

PLANNING COMMUNITIES EAP 17 January 2024

Briefing Title	Updating/review of minerals and waste planning policies and proposals
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List of Appendices

None.

1. Purpose of Briefing

- 1.1. This is a briefing to Members in respect of matters and issues relating to the updating/review of minerals and waste planning policies and proposals that are currently contained within the adopted Northamptonshire Minerals and Waste Local Plan.

2. Executive Summary

- 2.1 This briefing sets out the issues that both North Northamptonshire Council (NNC) and West Northamptonshire Council (WNC) will need to consider in advance of agreeing a timetable for the review of minerals and waste planning policies.
- 2.2 It explores the issues around whether the local plan should be reviewed/replaced on a county-wide basis or be split into two separate minerals and waste local plans. It also sets out some detail around the broad costs of undertaking the work required on a new plan(s) and the matters and complexities arising from the proposed government changes to the development plans system.
- 2.3 It suggests an indicative timeline for progression of this work and an officer recommendation that the plan should be progressed as a county-wide plan.

3. Recommendations

- 3.1 It is recommended that the Panel:
- a) notes the report;
 - b) agrees to progress matters as set out under paragraph 5.1;
 - c) notes the recommendation of officers that the plan should be progressed on a county-wide basis rather than as two separate plans.

4. Briefing

- 4.1 This briefing sets out the issues that both North Northamptonshire Council (NNC) and West Northamptonshire Council (WNC) will need to consider in advance of agreeing a timetable for the review of minerals and waste planning policies.

Context

- 4.2 There is a statutory requirement on minerals and waste planning authorities to review their adopted planning policies for minerals and waste. The adopted policies for minerals and waste (for both North and West Northamptonshire) are in the Northamptonshire Minerals and Waste Local Plan (2017).
- 4.3 Although no detailed assessment of policies has been undertaken, the areas where the plan may not be fully up-to-date are principally around the provision figures (for mineral extraction and waste management/disposal) and allocations for minerals extraction. The strategy and development management policies on their own remain robust, however the need for a review of this strategy would be appropriate at this point. There is considered to be a need for some amendments in relation to the issue of the council's net zero/climate emergency response, which were not such a priority when the plan was previously prepared, along with amendments to reflect recent updates to the NPPF where this is determined to be necessary/appropriate.

Moving forward with a new plan: key options

- 4.4 In respect of North Northamptonshire Council, the key issue to consider in moving forward with an update to the suite of minerals and waste planning policies is should the minerals and waste policies be taken forward on a Northamptonshire-wide basis, or split between North and West Northamptonshire?
- 4.5 The current Minerals and Waste Local Plan, as per all previous iterations, covers all of Northamptonshire as the former county council was the minerals and waste planning authority for the area now comprising North and West Northamptonshire.
- 4.6 Although minerals and waste planning has been established through the Local Government Reorganisation Blueprint as a service hosted by NNC that covers both North and West Northamptonshire, this does not dictate that minerals and waste planning policies should likewise be county-wide. There is the opportunity, if considered appropriate to have separate policies for both halves of the county.
- 4.7 Splitting policies between the North and the West would enable different strategies and policies to reflect that both halves of the county are not necessarily the same. It would also enable the policies to be progressed at the pace wanted by the respective authorities.
- 4.8 The basis for minerals provision is 10 years sales with an adjustment for any local circumstances and more recent trends. All minerals plans have to identify provision for sand and gravel and crushed rock, if they have such resources in

their plan areas; such resources are known as aggregate minerals. Historically there has been significantly more extraction sites in the North for sand and gravel but also for crushed rock than in the West. This is due to the geology of Northamptonshire. Therefore, due to this any new plan for the North Northamptonshire area only would need to find a number of new allocations for minerals, whilst a West Northamptonshire plan would perhaps not require any new allocations, or if it did, would be quite straightforward to find. A county-wide plan gives more options to distribute future allocations around the whole county but it is important to emphasise that this is unlikely to be significant as the aggregate resources are where they are.

- 4.9 In relation to progressing separate plans/policies there would be some issues in relation to establishing an evidence base as much time series data is on a Northamptonshire-wide basis. This would particularly be the case in relation to apportioning waste data, particularly by the key waste data provider the Environment Agency (EA).
- 4.10 There would be economies of scale by partnering with West Northamptonshire Council in a Northamptonshire-wide Joint Plan. This would be because there would be no requirement to double up on everything from establishing an evidence base through to not having to have separate consultations. Consultations and the later stages of plan preparation such as the independent examination would also bring about economies of scale and a cost benefit if undertaken on a county-wide basis.
- 4.11 It should also be noted that undertaking any review on a county-wide basis does not in any way preclude preparing separate North and West plans at a later stage. In the future, options for North/West Northamptonshire could include partnering with one or more other minerals and waste planning authorities such as the unitary authorities to the south.

Costs of plan preparation: staffing and other

- 4.12 The Minerals and Waste Planning Service has a need to generate income in order to balance its budget. Consequently, it does have (and has had) contracts with other councils.
- 4.13 Undertaking this work has supported staff development and enhanced experience that can be subsequently utilised in North/West minerals and waste planning work. As such no outside specialist technical consultants would need to be brought in. However, a focus on a new plan(s) would mean a reduction on some or all of the external work to provide the requisite capacity. Therefore, from a budgeting perspective, this implies a net cost in preparing a new plan(s) either through the loss of the income from these contracts or an additional staff cost compared to currently. There was possibly an alternative way forward of setting a generous timetable for the plan(s) so that the current staff resource could manage the increased workload but the upcoming changes to the development plans system would rule this out due to the focus on delivering plans quickly (and with two years from plan start to plan submission).
- 4.14 There will also be additional costs to fund following submission of the plan(s) for examination. These would relate to the cost of the Inspector, Programme Officer, along with venue hire and any legal advice.

- 4.15 Broadly the cost would be expected to be in the region of £60,000 for an additional staff resource or reduction in income targets for each year up to submission of the plan(s) (therefore around two years from when work commences on the plan(s) in earnest). These costs would extend into the examination year and in addition, actual examination costs would include the Inspector as the biggest cost (around £120,000) and some small legal, Programme Officer and venue costs (up to around £30,000 in total). This would therefore bring additional costs in at around £270,000 for the whole plan preparation process. For a Northamptonshire-wide plan this would imply a contribution of around £140,000 over approximately a three-year period from North Northamptonshire Council. For separate plans the cost would be higher and would relate to additional costs for separate consultations/engagement and separate examination and Inspector costs (and potentially an additional staff cost to ensure that both plans would be able to be submitted for examination within two years if that does become a specific requirement under the new plan-making regulations). There is no budget currently identified for the costs associated with a new plan(s).

Proposed changes to the development plans system

- 4.16 There are changes proposed to the development plan system to be facilitated through the Levelling-up and Regeneration Act. The recent consultation on implementation of plan-making reforms fleshes these out, however the actual regulations, policy and guidance for the new system will not be in place until autumn 2024. It is intended that work on the new plan should commence before the new regulations come into effect but without knowing in advance what these are and whether there will be any transitional arrangements. As a result, there will have to be an element of treading carefully with making progress on a new plan in advance of understanding the detailed requirements to ensure any statutory processes do not have to be repeated.
- 4.17 The key proposals of the changed approach to plan-making are outlined below with an added commentary in italics on how this could affect the preparation a new plan(s).

- Plans will be concise and more focused on locally important matters and the repetition of policies across all plans will be eliminated, and to assist in achieving this, a new suite of national development management policies will cover common planning considerations that apply widely in decision-making across different authorities. Plans will draw on these policies but not repeat them.

It is not known how comprehensive the proposed national suite of development management policies would be and therefore how detailed these would be for minerals and waste development management. Such policies would need to be seen before it could be anticipated how much, if any, further elaboration would be required in the minerals and waste plan.

- Plan preparation, examination and adoption process will be more standardised and front-loaded, with plans in place within a 30-month timeframe and the process of updating the plan commencing within five years following adoption of the plan.

The target implies a timetable to submission of around two years which is a challenging target, including for the minerals and waste team that has much experience of preparing minerals and waste plans to short-ish timetables, but there would also be complexities here as the plan-making team would either be preparing a countywide plan requiring sign offs from two authorities or undertaking two separate plans at the same time.

- The new preparation process will be supported by clearer, more streamlined and proportionate evidence expectations to reduce the burden on planning authorities.

The evidence base for minerals and waste local plans in Northamptonshire has not been excessive to date- in other words we have just gone for key documents only (such as waste needs, site assessments, sustainability appraisal, aggregates provision)- and has been proven through examinations to have met requirements. The expected evidence base for minerals and waste plans under the new system is not therefore expected to result in any less requirements than we currently have to get our plans through examination.

- The reforms to Strategic Environmental Assessments– introduction of Environmental Outcomes Reports – will make the assessment process more effective and accessible and strengthen and clarify the role of assessment in avoiding adverse impacts.

It is not expected that these changes will lighten the current approach to SEA within minerals and waste plans produced in Northamptonshire to any significant extent if at all.

- To support the changes to local plans and minerals and waste plans, Supplementary Planning Documents (SPDs) will be replaced by “supplementary plans” which will have the same weight as a local plan or minerals and waste plan and other parts of the development plan and will also be subject to consultation and examination.

There is a current minerals and waste SPD (Development and Implementation Principles SPD) that accompanies the minerals and waste local plan. This SPD would need to have content that is still relevant (and which does not repeat anything in the suite of national development management policies) either transferred over into the new minerals and waste plan or included in a new supplementary plan if it was considered worthwhile to retain.

5. Timeline

- 5.1 It is currently premature to provide a detailed timeline to members as there are a number of variables at present. However, broadly the next stages of this process are:
- Confirmation from both NNC and WNC (probably through their respective Executive Committees) over whether they would either be supportive or not supportive of a joint plan.

- Confirmation from central government over the detailed introduction of the system and what the transitional arrangements will be.
- Agreement from both NNC and WNC what the detailed plan preparation timetable will be (if it is to be a cross-county plan) or if it is to be two separate plans what the timetables for the two respective plans will be so that the joint staff resource can be optimised.
- Commence work (NNC/WNC) on agreeing the additional costs that will be required and the mechanisms to agree this.
- Commence work on the plan(s): primarily sites identification, including issuing a call for sites; an update of the waste needs assessment; an analysis of minerals provision required (for both sand and gravel and crushed rock); assessing strategies that could be utilised and the development management policies for consideration.

6. Implications (including financial implications)

- 6.1 The key implications of the issues raised in this briefing, including potential financial implications, have been covered above. In summary, it is estimated that a single county-wide plan would take approximately three years to receiving an Inspector's Report at a cost of around £140,000 to NNC (around £270,000 countywide). If separate North and West plans were to be produced, it is likely this would take approximately 6 months longer with an additional cost of approximately £70,000 (mostly related to increased Inspector costs).

7. Conclusions

- 7.1 It is recommended that the preferred option for moving forward, if both North and West Northamptonshire Councils are in agreement, would be to progress a Northamptonshire-wide review of the current Minerals and Waste Local Plan. This would be the most cost-effective and quickest way forward to ensure there will be an up-to-date plan due to the economies of scale it permits.
- 7.2 The proposed changes to the development plan system do not aid clarity in helping move forward with the minerals and waste local plan, whether this is a county-wide plan or as two separate plans. It would not be until next Autumn until we know enough of the new system to commence work with confidence under the new arrangements. Therefore, some sort of hybrid of starting engagement and drafting background documents (for example undertaking a call for sites, updating the waste needs assessment) could be a way forward but without the detail of the new system and of the transitional arrangements the way forward is rather opaque.
- 7.3 The broad stages for progressing the plans(s) is as set out in paragraph 5.1 and indicative costs are as set out in paragraph 6.1.