
BUCKINGHAMSHIRE MINERALS AND WASTE LOCAL DEVELOPMENT SCHEME 2016 - 2018

February 2017



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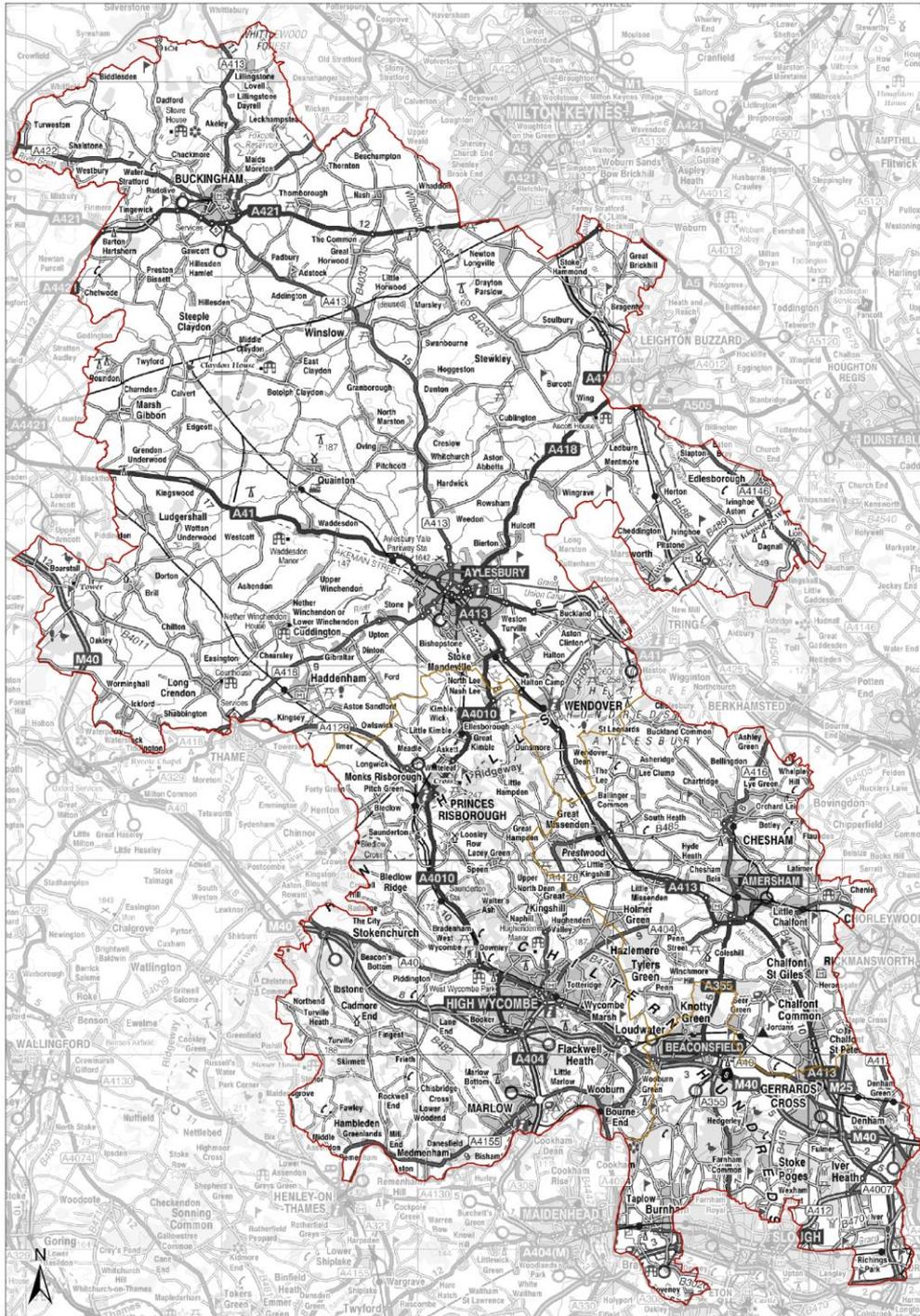
1 INTRODUCTION

1.1 The Purpose of the Minerals and Waste Local Development Scheme

- 1.1.1 Buckinghamshire County Council is the minerals and waste planning authority for the administrative county of Buckinghamshire (see Map 1). This means that it is responsible for all matters associated with minerals and waste development, including setting the land use policies and determining planning applications for such development.
- 1.1.2 Decisions on planning applications should be made on the basis of having an up-to-date statutory development plan. This is a plan that sets out strategy, provision, policies and sites for minerals and waste development. Under the requirements of the Planning and Compulsory Purchase Act 2004, and the Localism Act 2011, the County Council is responsible for preparing this plan.
- 1.1.3 This local plan that the County Council is required to produce can be reviewed in whole or in part to respond flexibly to changing circumstances. However, there is the expectation in national guidance (the National Planning Policy Framework- NPPF) that there will be one plan and advises "...additional development plan documents should only be used where clearly justified."
- 1.1.4 The Minerals and Waste Local Development Scheme (MWLDS) is the document that sets out the approach and the programming/timetable for the local plan and keeping it up to date.

1.2 The Minerals and Waste Local Development Scheme 2016-18

- 1.2.1 This updated MWLDS, which has replaced the version approved in March 2014, outlines how the local plan will be taken forward in the period to 2018. The key change in plan preparation from previously envisaged is that the local plan is now to be progressed as a single plan. The rationale for this is that it will be simpler to understand by residents, industry and other stakeholders and, because it will reduce duplication, be more cost-effective to produce.
- 1.2.2 This new combined Minerals and Waste Local Plan will be a Development Plan Document (DPD), under the Town and Country Planning (Local Planning) (England) Regulations 2012, and is a statutory document which will need to adhere to statutory processes including undergoing independent examination.
- 1.2.3 The MWLDS includes a profile of the MWLP, including its role, status, timescale for production, governance arrangements, and arrangements for its production.



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Map 1 Buckinghamshire Administrative County Boundary

2 ENSURING AN UP TO DATE DEVELOPMENT PLAN

2.1 The Current Position

2.1.1 The adopted Buckinghamshire Minerals and Waste Local Plan (BMWLP) was adopted in 2006. As revisions to the development planning system were brought in by central government, its policies were 'saved', which meant they remained in force, under transitional arrangements for a period of three years until April 2009 with the Secretary of State then subsequently making a Direction to extend most of these saved policies until they were to be replaced by the new local development documents.

2.1.2 To date the Minerals and Waste Core Strategy (MWCS), adopted in November 2012, has reviewed and updated the strategic policy framework and provision to be made for minerals and waste development through to 2026. On its adoption a number of policies from the 2006 BMWLP were therefore superseded- see Appendix 1. As at December 2016 the MWCS and the saved elements of the BMWLP are the two statutory development plans relating to minerals and waste in Buckinghamshire. There is also a wider portfolio of documents related to the development plan which includes the Statement of Community Involvement, the Minerals and Waste Monitoring Report (MR-produced annually) and the MWLDS itself. It is a statutory requirement to prepare these wider documents.

2.1.3 A summary of these documents, other than the MWLDS, is outlined below.

- **Minerals and Waste Core Strategy (MWCS)** – This sets out the strategic vision for minerals and waste development throughout Buckinghamshire. The strategic policies in this document replace and update the “core” minerals and waste policies contained within the adopted BMWLP. The MWCS contains measurable objectives (to enable successful monitoring), and area-based local strategic policies. It was adopted in November 2012.
- **Buckinghamshire Minerals and Waste Local Plan (BMWLP) Saved Policies** - The saved policies from this plan adopted in 2006 remain as part of the development plan. Most of these saved policies relate to specific matters to be considered as part of the determination of planning applications (Appendix 1 includes these extant policies).
- **Policies Map** - Although not technically a standalone element, the Policies Map has to show geographically on an Ordnance Survey map the application of the policies and proposals in the adopted development plan. As of December 2016 this is the MWCS and the saved policies of the BMWLP.
- **Statement of Community Involvement (SCI)** – This sets out the Council's standards and approach to involving the wider community in Buckinghamshire in the production of all of the minerals and waste development plan documents and the determination of minerals and waste planning applications. The SCI is fundamental to the production of all future local development documents, since it enables locally based requirements and community expectations to be addressed at an early stage within the plan preparation process. The first SCI was formally adopted in 2007. This was later reviewed in 2014 in light of changes to the planning system and formally adopted in January 2015.
- **Minerals and Waste Monitoring Report (MR)** – This is published annually. The objectives of the MR are to determine:
 - whether the targets set out in the development plan are being met, or are on track to be met; and if not, the reasons why;

- what impact the development plan policies are having on other targets set out at the national and local level;
- whether any policies need to be replaced or amended to meet sustainable development objectives; and
- what action is needed to be taken if policies need to be replaced.

There is also a requirement for a Local Aggregate Assessment (LAA) will be published each year to summarise the demand and supply situation with respect to aggregate minerals. This is a standalone document, not a formal part of the development plan system, but can be seen as linked to the MR.

2.1.4 All of the above documents are available to view on the Council's website.

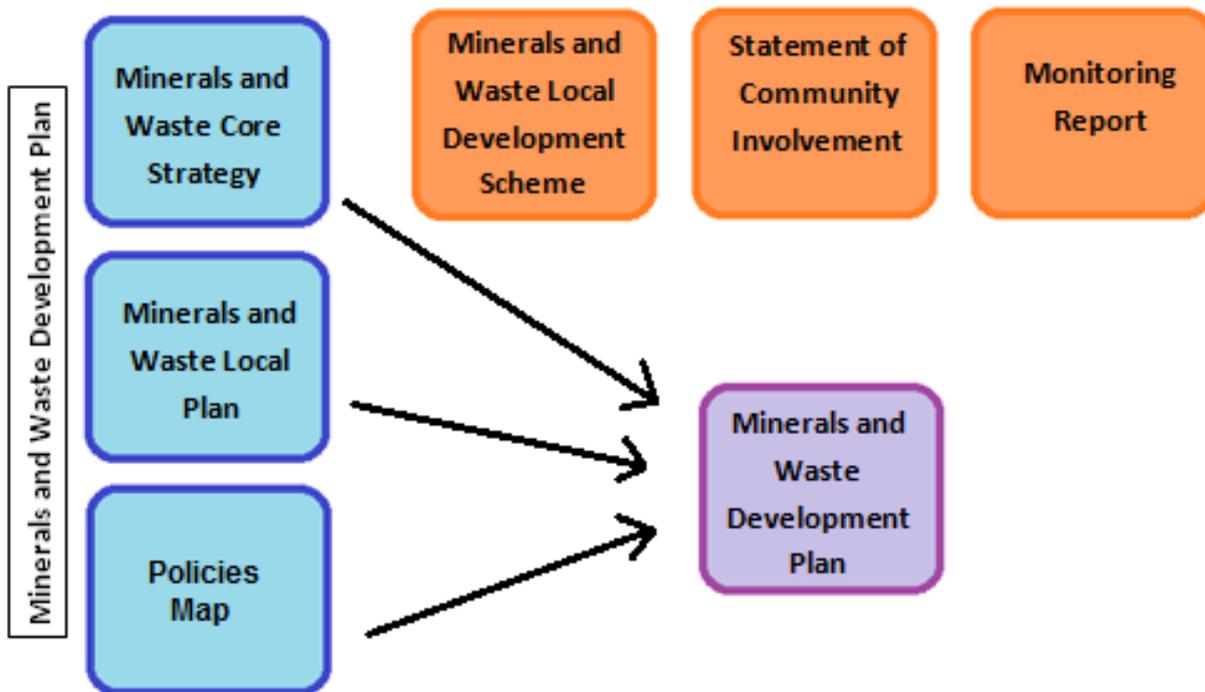


Figure 1. Existing Minerals and Waste Development Plan and associated documents

2.2 Moving Forward: A New Combined Minerals and Waste Local Plan

2.2.1 The previous MWLDS set out the intention to update the development plan through the production of a Replacement Minerals and Waste Local Plan (RMWLP) that would review the saved policies in the BMWLP. It would also seek to allocate sites as appropriate for minerals and waste development. The MWCS would remain and it was not the intention to review this document. On this basis the policies in the RMWLP would also have to be in line with the strategic policies in the MWCS.

2.2.2 As part of moving forward an Issues and Options consultation related to the RMWLP was undertaken in late winter/early spring 2015. Due to issues around staff resourcing the RMWLP has not progressed to its next stage of production and consultation within the timescales anticipated. However during this time central government has started to place an even greater emphasis than before on the need to have an up to date plan.

- 2.2.3 The opportunity has now been taken by the County Council to reconsider the way forward and this MWLDS has been produced to set out what this is. It is considered that the scope of the proposed RMWLP now needs to be widened to subsume the MWCS, with the latter's policies updated but only where necessary.
- 2.2.4 The rationale for this approach is driven by the following two key factors:
- The direction in the NPPF that there is an expectation that additional development plan documents should only be used where clearly justified. With the MWCS effectively being the main element of the local plan the RMWLP could therefore be seen as such an 'additional local plan document'. Whereas a justification could be made, it is not a particularly strong case when there is an alternative of reviewing the MWCS and incorporating the RMWLP into this. It also aids clarity for residents and other stakeholders if all the policies for minerals and waste related development are contained in one document.
 - Although the MWCS was only adopted in late 2012, time moves on and by late 2017 it will be five years old and thus starts to be considered by central government as out of date. *One of the key elements of the MWCS was the three policies associated with the proposed new waste management facility at Calvert and contingency if it was not to be implemented- as Calvert has been developed these policies, for example, are no longer needed in the development plan.* Therefore regardless of the progress of a separate RMWLP, the MWCS will need to be reviewed itself in the very near future. A review to encompass both the saved policies of the BMWLP and the MWCS would therefore be overall far more cost effective, prevent consultation/engagement overload and confusion through having two documents being prepared at around the same time, and would also prevent issues of potential conflict from occurring, for example if the emerging RMWLP was not fully in line with the adopted MWCS.
- 2.2.5 The new combined Minerals and Waste Local Plan (MWLP) will be built around the MWCS updated as appropriate and will thus incorporate within the one document the overall strategy, spatial strategies for minerals and waste, the provision required to be met, the policies on which planning applications should be determined and allocate as appropriate sites and locations for minerals and waste development. Policies will be fully in line with the NPPF, as well as the National Planning Policy for Waste (NPPW) which has come into force since the MWCS was adopted.
- 2.2.6 This move over to a combined plan that will also encompass a revision to the MWCS does not require plan preparation to go back to square one. The Issues and Options consultation of early 2015 asked a number of pertinent questions to an overall review and any matters not fully picked up at that stage will be covered at a Draft Plan stage. The Draft Plan will be consulted on and responses will inform the preparation of the Proposed Submission Plan- the version of the plan intended to be submitted for independent examination.
- 2.2.7 The MWLP will be developed on the basis that the plan period will be for twenty years to 2036, but the Draft Plan will provide an opportunity for other dates to be suggested by respondents.
- 2.2.8 Supplementary Planning Documents (SPDs) can be produced to give guidance on implementation of policies within a local plan. SPDs are subject to engagement and consultation but do not go through an independent examination and are not statutory plan documents. With the concentration to the end of 2018 on adopting the MWLP it is not proposed at present to produce any SPDs. However it should be noted that if it was considered appropriate to produce one or more SPDs during the period of this MWLDS, it will not require the MWLDS to be amended as there is no requirement for proposed SPDs to be listed within local development scheme documents.

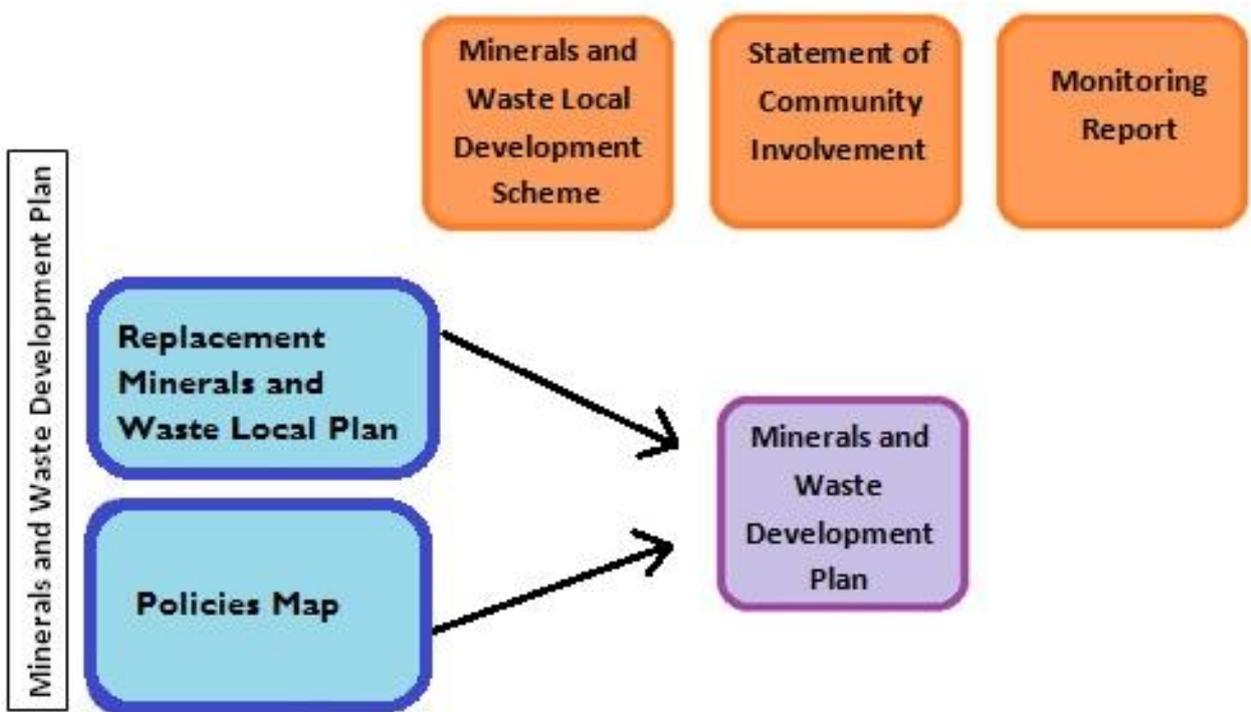


Figure 2. Future Minerals and Waste Development Plan and associated documents

Table 1: Schedule of Proposed Minerals and Waste Local Plan Documents for Buckinghamshire

Document Title	Brief Description and purpose	Consultation under Regulation 18	Consultation on draft plan	Finalise plan	Publication of local plan (Regulation 19)	Submission to Secretary of State (Reg 22)	Pre-Hearing meeting	Examination in Public	Inspector's Report received	Programme for Adoption
Replacement Minerals and Waste Local Plan (2016-2036)	<i>Sets out the strategy for minerals and waste development, the policies on which individual proposals for minerals and waste development will be made and identifies sites and locations for minerals and waste development.</i>	February - April 2015	July – September 2017	Late 2017	Early 2018	Spring 2018	Early Summer 2018	Summer 2018	Autumn 2018	End 2018/ Early 2019

3 PROGRESSING THE MINERALS AND WASTE LOCAL PLAN TO ADOPTION

3.1 Ensuring a Sound Plan

- 3.1.1 To inform the preparation of the MWLP, a range of baseline information is being collected and collated and this will continue throughout the plan making process. This information will be published and form a key part of the evidence base for the MWLP, and inform the baseline information for the Sustainability Appraisal.
- 3.1.2 The Council will follow the best practice guidance regarding Strategic Environmental Assessment/Sustainability Appraisal. From this work flows the need for the process of Local Plan preparation to:
- identify strategic alternatives for the location of new development;
 - collect base-line monitoring information;
 - predict significant environmental effects;
 - secure effective consultation with the public and environmental bodies; and
 - address and monitor the significant environmental effects of the MWLP.
- 3.1.3 Habitats Regulations Assessment (HRA) is a statutory requirement in the preparation of local plans. There is a requirement for arrangements to be made considering and where appropriate, assessing the potential likely significant effects arising from the MWLP upon the most important nature conservation sites (European *Natura 2000* sites). The key such designation in relation to Buckinghamshire, and the only one actually in the county, is the Burnham Beeches Special Area of Conservation (SAC). The Council will commission and subsequently publish any HRA information as part of the evidence base.

3.2 Procedures and Reporting Protocols

- 3.2.1 As it moves towards its adoption the MWLP will be subject to engagement and consultation. Strategic issues may be covered by the Duty to Co-operate (DtC) and therefore the County Council will have to have specific regard to engagement with those bodies to which the Duty applies.
- 3.2.2 For each stage of the development of the MWLP, the Cabinet Member for Planning and Environment will be responsible for agreeing the approach taken.
- 3.2.3 The Council has agreed procedures for the approval of local plans, both at each stage and for its final adoption. The Cabinet Member for Planning and Environment will approve consultation processes, consultation documents and draft plans at each stage of the MWLP preparation process. At appropriate stages, reports concerning the progress of the MWLP and its consultations will be made to the Transport Environment and Localities Committee.
- 3.2.4 As a statutory development plan the MWLP will, at the end of its consultation and examination processes, be required to be adopted by full council.
- 3.2.5 For other documents that are related to the development plan such as SPDs, approval of draft documents will be delegated to the Service Director in consultation with the Cabinet Member for Planning and Environment. Adoption of such documents will be through the Cabinet Member for Planning and Environment's executive powers.
- 3.2.6 These approval procedures have been built into the programme set out in Table 1.

3.3 Managing Risk

3.3.1 There are a number of risks to the timely progress of the Plan, and to its success in ultimately being found 'Sound' and adopted. The main potential risk areas are set out below but all can be mitigated:

- Issues in relation to staff and other resources required to produce the MWLP:
- Changes in legislation and national policy.
- Statutory consultees and external consultants may not be able to provide a timely input on technical matters.
- Landowners/operators may change their intentions about their site(s) being allocated for development.
- When submitted for its independent examination there are issues related to the MWLP being found sound or having met the DtC.
- Missing key dates in the MWLDS programme has a knock on effect on meeting other key dates.

4 REVIEW OF THE MINERALS AND WASTE LOCAL DEVELOPMENT SCHEME

- 4.1.1 It is the intention that the key dates set out in this Development Scheme will be strictly adhered to. However they will not be rigorously followed if specific circumstances and the need for good planning dictate otherwise, but this is not expected to occur.
- 4.1.2 If however there are amendments to the programme these will be publicised on the County Council website and the MWLDS will be formally amended at the earliest opportune moment.
- 4.1.3 It is the expectation that the MWLP will be adopted in late 2018. At this time a new MWLDS would then be produced that would set out any programme for keeping the MWLP up to date.

APPENDIX A

Summary profile of the Minerals and Waste Local Plan

Title:	Minerals and Waste Local Plan
Status:	Development Plan Document
Geographical coverage:	The administrative county of Buckinghamshire
Role:	Sets out the strategy for minerals and waste development, the policies on which individual proposals for minerals and waste development will be made and identifies sites and locations for minerals and waste development.
Conformity:	In general conformity with national guidance, including the NPPF, and the National Waste Management Plan.
Arrangements for Production:	Production undertaken by the section dealing with development planning work under the organisational lead of the Head of Strategic Planning and Infrastructure.
Stakeholder Involvement:	As set out in the Statement of Community Involvement.
Timetable:	<p>Pre-production and Issues and Options Phase: Until July 2016</p> <p>Consultation on Draft Plan: July- September 2017</p> <p>Consideration of Representations/ Preparation of Final Draft (Pre-Submission) Document : Late 2017</p> <p>Publication of Proposed Submission Document (Regulation 19): Early 2018</p> <p>Submission to Secretary of State: Spring 2018</p> <p>Pre-Hearing Meeting (if required): Early summer 2018</p> <p>Examination Public Hearings: Summer 2018</p> <p>Receipt of Inspectors Report: Autumn 2018</p> <p>Adoption and Publication: End 2018/Early 2019</p>
Resources:	<p>Financial Resources:</p> <p>From within the budget of the Strategic Planning and Infrastructure service.</p> <p>Staff Resources:</p> <p>From within the Strategic Planning and Infrastructure service.</p>

APPENDIX B**Status of policies from the BMWLP**

BMWLP Policy No.	Subject	Replaced by (Document and Policy)	Replaced at date:
1	Overarching Minerals Extraction Principles	MWCS, CS 1	November 2012
2	Aggregates Landbank	MWCS, CS 4	November 2012
3	Preferred Areas for Sand and Gravel Extraction	MWCS, CS 5	November 2012
4	Area of Search	MWCS, CS 2	November 2012
5	Borrow Pits and other Windfall Sites	Saved	
6	Alternative Aggregates Production	Saved	
7	Transport of Aggregates	Saved	
8	Other Minerals	Saved	
9	Oil Exploration	Saved	
10	Overarching Waste Management Principles	MWCS, policies CS 8, CS 9, CS 10, CS 15, and CS 16.	November 2012
11	Imported Wastes and Landfill Sites	MWCS, CS 16	November 2012
12	Integrated Waste Management	MWCS, CS 11	November 2012
13	Recycling/Composting Facilities	MWCS, CS 10	November 2012
14	Household Waste Recycling Centres (HWRCs)	Saved	
15	Waste Transfer Facilities	Saved	
16	Anaerobic and Mechanical – Biological Treatment Plant	Saved	
17	Energy from Waste Plant	MWCS, CS 11	November 2012
18	Landfill and Landraising	MWCS, CS 15	November 2012
19	Calvert Landfill Site	MWCS, CS 11 and CS 12	November 2012
20	Landfill gas collection and energy recovery	Saved	
21	Hazardous wastes	Saved	
22	Inert wastes and inert recycling	MWCS, CS6	November 2012
23	Sewage treatment works and management of sewage sludge	MWCS, CS 17	November 2012
24	Protection of Key Environmental Assets	MWCS, CS 18 and CS 21	November 2012
25	Protection of Other Environmentally Important sites and features	MWCS, CS 19	November 2012
26	Protection of agricultural land	Not Saved	
27	Protection of the Green Belt	MWCS, CS 20	November 2012
28	Amenity	Saved	
29	Buffer Zones	Saved	
30	Proximity Principle and Sustainable Transport	MWCS, CS 7 and CS 22	November 2012
31	Restoration and Aftercare	Saved	
32	Restoration of old sites	Saved	
33	Groundwater and Floodplain protection	MWCS, CS 22	November 2012
34	Aviation Safeguarding Areas	Saved	
35	Best Practicable Environmental Option	Not Saved	
36	Planning Application Issues	Saved	

37	Environmental Assessment	Saved	
38	Planning Obligations	Saved	
39	Site Monitoring and Enforcement	Saved	
40	Plan Monitoring	MWCS, CS 24	November 2012

APPENDIX C**Glossary**

Buckinghamshire Minerals and Waste Local Plan (BMWLP)	An adopted local plan that sets out policies for controlling minerals and waste development, and proposals for particular areas/sites. On adoption it superseded the Buckinghamshire Minerals Local Plan and Buckinghamshire Waste Local Plan.
Development Plan Document (DPD)	This is a plan that has been subject to statutory processes including an independent examination and is therefore a statutory planning document. One or occasionally more Development Plan Documents will make up the Local Plan.
Duty to Co-operate	The demonstration of how strategic issues in local plans have been managed and addressed.
Examination (including Public Hearings)	Examination of a local plan by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. As part of this public hearing sessions are likely to be convened.
Local Plan	The plan for the future development of an area (and previously known as a Local Development Framework). This can comprise a series of development plan documents but is now generally expected to be a combined document unless specific circumstances dictate otherwise.
Buckinghamshire Minerals and Waste Core Strategy (MWCS)	A Development Plan Document which sets out the County Council's vision, objectives and overall spatial development strategy for minerals and waste planning.
Minerals and Waste Development Plan	The collective name given to all those policies and documents forming the planning framework for minerals and waste developments.
Minerals and Waste Local Development Scheme (MWLDS)	A project management document setting out what the LDF will contain, a timetable for its production, proposals for monitoring and review
Minerals Development	The winning or working of minerals (including aggregates) or use of land for minerals deposits.
Monitoring Report	This annual document monitors the development plans adopted by the planning authority and how they are being implemented, along with the progress of any plan reviews.
National Planning Policy Framework (NPPF)	Published in March 2012, the NPPF sets out Government planning policies for England, and how these are to be applied. The NPPF supersedes the majority of Planning Policy Statements and Minerals Policy Statements.
National Planning Policy for Waste (NPPW)	The NPPW was published October 2014. It sets out detailed national waste planning policies. It supersedes Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).
Planning and Compulsory Purchase Act 2004 (as amended)	The Act of Parliament which brought into force the new planning regime for development plans. The Localism Act 2011 amended this regime, including bringing back the term local plan.
Policies Map	A map which illustrates geographically the application of the policies and proposals in the adopted development plan.

Statement of Community Involvement (SCI)	A document which sets out how the local planning authority will involve and consult the public in the production of the development plan, and on development management matters.
Strategic Environmental Assessment (SEA)	An assessment of the potential impacts of policies and proposals on the environment, to include proposals for the mitigation of impacts.
Supplementary Planning Documents (SPDs)	Documents providing an elaboration of policies, design guidance, site development guidance, developer contributions etc.
Sustainability Appraisal	An appraisal of the impacts of policies and proposals on economic, social, and environmental issues.
Waste Development	Any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials.

