

**Briefing Note for Portfolio Holders
Minerals and Waste Core Strategy
A Summary of the proposed Focussed Changes intended for further pre-
submission consultation**

Following the publication of the Minerals and Waste Core Strategy Plan for Submission it underwent a period for public consultation on soundness between 5th December 2011 and 5th February 2012. This resulted in 241 representations being made from 32 respondents on a range of issues. These have now been considered, and a number of changes are suggested. The vast majority of the changes to the Minerals and Waste Core Strategy are editorial, in that they improve the clarity of the Plan, improve how it expresses its messages to the reader, and update where more recent information/data is available. However there are also a discrete number of alterations to Policies which deserve further public consultation, directly before the Core Strategy is submitted to the Secretary of State for examination in public. The publication of the National Planning Policy Framework (NPPF) has also required a review of the Plan and has resulted in some minor changes being proposed to policy. These changes to Policy and to the Vision/Objectives (shown as additions in bold italics or deletions by 'strikethroughs') address the following issues:

Waste Management

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.

The Vision for Waste

*By 2028 the Plan area will have a sustainable materials resources economy, **in which waste is managed with the least possible harm to the environment of the Plan area and its occupants.** The Plan area will have sufficient waste management capacity for most kinds of waste arising within its area plus an apportionment of pre-treated wastes from London, but will rely upon facilities elsewhere for some specialist wastes (such as Hazardous, Clinical and Low Level Radioactive Waste).*

Specifically the Plan area will maximise the reuse and recycling of wastes, and minimise the need for disposal. Consequently the amount of Municipal Solid Waste (MSW) and Commercial and Industrial waste (C&I) sent to landfill will be significantly lower than at the beginning of the Plan period.

Value will be recovered through reuse, recycling and composting processes, and through the recovery of energy and/or materials from waste. Consequently the amount of MSW and C&I wastes going to landfill will be highly limited in both quantity and in biodegradable content.

Facilities for the collection and storage of waste will be fully integrated into the design of all developments, with waste management facilities located

as close as possible to urban areas. Transport of most waste within the Plan area will be via the local road network, and this will influence the siting of waste management facilities.

Waste Core Policy WCP1: The Provision of Recovery and Disposal Capacity

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.

Policy WCP1 revised wording:

Sufficient capacity for the recovery of waste from the Plan area, and for the landfilling of wastes including pre-treated residual waste from London, will be provided in order to enable the following targets for diversion from landfill and recovery to be achieved:

- *Recovery of at least 50% Municipal Solid Wastes by 2013, 70% by 2015, and 75% by 2020*
- *Recovery of at least 72% of Commercial and Industrial wastes by 2013, and 75% by 2015.*

Waste Core Policy WCP 5: Climate Change

This is to be amended by:

- Adding wording to the first paragraph
- moving bullet points 1 -6 to the supporting text and using examples
- including a reference to monitoring and reducing carbon footprint
- moving examples from the policy to the text

Policy WCP 5 revised wording:

Waste Management Development proposals, including operational practices and restoration proposals must take account of climate change for the lifetime of the development through measures to reduce greenhouse gas emissions and to adapt to future climate change. The proposed measures and the means of monitoring shall be specified.

Waste Core Policy WCP6: Catchment Area Restrictions

This Policy is 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.

Policy WCP 6 *revised wording*

*Disposal and recovery capacity will be provided for the volume of waste that will arise from within the Plan area, as well as an apportionment of post-treatment residual waste from London. In order to ensure that any facility permitted receives waste for which it is intended, developers of new strategic facilities will be subject to **planning conditions** ~~restrictions~~ to control the origin of waste that they receive so as to ensure that any facility permitted will meet the needs of the Plan area.*

Waste Core Policies WCP 8: Non-hazardous waste transfer and materials recovery and WCP10: Anaerobic Digestion

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.

Policy WCP 8 *revised wording:*

Proposals for waste transfer and materials recovery operations will be directed towards:

- *A Strategic ~~recovery~~ site set out in WCP 2; or*
- *an existing employment site of similar uses; or*
- *within the area of land and for the duration of an existing planning permission for a waste related use; or*
- *within the area of, and for the duration of an existing planning permission for minerals extraction; or*
- *within areas of despoiled, contaminated or derelict land.*

Proposals for waste transfer/materials recovery operations in locations other than those listed above will only be permitted if it can be demonstrated that:

- *they serve an identified local need which can only be met by existing facilities, and;*
- *no land in the above categories is available, or that use of such land would be contrary to the proximity principle with regard to the anticipated source of waste.*

Policy WCP10 *revised wording:*

Proposals for anaerobic digestion will be permitted:

- *within a Strategic ~~recovery~~ site set out in WCP 2, or*
- *within the area of an existing planning permission for a waste management related use (including sewage treatment works); or*
- *on an existing employment area or similar uses; or*
- *within areas of previously despoiled, contaminated or derelict land; or*
- *on agricultural land.*

Waste Core Policy WCP12: Landfilling of Waste

The policy on the 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 published Policy will be added to the supporting text.

Policy WCP 12 *revised wording:*

Planning permission will only be granted for the landfilling of non-hazardous waste where it can be demonstrated that the provision of landfill capacity is required to meet an identified need which cannot be met by the management of waste higher up the Waste Hierarchy. ~~or there is a need to reprofile an existing landfill site to address safety and /or pollution issues~~

Waste Core Policy WCP 16: Inert waste

Insert 'will not be permitted' as previously omitted. Also add 'processing' to mineral extraction for clarification.

Policy WCP 16 *revised wording:*

Planning permission will be granted for the recycling of inert waste at sites that are either:

- *an existing employment area of similar uses; or*
- *within the area of and for the duration of an existing planning permission for a waste related use; or*
- *within the area of, and for the duration of an existing planning permission for minerals extraction **or processing**; or*

- *within areas of despoiled, contaminated or derelict land.*

*Proposals for the landfilling or other disposal to land of inert wastes **will not be permitted** except where they would contribute to the reclamation of former mineral working voids, or give rise to an environmental benefit.*

Waste Core Policy WCP17: New Waste Management Facilities

Add the words 'where appropriate' before 'New applications will only be granted..'

Policy WCP17 *revised wording:*

*All new waste management development facilities will be required to confirm to the adopted Freight Strategies and Policies for its area in respect of the management of traffic to and from the site. The locations of new waste facilities will only be permitted where they can easily access the designated Road Freight Network of the Councils within the Plan area. **Where appropriate** new applications will only be granted where they are accompanied by legal agreements to ensure that waste traffic follows an agreed route to/from the Designated Road freight Network.*

Minerals

The Vision for Minerals

This has been changed to refer to 'water cycle management ' rather than 'river basin management' to broaden its focus.

revised wording:

*There will be a steady and adequate supply of minerals in the Plan area sufficient to meet the needs of national and regional supply policy, and the local development needs arising from the Sustainable Communities programme. Minerals will be obtained from the most sustainable sources, and extraction sites will be planned, located and operated so as to protect the environment. Over the full life cycle of a mineral extraction operation environmental improvements will be realised, particularly in terms of biodiversity, green infrastructure, outdoor access **and ~~river basin~~ water cycle management.***

Changes to Strategic Objectives for Minerals

Objective 1. – replace 'identify' with 'provide'

Objective 2 – replace the word 'specify' with 'identify'

Objective 7 – add after 'mineral; workings' 'and protect and enhance biodiversity and the green infrastructure , including heritage assets, of the Plan Area', change 'River basin' to 'Water Cycle Management Plans'

These changes are to more closely accord with wording in national and sub-regional guidance and to broaden the focus of the objectives.

Revised wording:

Objective 1 -

To **provide** ~~identify~~ for appropriate reserves for aggregates and specialist (silica) sands in line with national and sub-regional guidelines.

Objective 2.

To **identify** ~~specify~~ strategic sites for the supply of identified mineral needs, and to ensure that these sites represent the most sustainable options.

Objective 7:

To ensure the appropriate restoration and after-use of mineral workings **and protect and enhance biodiversity and the green infrastructure, including heritage assets, of the Plan Area**, taking particular account of the potential to make contributions to the aims of Biodiversity Action Plans, Green Infrastructure Plans, Outdoor Access Improvement Plans, and ~~River basin~~ **Water Cycle** Management Plans.

Minerals Core Policy Policy MCP 2: The Provision of Aggregates

This is to be amended to provide a firmer commitment to providing sufficient reserves of aggregate minerals.

Policy MCP 2 *revised wording*

*The Mineral Planning Authorities will monitor the permitted reserves of aggregate minerals, ~~and endeavour~~ **so as to seek to maintain a landbank sufficient for at least seven years** the Mineral Planning Authorities will take appropriate action in order to identify the need, and where appropriate, grant planning permission for the release of additional reserves.*

...

Mineral Core Policy MCP 3: Substitute, Secondary and Recycled Aggregates

The wording is revised to accord with the requirements of the National Planning Policy Framework (NPPF) to additionally refer to substitute and recycled aggregates and to provide safeguarding of sites.:

Policy MCP3 *revised wording*

The Mineral Planning Authority will give priority to the production and supply of substitute/recycled/secondary aggregates to be used in preference to land won aggregates.

All facilities permitted within the Plan Area for the handling, processing and distribution of substitute, recycled and secondary aggregate will be safeguarded and there will be a presumption against any development that could prejudice such facilities.

Existing facilities within the Plan Area benefiting from this safeguarding are listed in the appendix.

Minerals Core Policy MCP4: Safeguarding Concrete Batching, Asphalt and Stone Coating Plants

This is a new policy included to accord with the requirements of the NPPF to safeguard asphalt and stone coating plants:

New Policy MCP4 *wording*

All concrete batching, asphalt and stone coating plants permitted within the Plan area will be safeguarded and there will be a presumption against development that could prejudice the ongoing operation of such facilities.

Existing facilities within the Plan Area benefiting from this safeguarding are listed in the appendix.

Minerals Core Policy MCP5 now MCP 6: Mineral Extraction outside Allocated Sites

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.

Policy MCP 6 *revised wording:*

*Mineral extraction outside of the identified Strategic sites will not be permitted unless it can be demonstrated that there is an overriding need **and/or benefit** for an exception to this Policy.*

Minerals Core Policy MCP 9 now MCP 10: Borrow Pits

Minor revisions to text to add clarity and address concerns raised in representations.

Policy MCP10 *revised wording:*

Borrow Pits will be permitted where they substantially meet the following criteria:

- The site is required to supply minerals to a specific major construction works;*
- The site is well related geographically to the project it is intended to supply;*
- The borrow pit will serve the related project only, and will not provide material for the wider market or be retained beyond the life of the project it serves;*
- The borrow pit will bring about the removal of mineral and/or waste traffic movements from the public highway and/or from passing local communities;*
- The borrow pit will be restored within a ~~same~~ **similar** timescale as the project to which it relates, and restoration can be achieved to an approved scheme in the event that it is only partly worked;*
- There would be no importation of **waste** materials other than from the project itself unless required to achieve beneficial restoration as set out in an approved scheme;*

- *There is an overall environmental benefit as a result of the proposal and appropriate mitigation measures will be put in place to minimise any adverse environmental impacts.*

Minerals Core Policy MCP 10 now MCP 11: Climate Change

The wording has been revised by reviewing bullet points 1 and 2 to ensure they relate to mineral sites and moving bullet points 3 – 6 to move the measures for mitigating climate change into the text and using them as examples of what could be done.

Policy MCP11 *revised wording:*

*Minerals Development proposals, including operational practices and restoration proposals must take account of climate change for the lifetime of the development. This will be through measures to reduce greenhouse gas emissions and by measures to adapt to future climate changes. **The proposed measures and the means of monitoring shall be specified.***

Such measures may include:

- ~~*Quantifying the reduction in carbon dioxide and relevant greenhouse gases and means of their monitoring and how they will be monitored in the future*~~
- ~~*Demonstrating how the design, location and transportation related to the development will limit greenhouse gas emissions*~~

~~*Proposals should also set out how they are resilient to the changing climate and may therefore include:*~~

- ~~*Incorporation of sustainable drainage schemes to minimise flood impacts*~~
- ~~*Measures to enhance water efficiency*~~
- ~~*Measures to adapt to the potential impacts of excess heat and drought*~~
- ~~*How restoration schemes which will contribute to climate change adaptation will be encouraged (such as flood water storage and biodiversity schemes which create habitats which act as wildlife corridors and living carbon sinks*~~

Minerals Core Policy MCP 13 now MCP 14: Surface development within Mineral Safeguarding Areas

The wording has been revised as it is acknowledged that poor quality mineral can have an economic value

Policy MCP14 *revised wording:*

Surface development will only be permitted within a Mineral Safeguarding Area where it has been demonstrated that:

- *The mineral concerned is proven to be of ~~poor quality~~ **no economic value** via the undertaking of the Mineral Resource Assessment; or*
- *The development will not inhibit extraction if required in the future; or*
- *There is an overriding need for the development and prior extraction cannot reasonably be undertaken; or*
- *The mineral can be extracted prior to the development taking place.*

The following classes of surface development are considered to be of a nature unlikely to lead to the long term sterilisation of minerals and therefore MCPs 12 and 13 would not apply:

- *Extensions of existing buildings within their curtilage;*
- *Infilling development except for proposals within 250 metres of an existing permission for mineral extraction/waste disposal;*
- *Minor development (such as walls, gates, accesses);*
- *Individual residential caravans for a period of less than 5 years;*
- *Amendments to previously approved developments;*
- *Applications for Listed Building Consent;*
- *Reserved matters;*
- *Changes of use (except where further built development is proposed).*

Where a development is applied for which is of a form not exempt under this policy and within the area of a designated Mineral Safeguarding Area, then Minerals Core Policy MCP13 will apply.

Please note also that concerning the Mineral Safeguarding Areas which are the subject of Policies MCP 13 and MCP 14 (revised numbering), minor amendments are proposed which will make reduce the extent of the two discrete areas to be safeguarded, at Bromham, (near Bedford), and near Leighton Buzzard. These are shown on the Plans attached to the Minerals and Waste Core Strategy. .

The Focussed Changes are to be reported to Executives and full Councils in the next few months to seek authority for a further consultation to take place in June-July 2012. Following this consultation The Minerals and Waste Core StrategyPlan for Submission, Focussed Changes documents, and their respective sets of representations, will then be submitted to the Secretary of State for Examination.