
Meeting: Overview and Scrutiny Committee
Date: 6 March 2013
Subject: Minerals and Waste Local Plan
Report of: Cllr Young, Executive Member for Sustainable Communities-
Strategic Planning and Economic Development
Summary: The report proposes that the Modifications to the Minerals and Waste Local Plan: Strategic Sites and Policies are authorised for public consultation.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Lester Hannington, Principal Minerals and Waste Planning Officer
Public/Exempt: Public
Wards Affected: All
Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

1. The reports supports the following Council priorities:
 - Enhancing Central Bedfordshire – by managing growth, and protecting our countryside and wider environment.
 - Better infrastructure – provides the minerals needed for building and maintaining roads and utilities.
 - Great universal services – enables better management of domestic and business wastes

Financial:

2. The proposed changes do not have any financial impacts for the Council. The cost of the process will be met from the agreed budget provision for the service.

Legal:

3. It is a legal requirement to publicise and consult upon any proposed modifications to a local plan.

Risk Management:

5. If the Council does not make any modifications to address the issues raised by the Inspector, then the Local Plan will be found unsound and the local authorities will not be able to proceed to adopt the Plan. This would result in planning applications for minerals and waste being determined without an agreed local strategy.

The following key risks have been identified:

- Failure to discharge statutory responsibilities – Councils are required by law to have up to date local plans.
- Reputational Risks – Mineral and waste local plans are the subject of public interest.
- Uncertainty at a national level
- Joint working risks

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. The Minerals and Waste Core Strategy as it was called before submission, was accompanied by Equalities Impact Assessments. The proposed Modifications do not alter the impact of the policies

Public Health

8. The emerging 'Minerals and Waste Local Plan: Strategic Sites and Policies' provides for mineral extraction of minerals which are essential for the construction of new housing, and the maintenance of utilities. It also provides land and policies which will bring about a higher degree of waste recovery than at present, and a wider network for waste management facilities within the plan area. Both of these matters will be beneficial to the public health and well being in the Central Bedfordshire area.

Community Safety:

9. Not Applicable.

Sustainability:

10. The 'Minerals and Waste Local Plan: Strategic Sites and Policies' has been subject to Sustainability Appraisal at all previous stages. These further Modifications do not have any sustainability implications.

Procurement:

11. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:-

- 1. Recommend to Executive the Modifications for publicity and consultation**
- 2. Recommend Executive to authorise the Director of Sustainable Communities, in consultation with the portfolio Holder, to carry out such minor changes as may be necessary, prior to the public consultation, and submission of any representations received to the Inspector**

The progress of the Minerals and Waste Local Plan

12. The Minerals and Waste Core Strategy, along with all its supporting information, was submitted to the Secretary of State on 25th May 2012. An Inspector appointed by the Secretary of State, Mr. Geoffrey Hill, was appointed to consider whether or not the plan is sound in relation to national guidance, and the representations made at the Plan for Submission consultation stage. Since the beginning of the examination in public process, the document to be the subject of Hearings has been retitled 'Minerals and Waste Local Plan: Strategic Sites and Policies' in order to comply with the Town and Country Planning (Local Planning) England) Regulations 2012 concerning plan production.
13. The 2012 Regulations brought certain changes which are fundamental. Firstly, the document was submitted as the 'Minerals and Waste Core Strategy'. However this was changed to the 'Minerals and Waste Local Plan: Strategic Sites and Policies' immediately after submission, to conform to Regulation 6 of the 2012 Regulations. In addition, the document was originally considered to be a Development Plan Document (DPD), but is now a Local Development Document (LDD). Both of these changes are to accord with the 2012 Regulations.
14. The National Planning Policy Framework states that plans should be based on, and reflect, the presumption in favour of sustainable development. In order to meet that expectation the Planning Inspectorate has devised a model policy which is to be incorporated into all plans prior to their adoption. The Plan has also been restructured, so as to bring together the new sustainable development policy, a policy on climate change, and a policy on matters which are relevant in determining a planning application.

Legal issues

15. In examining the 'Minerals and Waste Local Plan: Strategic Sites and Policies' the role of the Inspector is to assess whether the Plan has been prepared in accordance with the Duty to Cooperate, legal, and procedural requirements, and overall whether it is 'sound'. The four tests of soundness are whether or not the plan is positively prepared, justified, effective, and consistent with national policy, and are drawn from the National Planning Policy Framework.
16. Main Modifications are generally considered to be those which are required in order to make the plan sound, and include changes to the wording of policies, and changes to the sites allocated. Additional Modifications are those which do not go to the soundness of the plan, but are proposed in order to provide further clarity as to the content of the plan.
17. The Inspector has advised that the Main Modifications will need to be advertised, and made available for public consultation for a six week period. This provides interested parties with an opportunity to comment on the proposed modifications, and thus reduces the risk of a legal challenge to the plan. For this reason, it would also be appropriate to consult on the Additional Modifications.
18. Following the consultation period, any representations received will be sent to the Inspector, who will take these into account prior to completing and submitting his report to the Council. It is likely that his report will contain a number of recommendations as to how the plan should be changed in order to make it sound. These recommendations will in effect be binding on the Council, and will need to be incorporated into the plan before it is adopted by the Council.

Minerals and Waste Local Development Framework

19. The intention is to eventually replace all of the 'saved' policies of the Bedfordshire and Luton Minerals and Waste Local Plan adopted in 2005. The 'Minerals and Waste Local Plan: Strategic Sites and Policies' will replace part of the existing Saved Policies, and is part of the Council's Minerals and Waste Local Development Framework. The new 'Minerals and Waste Local Plan: Strategic Sites and Policies' provides the opportunity to review and bring upto date some of these 'saved' policies, and to introduce any new policies required to reflect changes to national policy.

Main Modifications

20. Following the Hearings the Inspector has written to the Council, and set out his thoughts on what the Main Modifications should be. In addition to the change of name of the plan, and changes of nomenclature, a policy on sustainable development is required to be added. The Inspector also asked that the wording of the policies be reworded so as to be more positive, and to comply with that test of soundness in the National Planning Policy Framework. Those Main Modifications which affect Central Bedfordshire Council are set out briefly below.
21. The Elstow South allocation as a non-hazardous waste landfill site is to be deleted. The deletion of this site means that Rookery Pit South (which is mostly in Central Bedfordshire) will be the only allocation for landfilling in the Plan area. However, the extension of the area of the existing waste management facility at Elstow North (in Bedford Borough, which has been used by the Council in the past for waste transfer and materials sorting, was accepted.
22. The principle of restricting the catchment area for waste to be managed at the strategic recovery and disposal sites, was accepted, subject to amendments to the wording of the policy. This is intended to ensure that new recovery or disposal facilities developed on the five strategic sites firstly address the waste which originates from the plan area, and that a minority of waste they handle, originates from elsewhere.
23. The wording of the policy on non-hazardous waste transfer and materials recovery is to be amended to delete reference to the 'proximity principle', since this is no longer expressed in national guidance. The policy will also be more positively worded.
24. The policy on mineral extraction outside of allocated sites is to be reworded more positively, as well as to accommodate additional or replacement processing plant.
25. The policy on silica sand is to be reworded to ensure a continuity of supply, for at least 10 years, as well as to be more positive.
26. The Inspector has also required clarification of the degree of pre-treatment of waste south before it is to be landfilled to be consistent with the monitoring indicators.
27. Lastly, policies WCP 8 and 10 are to be amended to reflect that the production of Secondary Recovered Fuel and/or Refuse Derived Fuel, are legitimate waste management activities.

Conclusion

28. This report sets out a number of Main and Additional Modifications to the plan. These Modifications which have arisen from discussions at the hearing sessions, and have also been proposed by the Inspector. These now need to be the subject of public consultation. Any further representations on these Modifications will then be reported to the Inspector, who will consider whether new hearings are necessary, or whether to proceed to write his report.

Appendices:

Appendix A – Schedule of Proposed Modifications to the Minerals and Waste Local Plan: Strategic Sites and Policies

Background papers and their location: (open to public inspection)

1. Letter from the Inspector, Mr Geoffrey Hill, dated 7th February 2013