
Meeting: Sustainable Communities Overview and Scrutiny Committee

Date: 10 April 2012

Subject: The Minerals and Waste Core Strategy

Report of: Cllr Matthews, Executive Member for Sustainable Communities - Strategic Planning and Economic Development

Summary: The report proposes that the Committee note the contents of the representations received, approve the recommended responses, and approve the proposed set of 'Focussed Changes' for public consultation and eventual submission to the Secretary of State.

Advising Officer: Jane Moakes, Assistant Director of Community Safety, Public Protection, Waste and Leisure

Contact Officer: Lester Hannington, Principal Minerals and Waste Planning Officer (telephone number 0300 300 6219).

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

1. The recommendations of this report support and contribute to achieving the Council priority to manage growth effectively.

Financial:

2. The cost implications of the subject matter of this report are within the revenue budget agreed for the Minerals and Waste Planning Shared Service. The revenue budget is part funded by contributions from Bedford Borough Council and Luton Borough Council, with CBC being the administrator authority. The three authorities are required to jointly meet the statutory costs associated with the Core Strategy and the appropriate level of budget has been set accordingly.

Legal:

3. The report will progress the Minerals and Waste Core Strategy further towards its submission to the Secretary of State, and towards eventual adoption. All Local Planning Authorities (of which Central Bedfordshire is one in respect of minerals and waste developments) are required by law to have upto date Local Development Frameworks.

Risk Management:

4. The following risks have been identified:

- Failure to discharge statutory responsibilities – Councils are required by law to have up to date Development Frameworks
- Reputational Risks – Waste strategies are the subject of public interest.
- Uncertainty at a national level, as the Core Strategy has been published against the backdrop of the implementation of the Localism Act, and the emerging National Planning Policy Framework, which has still to be published.
- Joint working risks, as the Core Strategy is owned by three Councils, who have their own timetable for decision making.

Contact with DCLG and the Planning Inspectorate has provided confidence that the Core Strategy and its supporting documents will be sound when submitted, subject to the changes proposed.

Staffing (including Trades Unions):

5. The staffing levels of the Minerals and Waste Planning Shared Service is not affected by the subject of this report.

Equalities/Human Rights:

6. The Minerals and Waste Core Strategy is accompanied by Equality Impact reports for each of the three Councils. There are no significant equalities issues arising from them.

Public Health

7. The Minerals and Waste Core Strategy impacts upon public health and well being in particular by directing waste recovery processes to locations which are more remote from centres of population. In addition, traffic is directed onto the primary road freight network, reducing the scope for disturbance to occupants of the more rural areas. Mineral extraction can only occur where the resource is located, and is therefore far more constrained. Nevertheless the Saved General and Environmental Policies provide a sufficient framework for considering applications so as to protect human health and amenity.

Community Safety:

8. Not Applicable.

Sustainability:

9. The Minerals and Waste Core promotes the more sustainable management of waste, and encourages and enables its diversion away from landfilling, (which has greater impacts on the environment and leads to more carbon dioxide emissions), and towards greater use of recovery technologies, which are broadly less harmful to the environment. It also encourages and enables the more sustainable production of minerals, and the reclamation of mineral workings to a range of beneficial afteruses.

Procurement:

10. The Strategic waste sites for recovery processes are the ones to which the waste industry will hopefully focus their attentions when responding to procurement for a waste contract by the Councils. At present Central Bedfordshire is undertaking its procurement of a new waste management contract.

RECOMMENDATIONS:

The Sustainable Communities Overview and Scrutiny Committee is asked to:-

- 1. Note the representations made on soundness of the recently published Minerals and Waste Core Strategy Plan for Submission**
- 2. Comment on the proposed Focused Changes for consideration of the Executive;**
- 3. Recommend to the Executive that the proposed responses to the representations received are accepted, and that the proposed Focused Changes are approved for public consultation, and then submission to the Secretary of State.**

Minerals and Waste Core Strategy: Plan for Submission

11. The Minerals and Waste Core Strategy Plan for Submission (MWCS) was published for a consultation on soundness from 5th December 2011 until midnight on 5th February 2012. The MWCS was developed from several preceding consultation documents:
 - the Minerals Core Strategy;
 - the Minerals Site Allocations document;
 - the Waste Core Strategy;
 - the Waste Site Allocations document; and
 - the Minerals Safeguarding Areas consultation document.
12. 241 representations were received from 33 organisations and individuals. Of note in those representations was that the landowner of the land at Elstow South (in Bedford Borough) is now indicating that a much reduced area of that site is available for non-hazardous waste landfill, and that part of the site could be developed for a waste recovery use. This in itself would require a further consultation on a 'Focused Change', since the present allocation of the entirety of that site for non-hazardous waste landfilling is not capable of being maintained in the Core Strategy. There are other matters arising from consultation which deserve further changes, they key changes are set out below:-
 - 12.1. The Waste Vision is proposed to be amended in its wording, so as to include a reference to the environment and its occupants. The Waste Objectives make clear that additional waste management capacity is to be provided consistent with the protection of the environment and local populations.

- 12.2. One additional target for recovery of Municipal Solid Wastes is quoted in the Waste Strategy 2007, and it is appropriate to include it in Policy WCP 1.
- 12.3. The landowner and potential operator of the land at Elstow South has indicated that a reduced area of that site is available for landfilling on non-hazardous waste. This would mean that there would only be void capacity for some 2M tonnes rather than 3M tonnes of non hazardous waste at the site. Their putative proposals include a mechanical biological treatment recovery plant which would manage waste received, prior to the residue being landfilled in the adjacent void. Rather than reconsider the potential use of the Elstow South site in Waste Core Policy WCP2, (i.e. whether it should be a recovery or a landfill site), it is suggested that amendments be made to Policies WCP 8 and WCP 10, such that these kinds of recovery operations could occur on Strategic sites identified for landfilling. This would have the benefit of enabling and promoting what is known as “pre-treatment”, in that waste would be subject to recovery processes prior to being landfilled, and therefore the volume and organic content of waste would be likely to be substantially reduced. This is highly beneficial as it would reduce the volume of waste and make it more innocuous.
- 12.4. WCP 5 on Climate Change is to be amended by:
- Adding wording to the first paragraph
 - moving bullet points 1 -6 to the supporting text and using as examples
 - include a reference to mentoring and reducing the carbon footprint
 - examples from the policy in the published Plan will move into the supporting text.
- 12.5. Policy WCP6 Catchment Area Restrictions is to be reworded so as to include reference to the use of planning Conditions, (rather than “legally binding agreement”) which is consistent with the practice of the Secretary of State (for example, he accepted the principle of their use in the recent Biogen decision, while refusing permission for the development), as well as a number of Local Planning Authorities.
- 12.6. Policy WCP12: Landfilling of Waste is to be made shorter, so as to emphasise that disposal to landfill will be considered only as a last resort, and for waste which cannot be managed or managed further by recovery processes. The existing end to the publish Policy will be added to the supporting text.

- 12.7. Changes to the **Vision for Minerals** to be made including:
- river basin management' to '**water cycle management**' to broaden its focus.
 - Objective 3 – delete the word 'permanent';
 - Objective 4 – add '**and operator best practice**' after 'planning control';
 - Objective 5 – delete 'any' and add '**leisure and social activities**' after 'employment';
 - Objective 7 – add after 'mineral workings' '**protect and enhance the biodiversity and landscape fabric of the Plan Area**', change 'River Basin Management Plans' to 'Water Cycle Management Plans' and delete 'informal access'.
- 12.8. Policy MCP2 is to be amended so as to read: "The Mineral Planning Authorities will monitor the permitted reserves of aggregate minerals, so as to seek to maintain a landbank sufficient for at least seven years...". This gives a firmer commitment to providing sufficient reserves of aggregate minerals.
- 12.9. An amendment is proposed to add 'and/or benefit' after 'overriding need' to facilitate sites coming forward for extraction, that are not identified as Strategic Sites where there is an identified economic or environmental benefit for this. This would address concerns that have been raised in consultation responses and allow more flexibility.
- 12.10. Policy MCP 9 on Borrow Pits: The 5th bullet point is to be amended to read: "The borrow pit will be restored within a similar timescale...". The 6th bullet point to be amended to read: "There would be no importation of waste materials other than from the project itself unless the restoration offers environmental benefit".
- 12.11. Policy MCP 10: Climate Change is to be amended by:
- reviewing bullets 1 and 2 to ensure they relate to mineral sites
 - moving bullet points 1 -6 to the text and using as examples
 - so as to read and incorporate in supporting text: "Restoration schemes will be encouraged which will contribute to climate change adaptation. This includes the incorporation of flood water storage and biodiversity schemes which act as wildlife corridors and create living sinks. The use of low emission vehicles and vehicles with greater fuel efficiency should also be considered. Operational plant should be selected to ensure maximum efficiency and should be well maintained. Where there are buildings located on quarries for other than short term use opportunities for reducing climate change impacts should be considered and incorporated within the development."

- 12.12. Minerals Core Policy MCP 13 concerning Surface development within Mineral Safeguarding Areas is to be amended, poor quality material can be of economic value.
- 12.13. Finally, there are to be two discrete areas of land where the Mineral Safeguarding Areas will be reduced (south of Leighton Buzzard, and east of Bromham, Bedford) due to the recent receipt of better information.
14. The context for this decision includes the implementation of the Localism Act, which among other matters, will lead to the abolition of the Regional Spatial Strategies. In addition, the finalised National Planning Policy Framework, which will replace existing planning policy guidance for all matters except waste, is expected to be published within the next few months. The NPPF considers most forms of development, including minerals, with the exception of waste, which instead will be the subject of a national waste management plan to be published for consultation in the late summer or autumn of 2012. In addition, an appeal against the refusal of permission for a gasification plant on land at the Twinwoods Industrial Estate near Bedford, was recently refused by the Secretary of State. Finally, the Infrastructure Planning Commission has recommended that a Development Consent Order be issued for the energy from waste facility proposed at Rookery Pit South.

Next Stages

15. The key representations received and recommended further changes as well as the proposed focused changes are set out in this report, which, with any comments of this Committee, will be reported to the Executive in April 2012. A further public consultation will then take place on the focused changes, before the Minerals and Waste Core Strategy is submitted to the Secretary of State in the autumn of 2012. Approval to submit the Core Strategy will need to be given by full Council.
16. The Overview and Scrutiny Committee are requested to:
- (a) Note the responses to the representations received on the consultation on soundness, as set out in this report.
 - (b) Note the proposed focused changes to the Minerals and Waste Core Strategy, as set out in this report.
 - (c) Make any further comments on the Minerals and Waste Core Strategy that they wish to pass to the Executive.

Background Papers:

The following background papers, relating to the consultation and focused changes that are outlined in this report are available to view at Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ:-

- Representations received to the consultation on soundness, and recommended responses and further changes.
- Minerals and Waste Core Strategy focused changes consultation document.