key issues to consider?

5. Failure to plan for minerals extraction sites so that the landbank of permitted reserves falls below the equivalent of seven years production for sand and gravel, at a level previously agreed with the East of England Aggregates Working Party, would seriously weaken the County Council's position in the case of an appeal against the refusal of planning permission for a site by the Development Control Committee.
6. Similarly, the County Council must make provision for the management of waste at a level previously agreed with other members of the East of England Waste Technical Advisory Body; otherwise a similar situation might arise.

What are the resource and risk implications?

7. In November 2015, Cabinet approved the preparation of a replacement Suffolk Minerals Local Plan and supporting documents including a Statement of Community Involvement, a Minerals and Waste Development Scheme, the establishment of a Member Panel and the funding underpinning this. The incorporation of waste policies to make this a Minerals and Waste Local Plan would have an **estimated cost saving of £200,000** and the projected length of time to produce the Plan would remain the same. This is because there would only be one stage of 'Issues and Options', 'Preferred Options Draft Plan', 'Submission Draft Plan', 'Examination in Public', 'Inspector's Report' and 'Adoption', instead of two. The estimated total cost of preparing the combined Plan would be £400,000 compared to £600,000 in total for separate minerals and waste local plans.
8. In terms of risk, in the past, the County Council has not pursued a joint Minerals and Waste Local Plan for fear that issues arising with waste, for example, might delay not just waste policy formulation but minerals policy formulation as well or vice versa. However, at this time, the most sensitive issues such as identifying a suitable site for an energy from waste facility have already been dealt with and the potential for delay is considered to be low. It is accepted, however, that the Planning Inspector might require modifications to the Plan before adoption if they recommend inclusion, for example, of a previously excluded site.

What are the timescales associated with this decision?

9. In November 2015, Cabinet approved a minerals only local plan with timescales starting with 'Issues & Options' in November 2015 and culminating with Adoption at the end of 2017. Difficulties in recruitment have delayed that

timescale slightly and, as a result, the Senior Policy Officer: Minerals & Waste Policy was seconded from other duties and was in post at the beginning of May 2016. Analysis by him, based on the previous timescales and starting in May 2016, would result in an adoption date of July 2018. It is considered that this would be sufficient to avoid the County Council's plan making function being put in special measures.

10. It has been noted that the Local Plans Expert Group recommendations to the Secretary of State also suggest deleting the 'Preferred Options Draft Plan' stage to save time in plan-making. This would result in a projected adoption date of March 2018, which would be in line with the Expert Group's recommended time limit. However, this would remove what is considered to be an important stage of public consultation and would be a departure from the approach taken by most other local authorities.

Alternative options

11. None are recommended.
12. Not to prepare a Minerals and Waste Local Plan would be likely to result in the County Council's minerals and waste plan-making function being put into special measures, with the Plan being drawn up by the Planning Inspectorate in consultation with the local community. Until replacement plans are in place, it would also cause difficulties in defending the refusal of planning permission for minerals and waste development at appeal.
13. Preparing separate minerals and waste local plans would significantly increase the overall cost. It would also significantly delay the adoption of one or both of the plans even if they were prepared concurrently because of the duplication of effort involved. If they were prepared consecutively then the second document would not be adopted until years after the Expert Group's recommended time limit.

Who will be affected by this decision?

14. Preparation of any Development Plan involves consultation of local communities who are interested, in particular, in respect of the proposed sites in their locality.
15. The proposed timescale includes provision for an 'Issues & Options' consultation before Christmas. This would include a call for potential replacement sand and gravel sites. Some of the proposed sites are likely to be extensions to existing sites and others might be entirely new locations. A full programme for the production of the Minerals and Waste Local Plan is provided in Appendix A.
16. Local communities then would have an opportunity to comment upon the proposed sites. There would also be a further opportunity to make comments at the 'Submission Draft' stage and those objections would be considered at the 'Examination in Public' stage. The Planning Inspector would make their recommendations within their Report upon the final content of the Plan.
17. A call for potential waste sites will be made at the same time as for the sand and gravel sites. However, previous experience suggests that it is possible that no sites will be forthcoming and instead the Plan would rely on criteria-based

policies identifying the types of sites suitable when determining planning applications for waste development.

Main body of report

Minerals Policy

18. Cabinet agreed to initiate a review of the Suffolk Minerals Local Plan in November 2015 and that Report provides much relevant background.

Waste Policy

19. The Suffolk Waste Core Strategy (WCS) that was adopted in March 2011 also requires replacement, because:
 - (a) it was adopted before the publication of the National Planning Policy Framework in March 2012;
 - (b) it is more than five years since its adoption; and
 - (c) it is out of date in terms of the policies and proposals contained within it.
20. The WCS is the main material consideration when determining planning applications for waste management development within the County. It includes policies that set out the levels of provision to be made, policy to safeguard waste development from other forms of development and vice versa, and development management criteria policies. The WCS also identifies sites suitable for strategic residual waste treatment facilities and non-hazardous landfill.
21. The provision made for waste management development in the WCS needs to be updated to reflect the current and revised forecast situation. For example, the planning permissions at the Gt Blakenham Energy from Waste Facility and a variation to the Eye Power Station planning permission to allow the burning of waste wood means that, subject to revised forecasts, potentially there is no need to continue to identify further sites for strategic residual waste treatment facilities in Suffolk as we have at present (Eye Airfield, Masons Quarry Gt Blakenham and the former sugar beet factory at Sproughton).
22. There has also been, as a result of landfill tax and the opening of the Gt Blakenham Energy from Waste Facility, a step-change in the management of residual non-hazardous waste away from landfilling. This means that, potentially, there would be no need to identify further opportunities to increase landfill void space in Suffolk as we have at present (Mason's Landfill Gt Blakenham, Foxhall Landfill, Layham Landfill, Thorington Quarry). The latter two sites have also been restored to nature conservation and are no longer available.
23. Removing the previously identified sites for strategic residual waste treatment facilities and non-hazardous landfill would leave a purely policy-based document. Experience since the adoption of the WCS suggests that this has worked very well for smaller waste management development.

Combined Minerals and Waste Policy Document

24. Historically there are linkages between minerals extraction and subsequent landfilling. The importation of inert waste materials for example still offers benefits in terms of quarry void restoration. Another example is the recycling of

furnace bottom ash from the Gt Blakenham Energy from Waste facility that provides a significant source of recycled aggregates.

Conclusions

25. The Waste Core Strategy requires replacement.
26. Combining minerals and waste policy into one Minerals and Waste Local Plan would be much more efficient in terms of resources and would also allow a more joined up approach in policy terms than maintaining separate Plans.
27. Doing nothing would potentially lead to the County Council's minerals and waste planning policy function be taken into special measures with the Plan being produced by the Planning Inspectorate in consultation with the local community.
28. Accordingly, it is recommended that the previous resolution to review the Minerals Local Plan is extended to include waste policies.

Sources of further information

- a) Local Plans Expert Group.
<https://www.gov.uk/government/publications/local-plans-expert-group-report-to-the-secretary-of-state>
- b) Cabinet Agenda 10 November 2015 Item 8: Suffolk County Council's response to initiate the review of the Suffolk Minerals Local Plan.
<https://www.suffolk.gov.uk/council-and-democracy/the-council-and-its-committees/cabinet/#tab4>
- c) Suffolk Waste Core Strategy Adopted March 2011.
<https://www.suffolk.gov.uk/planning-and-environment/planning-applications/minerals-and-waste-development-planning/waste-core-strategy/>
- d) Appendix A: Timescale
- e) Equality Impact Assessment (EIA): [EIA](#)

Appendix A: timescale for the preparation of the Minerals & Waste Local Plan

	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18	Jun 18	Jul 18	
Cabinet considers joint plan approach			■																									
Issues & Options preparation			■	■	■																							
Issues & Options public consultation						■	■	■																				
Preferred Options preparation									■	■	■	■	■															
Cabinet considers Preferred Options														■														
Preferred Options public consultation														■	■	■												
Submission Plan preparation																■	■	■										
Council considers Submission Plan																			■									
Submission consultation																			■	■	■							
Examination preparation																					■	■						
Examination in Public																							■					
Inspectors Report preparation																							■	■	■			
Inspectors Report received																										■		
Council Adopts Plan																											■	