

Report considered by Cabinet – 8 June 2015

MINERALS LOCAL PLAN - RECOMMENDATION TO FULL COUNCIL TO APPROVE THE FINAL DRAFT PLAN FOR PUBLICATION AND SUBMISSION TO THE SECRETARY OF STATE

Responsible Cabinet Member: Councillor Legg (Cabinet member for Public Realm)
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Executive Summary:

To propose that Cabinet make a recommendation to Full Council to approve the Final Draft Minerals Local Plan for publication in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and subsequently to submit the plan in accordance with Regulation 22.

Publication of the plan is an opportunity for consultees to make representations on soundness and legal compliance, that will be sent to the Secretary of State when the plan is submitted for examination.

It is intended that this recommendation should be considered at Full Council on 15 July 2015

A summary of representations to the Draft Plan consultation is appended at Annex A. The Final Draft Plan, showing amendments from the Draft Plan, is Annex B.

1. Recommendation

1.1 That the Minerals Local Plan: Final Draft Plan is agreed and that Cabinet make a recommendation to Full Council to approve the Final Draft Minerals Local Plan for publication in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and subsequently to submit the plan in accordance with Regulation 22.

2. Issues

2.1 The intention to prepare a new Minerals Local Plan for the Borough to replace the Minerals Local Plan adopted in 2006 has previously been agreed by its inclusion in the Council's Local Development Scheme (LDS), which is a formal document agreed by the Council that sets out the planning policy documents that it intends to produce.

2.2 The new Minerals Local Plan will contain the policies, provision and where appropriate, allocations for minerals-related development for a period of at least 15 years from its adoption. It will reflect the latest national planning guidance, particularly as set out in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG). It will contain a new annual provision

figure for sand and gravel extraction that will reflect national guidance and local circumstance and which is no longer informed by a regional apportionment figure.

Issues and Options Consultation

- 2.3 The first key stage in the preparation of the new Local Plan involved public consultation on the key issues it proposed to cover. This 'Issues and Options' consultation was undertaken from 30 October 2013 to 22 January 2014 and comprised an Issues and Options consultation document accompanied by a Local Aggregates Assessment, an Environmental Assessment Scoping Report and an Appropriate Assessment (Habitats Regulation Assessment) Scoping Report.
- 2.4 The Issues and Options consultation document set out the issues by section and at the end of each asked one or more questions, with a preference for the way forward being normally suggested. There were sections on visions/objectives, spatial options, the plan period, safeguarding resources, policies to control and manage development and identifying the provision that should be made for extraction, in particular sand and gravel. It also contained for comment a number of sites put forward by local landowners and agents for possible extraction and inclusion in the plan as an allocation.
- 2.5 The two elements that elicited the most comments from the Issues and Options consultation related to the proposed provision to be made and comments on the potential sites. As part of the issues and options process a small number of additional potential sites for extraction were also put forward by agents/landowners.

Draft Plan for Consultation

- 2.6 Cabinet at its meeting on 23 July 2014 approved the Draft Plan for consultation. Provision for sand and gravel extraction was proposed as 0.17 million tonnes per annum (mtpa). The sites proposed to be allocated to meet this provision were (from south to north):
- *Calverton/Passenham Extension* - An extension to the existing consented site. Site featured in the issues and options document.
 - *Quarry Hall Farm (Lathbury parish)* - A new site. This was put forward at the issues and options consultation.
 - *North of Lathbury* - A new site, although one which was subject to potential allocation in the 2006 Minerals Local Plan (and recommended for inclusion by the Inspector), featured in the issues and options document. The site has been extended south-east to link to Sherington Bridge and thus create access to the Newport Pagnell bypass via the former A509 at Chicheley Hill
 - *Manor Farm/Lavendon Mill (Lavendon parish)* - A new site. This was put forward at the issues and options consultation.
- 2.7 A small extension to the operational building stone site at Weston Underwood was also identified (but much smaller than the site area included in the issues and options document).

Responses to Draft Plan and proposed amendments arising

2.8 The Draft Plan was consulted on from 13 August to 5 November 2014. In total 179 responses were received, providing a total of 264 separate comments (a further three organisations provided a response of no comment). Responses received came from statutory organisations, other mineral planning authorities, town and parish councils, environmental groups, the minerals industry and their agents and local residents and councillors. As expected from a Draft Plan that included proposed allocations for mineral extraction, a substantial volume of representations related to this matter. Other main areas of response related to the provision proposed for sand and gravel, the issue of recycling provision and the policy on safeguarding mineral resources. However it should be noted that representations on level of provision for sand and gravel and on recycling of aggregates was often linked back to objections on one or more specific allocations.

Provision for sand and gravel

2.9 In relation to the proposed provision to be made for sand and gravel (Draft Policy 1) a number of representations queried why the plan was proposing provision based on a three rather than ten year annual average sales. National policy requires consideration not only of a 10 year average but also of the 3 year average figure in order to identify recent trends. The plan proposes a three year based provision figure (0.17 mtpa) rather than a ten year based figure (0.12 mtpa) or the level of provision in the now abolished South East Plan (0.26 mtpa). The majority of those questioning the provision figure in the plan were also those objecting to a particular allocation in the plan.

2.10 Although there was less specific support for the proposed level of provision, it should be noted that through the Local Aggregate Assessment process the minerals planning authorities in the south east had collectively agreed to support the three year provision proposed in the Draft Plan, although the mineral industry had sought further work on whether this figure should be increased.

2.11 It is considered that the representations made on this matter have not raised issues that require a reconsideration of the proposed level of provision and therefore the level of provision should remain at 0.17 mtpa. A provision figure of 0.17 mtpa would, in broad terms, be based on around two sites (from existing operations/commitments or allocations in the Draft Plan) generally being operational at any one time throughout the plan period.

Proposed allocations

2.12 The proposed allocations for mineral extraction (Policy 3) drew the most responses and most outright objections. These largely related to three sites, two at Lathbury and one at Lavendon. The concerns raised related to traffic, impacts of dust and noise, increased flood risk and visual impact and in the case of Lathbury the issue of allocating two sites in relative close proximity to each other.

2.13 It should also be noted that some potential sites that had undergone assessment but were felt not to be suitable sites to include as allocations in the Draft Plan, continued to receive support from the landowner. An additional site between Olney and Lavendon was put forward for consideration for sand and gravel

extraction. In the case of a specific site at the urban edge of Newport Pagnell there were a number of objections to any likelihood that the site could come forward.

2.14 Although there were many objections received on the sites proposed in the Draft Plan, the issues raised by respondents are such that it is not considered that the sites in the Draft Plan- either the three sites subject to the most objections or the other sites proposed for inclusion (or exclusion)- should result in any amendments from the Draft Plan.

2.15 However, a number of objectors to the proposed sites also raised the issue of whether there had been a proper exploration of alternative sites, particularly those closer to or adjacent to the Milton Keynes urban area. To address this concern, landowners in areas with sand and gravel resources have been contacted to gauge support for putting their landholdings forward. Some have done so in the following locations:

- Land south of Weston Underwood
- Land west of Tyringham
- Kickles Farm, Newport Pagnell
- Land north of Castlethorpe (Lincoln Lodge Farm)
- Land west of Hanslope (Grange Farm)
- New Farm, Pindon End
- West of Haversham Road

2.16 Following an analysis of all of these sites (and the site between Olney and Lavendon put forward at Draft Plan stage) for their appropriateness, it is considered that none of these locations are more appropriate for inclusion in the Plan than those already identified. This analysis will be published when the period for representations to be made on the Final Draft Plan commences and will also form part of the Plan's evidence base, and is included in Annex C to this report.

Aggregate recycling capacity

2.17 Based around the content of Policy 7, a number of respondents raised concerns over the aggregate recycling capacity and the low target for recycled aggregates. These representations were largely made on the basis that the more recycling of aggregates that was undertaken in the Borough the less provision for minerals from new sites for extraction would therefore be required.

2.18 The Draft Plan did not include a ceiling limit for production of recycled aggregates, rather it sought to encourage both use and production of such materials. There is insufficient evidence to include specific provision rates and/or local targets for recycled aggregates. No change should therefore be made to the Plan.

Minerals Safeguarding Areas

2.19 Four developers raised concerns over minerals safeguarding. These related to two matters: firstly, that the Mineral Safeguarding areas (identified to prevent unnecessary sterilisation of mineral resources) cover too broad an area and secondly the inclusion of buffer zones around allocations.

2.20 The inclusion of buffer zones are in line with national guidance and reflect that incompatible development adjacent to a resource may hinder its extraction. The allocation of MSAs does not conflict with land being allocated for other purposes – proposals for non-minerals development would simply need to comply with Policy 18. No change should be made to the Plan.

Other representations

2.21 A number of respondents sought minor amendments to the plan or sought points of clarification but these were on relatively minor issues. There were also a number of respondents that supported specific sections of the plan.

2.22 As a consequence of these representations, some changes have been made to the Plan, especially where this increases clarity. The proposed changes from Draft Plan stage are highlighted in the Final Draft Plan in Annex B.

Next stages

2.23 Following approval of the Final Draft Plan, which will also be known as the Proposed Submission Plan because it is the version of the Plan that the Council intends to submit to the Secretary of State for its independent examination, it will be published for a formal six week period so that representations can be made on it. The Regulations state that this publication period should run for six weeks, however in order to allow stakeholders time to comment, we will pre-warn consultees ahead of the start date. These representations will accompany the Plan when it is submitted and will be considered by the Inspector who examines the Plan.

2.24 Submission of the Minerals Local Plan for its examination will take place following the end of the period for representations on the Final Draft Plan. There will be public hearing sessions held as part of this examination and these are expected to take place in early 2016. Those who objected to the Plan during the period of representations will be able to attend the public hearing sessions to make their case in front of the Inspector.

2.25 It is expected that the Inspector's Report, whose findings are binding on the Council if it wishes to adopt the Plan, will be published in Spring 2016.

3. Options

3.1 The Council is required to produce and maintain an up to date development plan for the area and this should include policies for minerals-related development. The alternative to producing a separate Minerals Local Plan would be to include minerals policies within the Plan:MK, but because of the specialised nature of minerals policies and how they are developed it is considered that a separate local plan is the most straightforward approach. This was previously agreed by Cabinet.

4. Implications

4.1 Policy

The new Minerals Local Plan will replace the adopted Minerals Local Plan (2006) and will form part of the Development Plan. Planning applications for minerals-related development must be determined in accordance with the Minerals Local Plan and any other relevant parts of the Development Plan unless material considerations indicate otherwise.

4.2 Resources and Risk

The new Minerals Local Plan is being prepared through the resources identified in the existing budget for development planning. Due to the specialised nature of minerals policy, most of the work is being undertaken on the Council's behalf by Northamptonshire County Council.

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

The new Local Plan is to be based on the principles of sustainable development but as it will be concerned only with planning for minerals-related development it will not cover matters relating to carbon and energy management.

4.4 Legal

The Minerals Local Plan will be prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and associated regulations and guidance. There is no real, identifiable risk to the Council should it take the recommended action.

4.5 Other Implications

Equalities/Diversity: The Minerals Local Plan will be subject to equalities impact assessment once its detailed policies have been agreed.

Sustainability: The Minerals Local Plan will promote sustainable development. In accordance with EU legislation it will be subject to Appropriate Assessment and Sustainability Appraisal (incorporating the requirements of the SEA Directive).

Human Rights: Policies in the Minerals Local Plan will need to comply with human rights legislation.

E-Government: All consultation and associated documentation will be available to view and comment on through the Council's website.

Stakeholders: Consultation with a wide range of stakeholders is being undertaken throughout the process, in line with national regulations and guidance on development plans and local guidance as set out in the Council's Statement of Community Involvement.

Crime and Disorder: No direct implications.

Y	Equalities/Diversity	Y	Sustainability	Y	Human Rights
Y	E-Government	Y	Stakeholders	N	Crime and Disorder

Background Papers: None

Annex A: Summary of representations

Annex B: Final Draft Plan (Proposed Submission)

Annex C: Analysis of further submitted sites

The Annexes can be viewed at the following link:

<http://milton-keynes.cmis.uk.com/milton-keynes/Calendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4973/Committee/939/Default.aspx>