
Meeting: Executive
Date: 18 March 2013
Subject: Minerals and Waste Local Plan Further Modifications
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities - Strategic Planning and Economic Development
Summary: The report proposes that further modifications to the Minerals and Waste Local Plan are publicised.

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
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) To progress the 'Minerals and Waste Local Plan: Strategic Sites and Policies' as quickly as possible towards its adoption, and so as to maintain consistency with the Minerals and Waste Local Development Scheme 2012.

CORPORATE IMPLICATIONS

Council Priorities:

The 'Minerals and Waste Local Plan: Strategic Sites and Policies' will, when adopted, contribute to the well being of Central Bedfordshire. It ensures the supply of minerals, and in particular sand and gravel, which is essential for house and road building, and the maintenance of utilities. This contributes to the Priority of Enhancing Central Bedfordshire, and Better infrastructure. The waste policies and strategic waste sites will enable the move towards more responsible and local waste management within Central Bedfordshire, consistent with the priority of Great Universal Services.

Financial:

1. 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:

2. It is a legal requirement to publicised modifications to emerging plans following hearings, and representations received must then be brought to the attention of the appointed Inspector, according to the Town and Country Planning (Local Planning) (England) Regulations 2012 no. 767.

Risk Management:

3. 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.

If the Council does not make any modifications to address the issues raised by the Inspector, then the 'Minerals and Waste Local Plan: Strategic Sites and Policies' will be found unsound, and the Council will not be able to adopt the Plan. This would result in planning applications for minerals extraction and waste management developments being determined without an upto date local strategy, consistent with the National Planning Policy Framework.

Staffing (including Trades Unions):

4. The Shared Minerals and Waste Planning Service will carry out these proposals and is not affected by them.

Equalities/Human Rights:

5. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
6. The 'Minerals and Waste Core Strategy' as it was called before Submission, was accompanied by Equalities Impact Assessment.
7. This identified that the Strategy is unlikely to disproportionately affect vulnerable people or minority groups. Every effort has been made to locate Strategic Sites in the most appropriate locations and have been assessed against rigorous Planning and Sustainability criteria. Care has also been taken to follow the guidance from the adopted Statement of Community Involvement during the production of the Core Strategy.
8. The proposed Modifications do not alter the impact of the policies.

Public Health:

9. The emerging 'Minerals and Waste Local Plan: Strategic Sites and Policies' provides for extraction of minerals which are essential for the construction of new housing and roads, 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 of facilities for waste management within the Plan area. Both of these matters will have no adverse impact for public health in the Central Bedfordshire area.

Community Safety:

10. Not applicable.

Sustainability:

11. The 'Minerals and Waste Local Plan: Strategic Sites and Policies' has been subject to Sustainability Appraisal at all previous stages. Since the proposed Modifications only delete one previous site allocation it is not considered that the Modifications have any negative impact on sustainability.

Procurement:

12. Not applicable.

Overview and Scrutiny:

13. This matter has been considered by Sustainable Communities Overview and Scrutiny Committee at their meeting on 6 March 2013.

RECOMMENDATIONS:**The Executive is asked to:**

1. **approve the proposed further modifications to the Minerals and Waste Local Plan: Strategic Sites and Policies for public consultation for six weeks and subsequent submission to the Inspector appointed by the Secretary of State together with any representations received; and**
2. **delegate authority to the Director of Sustainable Communities, in consultation with the Executive Member for Sustainable Communities – Strategic Planning and Economic Development, to make any minor amendments to the further modifications:-**
 - (i) **Prior to Publication**
 - (ii) **After Publication but before Submission; and**
 - (iii) **During the Examination process.**

Reason for Recommendations: So that the 'Minerals and Waste Local Plan: Strategic Sites and Policies' maintains its progress towards adoption, consistent with the Minerals and Waste Local Development Scheme 2012.

Executive Summary

14. As a result of the Local Plan Regulations 2012 it is now entitled the 'Minerals and Waste Local Plan: Strategic Sites and Policies' (MWLPSSP).
15. The policies are redrafted, so as to be more positive. In addition, a model policy on sustainable development was requested to be added.
16. As a result of the abolition of the East of England Plan in early January 2013, all references to it within the MWLPSSP are to be deleted.
17. All strategic mineral sites and waste recovery sites are retained. Only one of the landfill allocations- Elstow South- is to be deleted.

Background

18. The Hearings into the Minerals and Waste Core Strategy took place during three weeks - one in December 2012, and two in January 2013. As a result of the Local Plan Regulations 2012, it is now entitled the 'Minerals and Waste Local Plan: Strategic Sites and Policies' (MWLPSSP).
19. The Inspector asked that the policies be redrafted, so as to be more positive. In addition, a model policy on sustainable development is to be added. In addition, the Regional Spatial Strategy for the East of England, (the East of England Plan'), was abolished in January 2013, and the Inspector has requested that all references to it be deleted from the MWLPSSP.

Landfill Provision

20. Opportunities for landfilling non-hazardous wastes from business or households are extremely limited in the Plan area, and only two possible sites were originally proposed: Rookery Pit South and Elstow South. Parliament finished hearing representations concerning the decision of the Infrastructure Planning Commission that a Development Consent Order (DCO) should be granted to Covanta Energy for a resource recovery facility at Rookery Pit South, and has confirmed in December 2012 that the DCO will be granted. According to the landowner of Rookery Pit South, the restrictive legal covenant relating to that site will not prevent it also being used for landfilling.
21. The other potential location for landfilling waste remaining after recovery processes is Elstow South, which is presently a series of part flooded angling ponds. To the south of Elstow South is open land subject to an allocation for housing and employment use in the Bedford Allocations and Designation Plan, and further south land allocated for similar uses lies in the CBC Development Strategy. However following the Hearings the Inspector has indicated the allocation of Elstow South site for landfilling should be withdrawn. Consequently the Plan will have to rely upon Rookery Pit South to provide capacity for the disposal of any residual waste that cannot be recycled or reused.

Provision of Minerals

22. The MWLPSSP already makes provision for sites to provide sufficient sand and gravel for the amount of development anticipated in the next 15 years, and there was no modification sought to the policies concerning that aspect of the plan. In addition, silica sand is worked in the Leighton Linlade area, which is of national significance. However there are problems with obtaining sufficient information to monitor reserves and ensure continuous supply, and a modification to the draft policy was agreed at the hearing.

Catchment Area Restrictions

23. The Plan expects that the majority of new waste recovery and disposal capacity will be developed on the strategic disposal and recovery sites identified in the plan. The Council propose a policy to restrict the origin of waste to be managed by facilities on these sites, which has been accepted in principle by the Inspector. However, amendments to this policy are sought by the Inspector, and these are included in the Appendix. A slight amendment to the non-hazardous waste transfer and materials recovery policy is included which makes it simpler and more positive.

Conclusion and Next Steps

24. This report sets out a number of Main and Additional Modifications to the plan. These proposed Main and Additional Modifications are also being presented to the Executive of Bedford Borough and Luton Borough Councils and approval sought for consultation. These Modifications have arisen from discussions at the hearings sessions, and have also been proposed by the Inspector. These now need to be the subject of public consultation which is anticipated will run from 2 April 2013 to 14 May 2013. 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.
25. Authorisation is sought to publicise these Modifications, and to submit any representations received to the Inspector.

Appendices:

Appendix A – Letter from the Inspector dated 7 February 2013

Appendix B – Proposed Further Modifications

Background Papers: (open to public inspection)

The Minerals and Waste Core Strategy with Main Modifications and Additional Modifications- submitted to the Secretary of State in August 2012, for examination in public.