

Assessment of Oxfordshire Minerals and Waste Local Plan Saved Policies for consistency with the National Planning Policy Framework and National Planning Policy for Waste (updated September 2017)

1. The Oxfordshire Minerals and Waste Local Plan (1996) was adopted in July 1996. A direction by the Secretary of State in 2007 “saved” 46 of its policies and these all continued to form part of the development plan for the county with regard to the consideration of planning applications for mineral extraction and waste management and related developments until the adoption of the Oxfordshire Minerals and Waste Local Plan – Core Strategy on 12th September 2017. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites. The adopted Core Strategy replaces 30 of the saved policies, as listed in Appendix 1 A of the Core Strategy, and those policies no longer have effect. Only the 16 non-strategic, site-related policies of the Oxfordshire Minerals and Waste Local Plan (1996) have been retained, pending preparation and adoption of Part 2 of the Plan. These are listed in Appendix 1 B of the Core Strategy.
2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and came into effect immediately. It sets out the Government’s planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local plans (including core strategies) and neighbourhood development plans and is a material consideration in determining planning decisions. The National Planning Policy for Waste (NPPW) was published in October 2014. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.
3. The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF & NPPW do not change the 2004 Act in this respect, but are themselves significant material planning considerations.
4. The 16 non-strategic policies of the Oxfordshire Minerals and Waste Local Plan (1996) remain in use for the purposes of development management. Paragraph 215 of the NPPF makes it clear that in determining planning applications due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).
5. In order to ensure the continued validity of these policies the consistency of them with the NPPF and the NPPW has been assessed. Consideration has also been given to the guidance set out in the national Planning Practice Guidance (PPG).
7. Appendix 1 provides the assessment as to whether the remaining saved non-strategic policies of the Oxfordshire Minerals and Waste Local Plan (1996) are consistent with the NPPF and NPPW. This information will assist the council’s Development Management Team, developers and the Planning and Regulation Committee apply the saved policies appropriately alongside the NPPF and NPPW. It will also help communities understand why we cannot give some saved policies full weight.
8. The assessment of the consistency of the non-strategic Oxfordshire Minerals and

Waste Local Plan (1996) policies does not represent a change in policy. It is simply a guide for how the policies should be used following publication of the NPPF and NPPW.

9. Publication of the assessment is not a matter requiring a formal council decision, as it is an assessment of the impact of an external change on our policies rather than a change we are making. The assessment of consistency is an officer judgment based on current information. It may need to be updated to reflect any change in interpretation arising from subsequent policy guidance or decisions made by planning inspectors or in the courts.
10. This assessment, which should be read alongside the NPPF and NPPW and the PPG, clarifies those non-strategic local plan policies which can continue to be used in the consideration of planning applications. The non-strategic local plan policies have been categorised into the following four categories:
 - Fully consistent – policies in this category either replicate the NPPF/NPPW, add to the NPPF/NPPW (while remaining consistent with them) or provide less detail/caveats than the NPPF/NPPW (whilst not contradicting them).
 - Consistent in part – this will most likely relate to policies which contain a significant level of detail. Parts of these policies may therefore be consistent with the NPPF/NPPW, whilst certain parts are either not compliant or not covered. The weight that can be applied to them, alongside the NPPF/NPPW, will vary depending on the specific circumstances of each individual application.
 - Not consistent – policies that take a different direction and view on matters to the content of the NPPF/NPPW. Little or no weight should be applied to these policies.
 - Not covered by the NPPF/NPPW – This category relates to policies which cover matters not addressed by the NPPF/NPPW.

Implications

11. Those policies that are consistent with the NPPF/NPPW (including consistent in part) will need to be considered alongside the Framework in day-to-day planning decisions made either by the Planning and Regulation Committee or by officers under delegated powers. Each case will need to be considered on its individual merits.
12. Where policies are not consistent with the NPPF/NPPW, this does not leave a policy vacuum. In this case, applications should be considered in accordance with the policies set out within the NPPF/NPPW and the guidance set out in the PPG.
13. Once the new Oxfordshire Minerals and Waste Local Plan – Part 2: Site Allocations is adopted, it will replace the remaining saved non-strategic policies of the Oxfordshire Minerals and Waste Local Plan (1996). As the emerging Part 2 local plan progresses, its draft policies will gain weight as material considerations.







Appendix 1:






Assessment of consistency of 'saved' non-strategic Oxfordshire Minerals and Waste Local Plan policies (1996) with the National Planning Policy Framework (2012) and the National Planning Policy for Waste (2014).





1. The 16 saved non-strategic policies of the Oxfordshire Minerals and Waste Local Plan (1996) were assessed. The policies range widely in terms of detail and scope.
2. Assessment against the NPPF and NPPW was undertaken through identifying the most relevant sections/paragraphs of national policy to the plan policy being considered. Where the NPPF or NPPW do not include detail, the advice in the national Planning Practice Guidance (PPG) was also considered.
3. Assessment of consistency can be somewhat subjective, as it depends on interpretation of both local and national policy, the intended outcomes, and the emphasis they provide.
4. Planning inspectors, at examination, have interpreted the requirements of the NPPF as requiring policies to be positive and enabling.
5. Thus the assessment not only considers the content of the saved non-strategic policies but also the emphasis on positive planning, enabling development unless it is not acceptable rather than emphasising when development will not be permitted.
6. A 'red-amber-green' colour coding has been used to indicate the consistency with national policy overall or with specific paragraphs. The broad assessment of consistency is presented in the table below. The degree of consistency of specific parts of the policy is highlighted in relevant colour coding in the Consistency Assessment column with the overall judgement of consistency in relevant colour coding in the Overall Score column.
7. In all cases, the saved non-strategic Oxfordshire Minerals and Waste Local Plan (1996) policies were considered to be either fully or partly consistent with national policy, and so score as 'green' or 'amber' (including with specific parts identified as 'fully' or 'non' consistent), often reflecting subtle differences in emphasis or specific content. That 7 of the 15 policies score 'amber' is perhaps not surprising given the subjectivity involved in comparing approaches, intentions and emphasis in local and national policies.







Consistency Assessment	Score
Fully consistent with NPPF/NPPW - policies in this category either replicate the NPPF/NPPW, add to the NPPF/NPPW (while remaining consistent with them) or provide less detail/caveats than the NPPF/NPPW (whilst not contradicting them).	✓
Consistent, in part, with the NPPF/NPPW – this will most likely relate to policies which contain a significant level of detail. Parts of these policies may therefore be consistent with the NPPF/NPPW, whilst certain parts are either not compliant or not covered. The weight that can be applied to them, alongside the NPPF/NPPW, will vary depending on the specific circumstances of each individual application.	!
Non-consistent with the NPPF/NPPW – policies that take a different direction and view on matters to the content of the NPPF/NPPW. Little or no weight should be applied to these policies.	X
Not covered by the NPPF/NPPW - This category relates to policies which cover matters not addressed by the NPPF/NPPW.	



Policy	NPPF/NPPW requirement (paragraph) PPG reference where no policy requirement	Consistency assessment	Overall Score
SC3 Planning permission will not be granted [Sutton Courtenay area Map 1] unless a routeing agreement has been secured to: a) encourage heavy goods traffic to use the Didcot Northern Perimeter Road; b) prevent heavy goods traffic from entering the villages of Sutton Courtenay, Appleford and Long Wittenham except for local access; and c) limit the use of Culham Bridge to heavy goods vehicles serving local markets in the eastern parts of Abingdon and eastwards along the A415.	set out environmental criteria... against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic,...and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; (NPPF, 143)	! Site specific re traffic impacts which is consistent with NPPF. Not positively worded	!

Policy		NPPF/NPPW requirement (paragraph) <i>PPG reference where no policy requirement</i>	Consistency assessment	Overall Score
SW1	Part of the [Sutton Wick, Map 2] area between south Abingdon, the River Thames, the Drayton-Sutton Courtenay road and Stonehill Lane will be released for sharp sand and gravel extraction in accordance with the other policies in this Plan.	provision should take the form of specific sites, preferred areas and/or areas of search (NPPF, 145)	 Site specific – consistency depends on implementation and consistency of other Plan policies with NPPF	
SW2	The County Council will not permit access onto the B4016 between Drayton and Sutton Courtenay, or to south Abingdon via Peep O'Day Lane.	ensure that permitted operations do not have unacceptable adverse impacts ... including from noise, dust, visual intrusion, traffic,...(NPPF, 143)	 Site specific – implementation consistent with achieving NPPF aims	
SW3	Access will be via Stonehill Lane and particular attention will be paid to the needs of the other users of the lane	<p>All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> • safe and suitable access to the site can be achieved for all people; and <p>Ensure that permitted operations do not have unacceptable adverse impacts ... including from noise, dust, visual intrusion, traffic,...(NPPF, 143)</p>	 Site specific – implementation consistent with achieving NPPF aims	

Policy		NPPF/NPPW requirement (paragraph) <i>PPG reference where no policy requirement</i>	Consistency assessment	Overall Score
SH1	<p>Land for sharp sand and gravel working [Stanton Harcourt area Map 3] will be released in the Lower Windrush Valley in accordance with the other policies in this Plan:</p> <p>a) to the south east of Ducklington;</p> <p>b) to the north of Hardwick; and</p> <p>c) to the south of West End. Applications for clay extraction will be considered under policy SD5.</p>	<p>provision should take the form of specific sites, preferred areas and/or areas of search (NPPF, 145)</p>	<p> Site specific - consistency depends on implementation and consistency of other Plan policies with NPPF</p>	
SH2	<p>Planning permission will not be granted for mineral extraction or waste disposal, including development which would intensify existing workings, where the development would lead to a significant increase in traffic in Sutton or prolongation of significant traffic intrusion, unless the Sutton bypass has been constructed and brought into use. If necessary, weight restrictions will be placed within the village following construction of the bypass</p>	<p>ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic,...and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; (NPPF, 143)</p>	<p> Site specific but implementation likely to be consistent with NPPF re traffic impacts.</p> <p> Policy not positively worded</p>	

Policy		NPPF/NPPW requirement (paragraph) <i>PPG reference where no policy requirement</i>	Consistency assessment	Overall Score
SH3	The County Council will seek routing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake to the Ducklington bypass, or the B4449 via the Blackditch, Sutton and Eynsham bypasses.	ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic,...and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; (NPPF, 143)	 Site specific but implementation likely to be consistent with NPPF re traffic impacts.	
SH4	Mineral/waste traffic from the sites identified in policy SH1 will be required to: a) use the Ducklington and Witney bypasses; the use of the B4449 via the Blackditch and Eynsham bypasses will only be allowed if the financing of the Sutton bypass has been secured and the road completed; b) use the existing Gill Mill mineral access onto the Ducklington- Hardwick road with a system of internal haul roads for all workings in the area (SH4(b) does not apply to SH1(c)). No direct or indirect access for mineral working will be permitted from workings onto	ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic,...and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality; (NPPF, 143)	 Site specific but implementation likely to be consistent with NPPF re traffic impacts.	

Policy		NPPF/NPPW requirement (paragraph) <i>PPG reference where no policy requirement</i>	Consistency assessment	Overall Score
	Worton Rectory Farm. Applications for clay extraction will be considered under policy SD5.			
CY2	The County Council will seek the use of conveyors and haul routes in order to minimise the impact of minerals traffic in the area.	Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. (NPPF, 30)	 Consistent with NPPF aims – could include reduction of emissions	
CY3	After-uses for the Cassington-Yarnton area should normally conform with those on the Proposals Map (the categories of uses are explained in paragraph 7.2). Planning permission will not normally be granted until these after-uses and means of funding them have been secured	ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation. (NPPF, 143) Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances; (NPPF, 144) Mineral planning authorities should seek to meet any justifiable and reasonable concerns about financial liabilities relating to the restoration of the site through agreeing a planning obligation or voluntary agreement at the time a planning permission is given. (PPG, 049)	 Site specific. Range of after-uses in para 7.2 reflects NPPF (and PPG). Requirement for 'means of funding to be secured' may be inconsistent with NPPF and PPG wording regarding obligations	 

Policy		NPPF/NPPW requirement (paragraph) PPG reference where no policy requirement	Consistency assessment	Overall Score
CY4	<p>The County Council will promote the following pedestrian and cycle routes:</p> <p>(a) from Eynsham, east to link with the Oxford Canal towpath, using the old railway line as much as possible, to provide a largely segregated pedestrian/cycle route avoiding major roads and junctions;</p> <p>(b) from Eynsham, along Cassington Road, to provide a pedestrian/cycle route to Cassington;</p> <p>(c) circular walks from Eynsham, Cassington and Yarnton villages.</p> <p>Planning permission will not normally be granted until the parts of the routes relevant to the proposed development and the funding of them have been secured.</p>	<p>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to</p> <ul style="list-style-type: none"> • give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; • create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; (NPPF, 35) <p>Ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for ... recreation. (NPPF, 143)</p> <p>Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances; (NPPF, 144)</p> <p>Mineral planning authorities should seek to meet any justifiable and reasonable concerns about financial liabilities relating to the restoration of the site through agreeing a planning obligation or voluntary agreement at the time a planning permission is given. (PPG, 049)</p>	<p> Site specific. Range of after-uses in para 7.2 reflects NPPF (and PPG) including provision for pedestrians and cyclists.</p> <p> Requirement for 'means of funding to be secured' may be inconsistent with NPPF and PPG wording regarding obligations</p>	