

Essex Minerals and Waste Development Framework

Essex County Council's Minerals and Waste Development Scheme 2019

November 2019



Essex County Council

Contents

Introduction	2
Reasons for reviewing the development scheme	3
Minerals and Waste Development Framework Preparation	4
Content of the Minerals and Waste Development Framework.....	4
Minerals Local Plan Review.....	4
Minerals Policies Map	5
Minerals and Waste Planning Authority Monitoring Report	5
Statement of Community Involvement	6
Sustainability Appraisal	6
The evidence base.....	6
Local Aggregate Assessment.....	7
Essex and Southend Waste Local Plan (2017)	7
Programme for the preparation of the Minerals Local Plan Review.....	7
Arrangements to produce Development Plan Documents	7
Priorities and resources	7
Programme Management and Responsibilities.....	7
Council procedures	7
Risk assessment.....	8
Constraints.....	9
Dependencies	10
Examination	10
Monitoring and review of the Minerals and Waste Development Scheme.....	10
Monitoring of the Plan.....	10
Cabinet / Council cycles.....	10
Appendix 1	11
Appendix 2	12
Appendix 3	13

Introduction

Essex County Council (ECC) is the Minerals and Waste Planning Authority for Essex. It is required by the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Minerals and Waste Development Framework (MWDF). The

MWDF is a collection of development plan documents and other documents that provide the framework for delivering minerals and waste planning policy in Essex.

ECCs documents for policy development for minerals and waste planning are known as the Minerals Local Plan and the Waste Local Plan. The Planning & Compulsory Purchase Act 2004 required us to prepare planning policy documents. In July 2014 the Minerals Local Plan was adopted replacing the previous Mineral Local Plan (1996) and in July 2017 the Waste Local Plan was adopted replacing the Waste Local Plan (2001). Both the new plans provide the framework for determining planning applications for minerals and waste developments.

The 2004 act (as amended) also requires every planning authority to prepare a 'development scheme' that sets out the programme for the preparation of development plan documents. This document is the Minerals and Waste Development Scheme (MWDS) for Essex. It is a public statement identifying which Local Development Documents will be produced, in what order and when. The MWDS includes milestones to inform the public and stakeholders when consultation and other stages in development plan documents' preparation are to take place. It also serves as a project management tool in relation to budgeting and resource planning for the authority.

The initial scheme was put forward in April 2005 (and subsequently revised and published in later years with the last version in May 2016). The scheme has subsequently been rolled forward by the County Council to take account of any changes; particularly those related to the Review of the Minerals Local Plan.

To summarise, the Minerals and Waste Development Scheme:

- Provides a brief description of the Minerals and Waste Local Development Documents to be prepared and the relationship between them and existing documents;
- Sets out the planned timetable for preparing each development plan document and the key milestones in the process;
- Sets out how progress against the milestones in the local development scheme will be monitored;
- Indicates how the MWDF will be managed and resourced.

The Essex Minerals and Waste Development Scheme (Ninth Revision) has effect from October 2019.

Reasons for reviewing the development scheme

A detailed assessment of the policies of the Minerals Local Plan (2014) has been carried out¹ and it has been concluded that the Plan would benefit from formal

¹ As required through [the Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017, a review of the local plan must be completed within 5 years from the date of adoption](#)

changes. As such, a partial review of the Minerals Local Plan will be carried out and the timetable reflects that in this revised MWDS.

Minerals and Waste Development Framework Preparation

Content of the Minerals and Waste Development Framework

The MWDF for Essex consists of:

- The Essex Minerals Local Plan and Policies Map – adopted 2014;
- The Statement of Community Involvement – adopted 2018;
- The Essex and Southend-on-Sea Waste Local Plan and Policies Map adopted 2017;
- Supplementary Planning Guidance: Mineral Site Restoration for Biodiversity (June 2016)
- Authority Monitoring Reports.

The NPPF also requires the delivery of a Local Aggregates Assessment (LAA). It is not part of the framework, but it is a requirement which will need to be factored into workloads and for the sake of completeness is included here. There are also several technical evidence papers and evidence base documents.

Minerals Local Plan Review

The Essex Minerals Local Plan (2014) comprises the following: Spatial Vision, Aims and Strategic Objectives, Spatial Priorities (the Strategy), Strategic Policies, Development Management Policies and a list of Preferred and Reserve Sites for Mineral Extraction. The proposed timetable for Reviewing the Local Plan is in Appendix 2.

Overview	
Purpose	The Minerals Local Plan will set out the vision, objectives and spatial strategy for Mineral related development in the Plan area up to 2029. It identifies locations for the provision of mineral sites and sets out the key strategic and development management policies that minerals planning applications are assessed against. The review will be undertaken to ensure the plan remains fit for purpose and in accordance with national policy guidance and legislation.
Prepared by	Essex County Council as Minerals Planning Authority
Coverage	The administrative area of Essex County Council
Conformity	With relevant aspects of the National Planning Policy Framework and associated Planning Practice Guidance.

	Prepared in accordance with the adopted Essex SCI.
Status	Development Plan Document
Timetable	
Stage	Dates
Submission to Secretary of State	Feb 2021
Examination in Public	June 2021
Receipt of Inspector's Report	August 2021
Adoption	October 2021
Arrangements for production	Format / branding to be updated for adoption.
Organisational lead	Executive Director, Place & Public Health
Political management	Political Leadership Team (PLT)
Internal resources	Primarily the Minerals and Waste Planning Policy Team. Additional input may be sought from development management, waste management teams, place services, highways and transportation, and non-minerals and waste policy officers.
External resources	Use of consultants/external bodies will be considered throughout the whole process to provide advice and specialist input that is not available within the Council
External Community and Stakeholder Involvement	Consultation will be carried out in accordance with the Statement of Community Involvement
Review	The Plan will be monitored and reported in Authority Monitoring Reports (AMR) and the Local Aggregates Assessment (LAA).

Minerals Policies Map

The Minerals Local Plan (2014) contains key diagrams and maps showing individual sites for future extraction appended to the plans. The policy map shows designations such as the Areas of Outstanding Natural Beauty (AONB), Special Areas for Conservation, Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Green Belt, and the preferred and reserve sites where required. The production of the policies map is linked to the preparation and adoption of development plan documents and will be updated as necessary to remain in accordance with the Revised Minerals Local Plan.

Minerals and Waste Planning Authority Monitoring Report

Planning Authorities are required to prepare an Authority Monitoring Report (AMR) to assess the implementation of the Minerals & Waste Development Scheme and the extent to which policies in Development Plan Documents are being achieved. AMRs also report on the monitoring indicators and targets contained within the respective Minerals and Waste Local Plans. Essex County Council has published an AMR on minerals and waste planning matters reporting based on each financial year, as part of the Minerals and Waste Development Framework. The AMR will contain the

relevant information required under the regulations and recent reports are posted on the Essex County Council website.

An Authority Monitoring Report reports on:

- Policy effectiveness, particularly regarding minerals and waste targets;
- The need to review any policies in the light of findings above;
- How the duty to co-operate is being taken forward; and
- The need to review the MWDS, as a result of monitoring implications or legislative changes.

Statement of Community Involvement

The Statement of Community Involvement (SCI) sets out how local communities and stakeholders will be involved in the preparation of the Minerals and Waste Development Framework documents, in the consideration of planning applications and the steps that the County Council will take to facilitate this. The most recent SCI was adopted in 2018. The SCI may be reviewed in the future as necessary.

Sustainability Appraisal

Section 19 of the Act² requires Development Plan Documents to be prepared with a view to contributing to the achievement of sustainable development. Local planning authorities must also comply with European Union Directive 2001/42/EC that requires formal strategic environmental assessment of certain plans and programmes. To meet these requirements and ensure that the MWDF incorporates the aims of Sustainability, the Sustainability Appraisal (SA) is fully integrated into the production of the MWDF documents.

Sustainability appraisal is a process that needs to be started at a sufficiently early stage in the preparation of each local plan to ensure that the content of the document is built on sustainable principles, and then continued throughout its preparation. The main stages of the sustainability appraisal process coincide with the consultation and participation stages on the local plans.

The evidence base

Relevant survey and monitoring information is needed to develop a sound evidence base for the MWDF. . A new evidence base consists of existing data and new research and technical studies. Essex County Council collects information on and monitors several environmental, economic and social indicators already, but additional information has been and will continue to be collected from stakeholders, local communities and commercial interests.

² Planning & Compulsory Purchase Act 2004

As the evidence base builds and individual background and technical reports are completed, the information is posted on the Council's website, usually at a consultation or engagement stage in the development of LDDs.

Local Aggregate Assessment

Paragraph 145 of the National Planning Policy Framework (NPPF) requires Mineral Planning Authorities (MPAs), either individually or jointly by agreement, to produce a Local Aggregate Assessment (LAA). The role of the LAA is to aid in the determination of the mineral provision an MPA should set within a mineral planning area. The LAA is also required to incorporate an assessment of all potential mineral supply options, including minerals won from the marine environment as well as those derived from secondary and/or recycled sources. Following the adoption of the first LAA in June 2013, revised LAAs are produced annually.

Essex and Southend Waste Local Plan (2017)

The Waste Local Plan was adopted in July 2017 and its performance is being monitored in accordance with the AMR. Any formal assessment of whether to review of the plan is not likely to take place until July 2022, unless any unforeseen issues trigger the need to commence and early review of the Plan.

Programme for the preparation of the Minerals Local Plan Review

Arrangements to produce Development Plan Documents

Priorities and resources

The Minerals and Waste Planning Policy Team is supported by the development management team and other specialist officers who undertake sustainability appraisal and the strategic environmental assessment.

The Head of the Service will ensure that the necessary budget is allocated to the Minerals and Waste project, including staff resourcing, to ensure its delivery.

Programme Management and Responsibilities

The Minerals and Waste Planning Policy Team has responsibility for programme management practices. The use of project management techniques is employed to help guide and focus the preparation of the plan review. This is enabling us to manage the process more effectively.

Council procedures

The Cabinet is the key decision-making body of the County Council. The Cabinet Member for Economic Development, who has political responsibility for minerals and waste planning, will present Development Plan Documents to the Cabinet (in line with Council procedure). A full Council resolution will be sought for adoption of the Minerals Local Plan.

Risk assessment

In preparing this Minerals and Waste Development Scheme consideration has been given to potential risks that might impact on preparation of the framework; particularly the Minerals Local Plan Review. These risks include, but are not limited to:

Risk/Issue	Mitigation
<p>Intervention by Government The Government is currently undertaking a technical consultation on assuming greater powers to intervene in Local Plan preparation.</p>	<p>Although the focus is on housing delivery, minerals and waste is not specifically excluded. The updated MLP is intended to be submitted to the Secretary of State in July 2020 to ensure the Planning authorities have done their bit at getting the document prepared.</p>
<p>Personnel Availability of experienced personnel / key staff may leave or become unavailable due to long term sickness.</p>	<p>The team structure is being modified to reflect the work programme goals. We will ensure all processes are documented and records are up to date. We will devise an internal action plan to involve other ECC planning staff at the time of the Examination In Public (including carrying out any necessary training in readiness).</p>
<p>Decision Making The process is straight forward with Cabinet decisions required as key plan stages</p>	<p>Project management techniques (including the need to avoid relevant Pre-Election Periods) and the use of the scrutiny committee can help mitigate any risk.</p>
<p>Soundness Inspectors may reject the plans as 'unsound' at the EIP stage due to misunderstanding of the latest processes and guidance</p>	<p>We will regularly seek advice and guidance to secure the soundness of emerging documents. The PINS document 'Soundness Self-Assessment Toolkit' will be used to ensure the Plan is sound before it is submitted to the Secretary of State. During examination ECC remains proactive in responding to the Inspector's concerns. Where any apparent issues arise, e.g., implementation / delivery, the use of supplementary planning documents / guidance will be considered as a tool to address with any associated changes to this Development Scheme being made accordingly.</p>
<p>Duty to Co-operate Adjoining authorities may challenge the data for the Plan.</p>	<p>The evidence base around mineral sales/projections has been updated to ensure it is up to date. Officers participate in relevant national and sub-national forums e.g., East of England Aggregates Working Party and have industry and district / borough stakeholder groups in place. Officers have actively engaged key authorities to gain support and/or address any concerns through Duty to Co-operate.</p>
<p>Community Engagement Issues of concern and the scale of response may challenge the ability to submit within the programme schedule.</p>	<p>Such challenges have been minimised by the extensive work undertaken to ensure that the MLP is 'Sound' and prepared in accordance with relevant legislation and regulations. However, the position will be re-assessed closer to submission with a view that additional</p>

	evidence could be necessary prior to submission. We will seek short term support from other parts of the planning team. We will use external consultants to help deal with any backlog.
Changes to Legislation There may be changes to legislation and national policy statements and guidance.	We need to maintain regular contact with authorities to identify any likely changes. Given that submission is intended within months and the authority is unaware of anything of consequence this is considered manageable.
Funding There may be insufficient funding or resources allocated to the MWDF project.	There is a detailed plan to support the resource and funding requirements within the timescales of the MLP Review. We will keep expenditure against allocated resources under constant review.
Delays in delivery of external assessments External consultants may be in demand and therefore may not be immediately available to carry out work for which the Councils unequipped to carry out themselves	Consultants have developed parts of the evidence base. The timing of the examination will be discussed with external consultants as early as possible to prevent delays arising from clashes i.e. the workload of consultants. We will agree plans with suppliers when contracts are let and monitor progress against the plan.
Provision of information by key stakeholders and organisations Key external agencies may not be able to provide information sufficiently quickly.	Engage external agencies as early as possible in the lead up to submission.
Legal challenge Delays to the MWDF timetable because of High Court challenges	Legal input will be sourced where necessary. Such challenges have been minimised by the extensive work to ensure that the MLP is 'Sound' and prepared in accordance with relevant legislation and regulations. The submission of the MLP has been preceded by the development of a robust evidence base alongside a well audited stakeholder and community engagement exercise at each stage of the public consultations undertaken.
Programme Slippage Delays to the MWDF timetable	Each stage of the preparation of the MLP is subject to project planning. All Plans will be subject to regular review related to the circumstances at that time. The timing of each stage of work will need to be flexible to take into account changes in circumstances, such as Policy. The timetable will be monitored via the Authority Monitoring Report, which would identify reasons for any slippage and identify updated milestones, whilst the MWDS is updated.

Constraints

The project is constrained by the following factors:

- Approvals and announcements will need to fit into the political schedule including Cabinet and Council;
- The project must be consistent with national and local policy and plans; and
- The project must conform to adopted governance procedures introduced (within Essex).

Dependencies

The project is dependent in particular on the following:

- Planning Inspectorate (PINS) to provide Inspectors to undertake the Examination in Public and to complete the process in the published timescales;
- Receiving representations from all parts of the community that will help become part of the consideration of the Inspector;
- The quality of data available to provide a sound evidence base on which to base the plan; and
- Regular reviews and updates on the dates and milestones of the project.

Examination

All development plan documents are submitted to the Secretary of State for independent examination. The County Council will liaise closely with the Planning Inspectorate on a detailed timetable as the document nears the examination stage.

Monitoring and review of the Minerals and Waste Development Scheme

Monitoring of the Plan

An Authority Monitoring Report (AMR) is prepared to monitor implementation of the MWDS. In relation to the scheme it will:

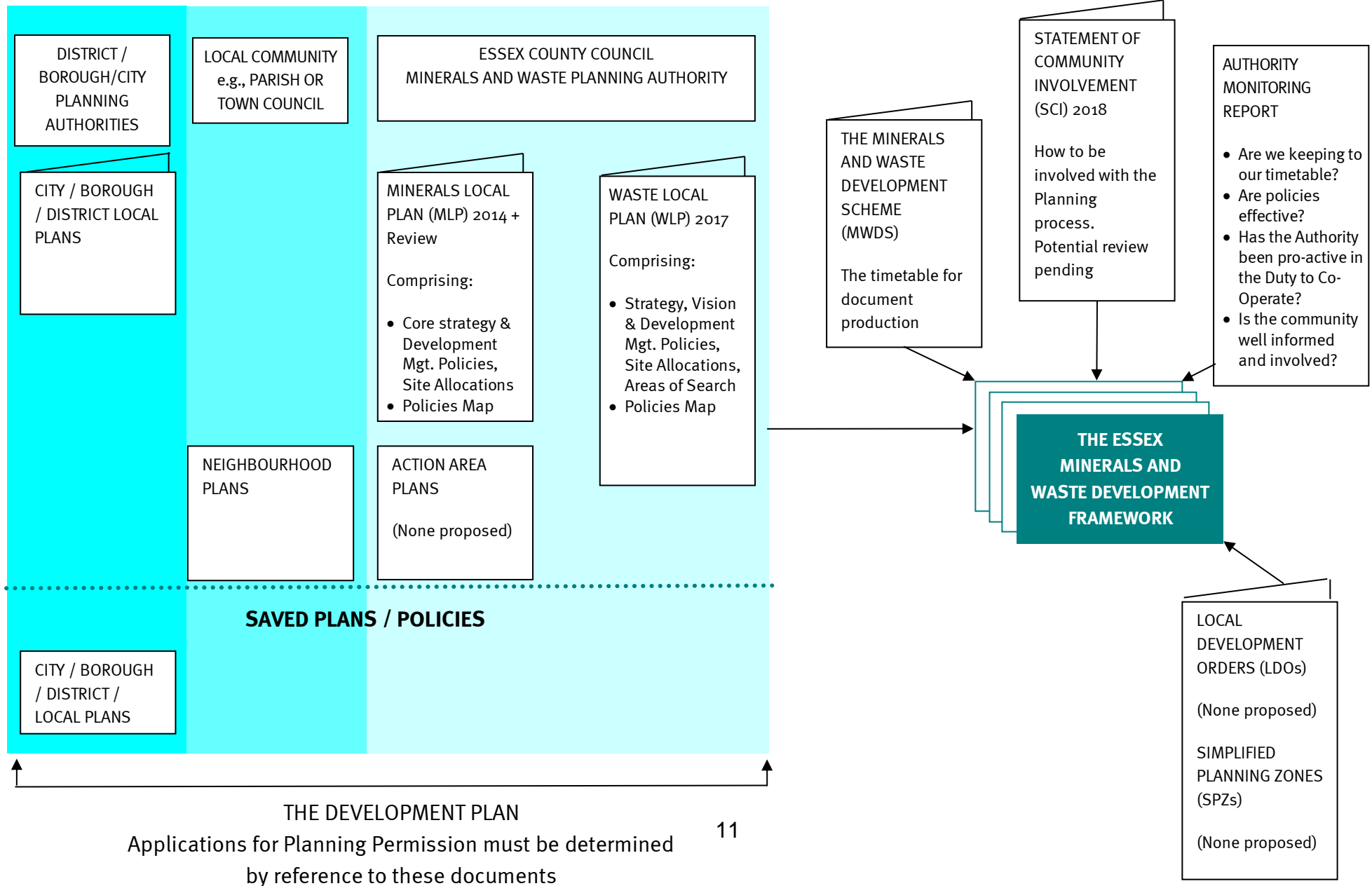
- Assess the timetable specified in this scheme for preparation of each document. It reports on the progress made and whether the authority has met targets and milestones or is on schedule to do so. The report sets out where the authority has fallen behind or will not meet targets, the reasons behind this and what steps will be taken to address these problems. The authority will also indicate if it is necessary to amend the Local Development Scheme in the light of this assessment;
- Monitor the extent to which policies in the MWDF are being achieved and any policy areas where change is needed; and
- Identify any significant changes to the evidence base which might affect the Plans.

Cabinet / Council cycles

Approvals and announcements need to fit into the political schedule including Cabinet and Council meetings. For example, a delay in receiving the Inspector's report could lead to missing the allotted Council meeting for approval and the next meeting might not take place for 2-3 months, leading to a much larger delay for the document approval and consultation.

Appendix 1

Diagram of the Minerals and Waste Development Framework



Appendix 2

Timetable including key milestones.

	Key Stages	Minerals Local Plan Review
1.	Initial scoping (inc. engagement)	September 2019 – May 2020
2.	Cabinet approval to commence Review	November 2019
3.	Preparation of draft Reg 18 Plan (inc. SA scoping etc)	December 2019 – April 2020
4.	Public and stakeholder consultation (Reg 18 Preferred Approach)	May – June 2020
5.	Processing and analysis of representations	June – July 2020
6.	Consultation feedback to Political Leadership/Scrutiny Committee	July 2020
7.	Necessary changes (inc. further DTC)	August – October 2020
8.	Public and stakeholder consultation (Reg 19)	October – November 2020
9.	Cabinet approval for publication and submission of Plan	January 2021
10.	Submission to Planning Inspectorate (Reg 22)	February 2021
11.	Preparation of evidence for Examination	February – May 2021
12.	Examination in Public	June 2021
13.	Inspector's Report	August 2021
14.	Formal Adoption	Full Council October 2021

Appendix 3

Glossary of Terms/Abbreviations

Authority Monitoring Report (AMR)	A statutory document submitted to Government and published at the end of each year which monitors the progress of document preparation against the Local Development Scheme milestones and progress in meeting the objectives set in the Framework.
Essex County Council (ECC)	The authority for minerals and waste planning within Essex..
Development Plan Document (DPD)	Minerals & Waste documents within the MWDF which form the statutory development plan.
Local Development Document (LDD)	These take two forms: DPDs and SPDs (see separate entries)
Local Plan (MLP & WLP)	'New style' DPDs for minerals (MLP) and waste (WLP) that are replacing 'old style' Local Plans.
Minerals Local Plan (MLP)	The Essex Minerals Plan adopted in July 2014.
Minerals and Waste Core Strategy (MWCS)	Will set out the County Council's vision, objectives & spatial strategy for Minerals and Waste. It will contain a statement of strategy and, as appropriate, a set of primary policies and proposals for delivering the Core Strategy and an illustrative key diagram.
Minerals and Waste Development Framework (MWDF)	The portfolio of documents that together provide the framework for delivering the spatial planning strategy for minerals & waste.
Minerals and Waste Development Scheme (MWDS)	The project plan setting out the County Council's programme and timetable for the documents it intends to prepare for inclusion in the MWDF.
National Planning and Policy Framework (NPPF)	The initial NPPF was published on 27 March 2012 but has been periodically reviewed with the latest edition published in 2019. This is a reform to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Particularly related to the MLP.
National Planning Policy Guidance (NPPG)	Sets out the government's planning guidance for England
National Planning Policy for Waste	Published in October 2014. This replaced Planning Policy Statement 10.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of DPDs. The Inspectors' reports will be binding on the County Council.
Southend-on-Sea Borough Council (SBC)	The authority for minerals and waste planning within Southend. Council are working in partnership with Southend-on-Sea to produce a joint Waste Local Plan.
Statement of Community Involvement (SCI)	Sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of mineral and waste DPDs and the development management process. The SCI is not a Development Plan Document.
Strategic Environmental Assessment (SEA) & Sustainability Appraisal (SA)	A formal process that analyses and evaluates the environmental effects of a plan or programme.
Supplementary Planning Document (SPD)	Provides economic, social, environmental or design objectives and greater detail on the policy within a DPD. They are not subject to independent testing (examination) but are subject to consultation and, where necessary, sustainability appraisal. SPDs do not have development plan status.
Supplementary Planning Guidance (SPG)	Provides greater detail on the policy within a DPD. They are not subject to independent testing (examination) but are subject to consultation and, where necessary, sustainability appraisal. SPDs do not have development plan status.
Waste Local Plan (WLP)	The Essex and Southend-on-Sea Waste Plan adopted in July 2017.

