

**Wards Affected:**

All Wards

**ITEM 10**

**CABINET**

**3 JANUARY 2017**

**MILTON KEYNES MINERALS LOCAL PLAN PROPOSED MODIFICATIONS**

Responsible Cabinet Member: Councillor Gifford, Cabinet Member for Place

Report Sponsor: Anna Rose, Service Director - Planning, Culture and Infrastructure

Author and contact: John Cheston, Development Plans Team Leader, Tel: (01908) 252480

**Executive Summary:**

Following the public examination hearing sessions into the Milton Keynes Minerals Local Plan in October 2016, a schedule of Proposed Modifications to the Plan has been drawn up at the request of the Planning Inspector. These Proposed Modifications (the **Annex** to this report) are required to be publicised and any representations on them considered by the Inspector. The Inspector's Report will then be able to be issued and, provided that she deems it to be 'sound' and legally compliant, the Minerals Local Plan could go to full Council for adoption.

**1. Recommendation(s)**

1.1 That a schedule of Proposed Modifications to the Minerals Local Plan be published for a six week public consultation.

**2. Issues**

2.1 The Milton Keynes Minerals Local Plan is currently being examined by an independent Planning Inspector. Public hearing sessions into the Plan were held on 18 and 19 October 2016.

2.2 As a consequence of the public hearing sessions, the Inspector has asked officers to make a small number of modifications to the Plan. These changes will enable the Inspector to find the Plan 'sound' and for her to then issue her report and for the Plan to proceed to full Council for its adoption. The schedule of Proposed Modifications is attached at the **Annex**.

2.3 These modifications focus on amendments to the policies and explanatory text for Policy 9 on Natural assets and resources and Policy 16 on Restoration and after-use and are required to bring these policies fully into line with the National Planning Policy Framework (NPPF).

2.4 In addition, amendments to the site profiles in Appendix 1 of the Plan are also proposed in relation to specific development requirements for sites A1 (Calverton/Passenham Extension), A3 (Northampton Road, Lathbury) and A4 (Manor Farm and Lavendon Mill). The changes would have the effect of removing the minimum separation distances required by the draft Plan

between the proposed extraction works at Lathbury and nearby residential properties because the Inspector considers these to be too prescriptive.

- 2.5 These are relatively minor changes for a full local plan that has been discussed at a public examination hearing session and in no way do they affect the intent of the Plan, rather they are changes to make the Plan fully compliant with the NPPF. Nevertheless, these changes are considered by the Inspector to be necessary to enable it to be found 'sound'.
- 2.6 On this basis, it is recommended that these Proposed Modifications are agreed and that they are consulted on for the statutory minimum period of six weeks. Representations can only be made on the Proposed Modifications and not on any other element of the Minerals Local Plan. All representations made will be considered by the Inspector.
- 2.7 At the request of Councillor Peter Geary, the draft Proposed Modifications in relation to MM25 and MM26 (specific development requirements for Site A3 Northampton Road, Lathbury and Site A4 Manor Farm and Lavendon Mill) were shared with him and his Olney Ward colleagues, and with representatives of Lathbury Parish Meeting on an informal basis.

### 3. Options

- 3.1 The alternative option is not to agree these modifications (either one or more or in their entirety). However, to not agree to the modifications that the Inspector considers are necessary to make the Plan 'sound' will mean that she would have no alternative other than to find the Plan 'unsound' and it would have to be withdrawn. This would leave the Council without an up to date suite of policies against which to consider minerals-related planning applications.

### 4. Implications

#### 4.1 Policy

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

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

#### 4.3 Carbon and Energy Management

The Minerals Local Plan has been 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 has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and associated regulations and guidance.

#### 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 has been subject to Sustainability Appraisal (incorporating the requirements of the Strategic Environmental Assessment Directive).

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

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

**Stakeholders:** Consultation with a wide range of stakeholders has been 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.

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

Background Papers: Minerals Local Plan – Submission Plan, March 2016  
<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/minerals-policy>

**Annex:** Milton Keynes Minerals Local Plan - Schedule of Proposed Modifications