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**Consultation by Northamptonshire County Council on the Final Draft Plan for the Partial Review of the Minerals and Waste Development Framework**

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**SYNOPSIS**

To seek Members endorsement of a response to the consultation by Northamptonshire County Council on the Final Draft Plan of the Minerals and Waste Development Framework

**1. Introduction**

- 1.1 Northamptonshire County Council is undertaking a partial review of the Northamptonshire Minerals and Waste Development Framework (MWDF). The document has been subject to two stages of public consultation to date and is now at the pre-submission stage. The Final Draft Plan has been published for consultation and **representations are invited based only on the 'soundness' of the Plan.**
- 1.2 The consultation closes on 31<sup>st</sup> October 2013.

**2.0 Background**

- 2.1 Northamptonshire County Council (NCC) are reviewing the current MWDF to ensure that it remains up to date and fully compliant with the National Planning Policy Framework (NPPF). The scope of the partial review includes:

- A revision to provision figures for waste capacity and aggregates apportionment and taking these through to 2031.
- The inclusion of any new or amended policies that will be necessary to reflect changed national guidance, in particular the NPPF.
- The development of policy for matters not fully covered in the current MWDF.

Not included in the review are:

- Any revisions to the spatial strategy for waste and minerals.
  - Any changes to minerals and waste allocations and designations.
- 2.2 Reasoning for not including these issues in the review is largely due to there being no change in local circumstance or policy hierarchy that impact on this policy area. Allocations and designations do not require review as, due to changed calculations of provision, they are sufficient to meet the total provision for the extended plan period but also not enough time has passed since adoption of the Locations DPD to allow for implementation so it would be more appropriate to consider a review after 5 years.
- 2.3 The NPPF sets out a broader context and key objectives and considerations for minerals planning (including new national guidelines for aggregate apportionments). Waste policy remains primarily set out within the 2011 Waste Regulations and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). These documents will remain in place until they are replaced by the new National Waste Management Plan (recently published for consultation by DCLG).
- 2.4 The review of the MWDF has been subject to two stages of consultation, initially the Way Forward consultation in June 2012 followed by the Draft Plan consultation in March 2013. This version of the document, the Final Draft Plan is the document that NCC consider, should be adopted as the new Minerals and Waste Local Plan.
- 2.5 Corby submitted representations at both stages of consultation and our responses were endorsed by Members of Local Plan Committee on 12<sup>th</sup> September 2012 and 27<sup>th</sup> March 2013 respectively. These representations were considered, by NCC, along with other consultation responses and have been used to inform the Final Draft Plan.

2.6 At this stage of consultation, we are only invited to make representations on whether the document meets the legal requirements, and also the 'soundness' of the Plan. Representations that are received at this stage will accompany the plan when it is submitted for examination by an independent Planning Inspector.

2.7 Tests of 'soundness' set out in paragraph 182 of the NPPF are:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies of the Framework.

### **3. Discussion**

3.1 Representations were submitted by Corby at previous consultation stages in the Review of the MWDF.

3.2 At the Way Forward consultation, NCC were inviting comments on the issues they stated the review of the MWDF would cover. Comments submitted by Corby supported the approach being taken by the County Council to reviewing the MWDF and the issues that the Plan would address as noted in paragraph 2.1 of this report.

3.3 At the Draft Plan consultation, NCC invited comments on the content of the Plan. Comments submitted by Corby Borough Council broadly supported the content of the Plan but with one objection. The objection we had was in relation to the inclusion of paragraph 5.29 of the Draft Plan (now para 5.31 of Final Draft Plan). We were concerned about the addition of a new area of consideration (economic benefits) being including in supporting text. This would make it more difficult to resist future proposals for waste treatment facilities on locations outside Corby's existing employment areas and allocations; as greater emphasis is placed on the economic considerations at a county wide level.

3.4 NCC addressed this concern by amending this paragraph so as not to include an additional consideration of economic benefits, but to soften the approach by changing it to read "...Where this capacity would be surplus to our requirements it would be prudent to demonstrate a wider need for the facility and that the benefits for the receiving environment (including community) outweigh potentially adverse impacts of the county acting as a net importer of waste". This is from paragraph 5.31 of the Final Draft Plan.

3.5 All comments made at each consultation stage along with commentary from NCC on how they have dealt with them have been published in a document; this is listed in the Background Documents below.

3.6 It is considered that our views and comments have been incorporated and reflected in this Final Draft Plan and that no representations are necessary in the context of soundness or legal compliance.

### **4. Timetable**

4.1 The Final Draft Plan will be subject to examination by an independent Planning Inspector and will be submitted to the Secretary of State in November 2013 along with any representations made at this stage. The examination of the Plan is expected in March 2014. The County Council anticipate the Plan will be adopted in September 2014.

### **5. Issues to be taken into account:-**

#### ***Policy Priorities***

The consultation document will have implications for the following objectives of the Council's Corporate Plan priorities:

- Encourage Environmentally Sustainable regeneration and growth; and
- Reduce the impact our actions have on climate change

### **Financial**

None directly from this report.

### **Legal**

The Town and Country Planning (Local Planning) Regulations 2012 set out the requirement to consult when preparing Local Plans. They also set out the requirements for the Duty to Co-operate.

### **Performance Information**

None directly from this report

### **Best Value, Human Rights, Equalities, Community Safety and Sustainability**

These are basic requirements in a sustainable community. The Local Plan sees these as essential elements to any strategy.

### **Risk Management**

Failure to respond to this consultation risks that the views of the Council will not be taken into account.

## **6. Conclusion**

- 6.1 Officers welcome the publication of this Final Draft Plan. As a key stakeholder, Corby Borough Council has been fully engaged throughout the process and influenced its development. It is recommended that no issues of soundness or legal compliance are raised at this consultation.

## **7. Recommendation**

- 7.1 Members note this report and agree that no representations are required at this stage of the Review of the Minerals and Waste Development Framework.

### **Background Papers**

#### **Minerals and Waste Local Plan: Final Draft Plan (Proposed Submission Document)**

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/Documents/PDF%20Documents/Final%20draft%20plan%20for%20printing.pdf>

#### **Local Plan Committee Report 12<sup>th</sup> September 2012**

<http://www.corby.gov.uk/sites/corby.gov.uk/files/Consultation%20by%20NCC%20on%20the%20Way%20Forward%20for%20the%20Partial%20Review%20of%20the%20Minerals%20and%20Waste%20DF.pdf>

#### **Local Plan Committee Report 27<sup>th</sup> March 2013**

<http://www.corby.gov.uk/sites/corby.gov.uk/files/Northamptonshire%20County%20Council%E2%80%99s%20Minerals%20and%20Waste%20Development%20Framework%20Partial%20Review%20%E2%80%93%20Draft%20Minerals%20%26%20Waste%20Local%20Plan%20for%20Consultation.pdf>

#### **Responses to Way Forward consultation with NCC commentary (June 2012):**

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/Documents/PDF%20Documents/Responses%20with%20NCC%20comments%20V2.pdf>

#### **Responses to Draft Plan consultation with NCC commentary (March 2013):**

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/Documents/PDF%20Documents/Cabinet%20Report.MWDF.Final%20Draft%20Plan.Appendix%201%20v2.July%202013.pdf>

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