

Duty to Co-operate and the Milton Keynes Minerals Local Plan

1. As an integral part of the preparation of the Minerals Local Plan Milton Keynes Council is publishing this Statement on the Duty to Co-operate (DtC) on how it intends to address this matter through the plan preparation process.
2. Policy and guidance on the DtC and what it means is set out in the National Planning Policy Framework (NPPF), where it is particularly referred to as planning strategically across local boundaries, and the National Planning Practice Guidance (NPPG). On that basis we have not summarised what DtC means in this Statement.
3. It should be noted that this statement relates to DtC engagement with other minerals planning authorities. It does not specifically cover DtC engagement with the other relevant bodies although the same principles will apply.

DtC Strategic Matters for Minerals

4. Minerals is a strategic matter that is covered by the DtC. The Council's intention is to focus its DtC work on where in developing strategy, policies, provision and locations it considers these raise issues of such a strategic nature that they could have a key impact on other authorities.
5. The Council considers the following to have a strategic nature that potentially could affect another authority and therefore could be a DtC issue:

The provision to be made for aggregates (expressed in terms of million tonnes per annum)

6. The strategic issue here would be around whether what is proposed could be considered under-provision and therefore implying an inappropriate reliance on another area to make up this provision. This basically relates to sand and gravel rather than crushed rock provision.

The spatial strategy for extraction

7. The strategic issue here would be how the spatial strategy relates to those in neighbouring authorities, particularly in relation to ensuring coherent boundaries. Potentially the spatial strategy could also be an issue where this was seen as being developed to specifically and inappropriately minimise extraction.

Provision for the extraction of non-aggregate minerals (this basically relates to building stone extraction)

8. The strategic issue here would be whether there was seen to be a constraint on supply that could impact on stone needed for conservation and renovation of buildings in settlements outside of the plan area.

The proposed allocations for minerals development

9. The strategic issue here would be around whether the allocations would have a significant strategic impact on an adjacent plan area. It should be noted that this would be for significant strategic impacts only and not for detailed matters such as amenity impact – it is also the case that scale of the proposal at an allocation would be relevant here with the larger the proposal the more it could have a strategic impact.
10. It should be noted that the considerations above do not have a specific geographical focus. It is not the case with most of the matters identified that neighbouring authorities would be the most impacted and those farthest away the least impacted. Specific DtC engagement will be on the basis of potential impact and not proximity.

11. There is some confusion by some minerals and waste planning authorities over what constitutes a DtC representation. The Council will consider a representation relates to the DtC where it is a strategic representation relating to the matters identified above.

DtC at the Draft Plan Stage

12. The Draft Plan stage is that stage when the Council starts to finalise its policy direction and is therefore the most opportune time for it to make specific contact with relevant authorities under the Duty to Co-operate (DtC). As a minerals local plan the key DtC issues is that of provision for extraction to be made in the plan. There are no real other DtC matters involved i.e. those of a strategic nature affecting other authorities. For this plan it is the provision to be made for sand and gravel that is the fundamental component as there is no expectation for crushed rock to come forward in the Borough.
13. However this will not be the first time that DtC activity has taken place on the Local Plan. The Issues and Options consultation document, and on which neighbouring and South East authorities were consulted, set the context for the review and the initial views on how matters could move forward and this included providing options for sand and gravel provision. It is also a statutory requirement for the Borough to prepare a Local Aggregates Assessment and for this to be agreed by the regional Aggregates Working Party (AWP). The LAA which identified a likely provision for sand and gravel as in the Draft Plan has actually been agreed by the AWP and therefore by implication all of the South East's minerals planning authorities.
14. As the Plan moves forward it is therefore important that it continues to take the region's minerals planning authorities with it in respect of sand and gravel provision. This is also needed in respect of nearby sand and gravel producing counties that are not in the South East.
15. The Plan also needs to ensure that because it is not making provision for crushed rock this can continue to be sourced from those counties with quality crushed rock resources that currently supply it to the Borough. This is largely Oxfordshire and Gloucestershire but also to a lesser extent Leicestershire and Derbyshire. The Council will therefore specifically contact these authorities beyond just sending them a general notification email.
16. DtC consultation at the Draft Plan stage will therefore comprise:
 - The sending out of specific DtC notifications to all relevant mineral planning authorities in England.
 - Follow up contact with the mineral planning authorities that supply crushed rock to MK.
 - Follow up contact, and if necessary meetings, with any minerals planning authorities where any supply issues (both sand and gravel and crushed rock) are identified.
17. Appendix 1 is the email that was sent to mineral planning authorities under the DtC at Draft Plan stage.

Proposed Submission Stage

18. The Proposed Submission stage is that stage where the Council has what it considers the plan it wishes to be adopted and puts that plan out for representations to be formally

made on it. Following Submission of the plan these representations will be considered by the appointed Inspector at the plan's examination.

19. Any DtC matters should have been identified at Draft Plan stage and should have been subject to engagement (by email or in certain circumstances by telephone or by meetings) to either resolve or agree to disagree. DtC representations from authorities who did not raise issues at Draft Plan stage should not be expected to be raised at this time.
20. DtC notification at this stage will comprise the notification of all of those on the DtC database that the Proposed Submission period for representations has commenced.

Milton Keynes Council
December 2014

Appendix 1: Email to DtC Mineral Planning Authorities at Draft Plan stage

From:

Sent: 13 August 2014 16:03

To:

Subject: Duty to Co-operate - MILTON KEYNES MINERALS LOCAL PLAN

Milton Keynes Council is preparing a new Minerals Local Plan. This is intended to have a plan period to 2032.

Consultation on the Draft Local Plan (the equivalent of preferred options) is now underway and continues until 5 November 2014. The Draft Local Plan and accompanying documents are available to view at:

<http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/minerals-policy>

In the spirit of the Duty to Co-operate we are notifying your authority of this consultation so that if you wish you have the opportunity to make representations on the Draft Plan. It is particularly important for you to make representations on this Plan, and at this time, if you consider that our proposed approaches are making assumptions that could potentially impact on your area and that you are currently not proposing to plan for.

The Council considers that it is the areas around provision of aggregates we intended to provide for that are probably most pertinent in relation to the Duty to Cooperate. For sand and gravel we intend to base provision on a three year annual sales figures rather than a ten year figure. In this way we are reflecting the reference in paragraph 64 of the NPPG that mineral planning authorities should also look at average sales over the last three years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply. For Milton Keynes the three year figure is higher than the ten year figure.

There is historically no requirement for crushed rock for aggregate to be provided in the Borough and there has been no such production in the past ten years. We are therefore not proposing to make any provision for crushed rock and would thus continue to be reliant on supplies from the main provider areas, supplemented as appropriate from other areas.

Please can you make any representations on Duty to Cooperate matters specifically under this header. This is so that these can be dealt with separately from any other non-strategic comments/representations that you may wish to make.

Please can you make your Duty to Cooperate representations by the end of the consultation period on 5 November 2014.

If you have any further questions, please do get in touch using the details below.

Regards