
Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 15 October 2013
Subject: Minerals and Waste Local Plan: Strategic Sites and Policies
Report of: Cllr Young , Executive Member for Sustainable Communities
Summary: The report proposes that the Inspector's Report be noted and that the Plan incorporating the modifications proposed by the Inspector, is recommended to the Executive for adoption by Full Council

Advising Officer: Chief Executive
Contact Officer: Susan Marsh, Principal Minerals & Waste Planning Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

1. The 'Minerals and Waste Local Plan: Strategic Sites and Policies', when adopted, will contribute to the well being of Central Bedfordshire. It ensures the supply of minerals, in particular sand and gravel, which is essential for house and road building and the maintenance of utilities. The waste policies and strategic waste sites will enable the move towards more responsible and local waste management within Central Bedfordshire The Local Plan will contribute to the priority of enhancing Central Bedfordshire and providing better infrastructure.

Financial:

2. The proposed changes do not have any financial impacts for the Council. Any costs associated with the adoption of the Plan, including the printing of the Plan, will be met from the agreed budget provision for the service and will be shared with Bedford Borough Council and Luton Borough Council as a result of the Shared Serve Agreement that is in place.

Legal:

3. It is a legal requirement for the Plan to be approved by each of the Full Councils for adoption.

Risk Management:

4. The Plan has been found sound and legally compliant by the Inspector subject to a number of Modifications. All of these Modifications, apart from one relating to the strategic waste recovery site proposed at Thorn Turn, have previously been approved by the Executive at its meeting on 19 March 2013. The Inspector has confirmed the allocation of the waste recovery site at Thorn Turn but

has clarified that as the site is currently in the South Bedfordshire Green Belt, until such time as the site is taken out of the Green Belt as a result of the allocation of the Land north of Houghton Regis as a Specific Site Allocation in the emerging Development Strategy for Central Bedfordshire, any planning application for waste recovery development at the site will have to demonstrate very special circumstances. This has been how officers had expected any planning application would have to be handled in any event.

Staffing (including Trades Unions):

5. The Shared Minerals and Waste Planning Service will undertake any work associated with the adoption of the Plan.

Equalities/Human Rights:

6. Central Bedfordshire has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
7. When the Plan was submitted to the Planning Inspectorate for Examination in August 2012, was accompanied by an Equalities Impact Assessment. 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 been taken to follow the guidance from the adopted Statement of Community Involvement during the production of the Core Strategy.
8. The proposed Modifications are required by the Inspector to make the Plan sound and do not alter the impact of the policies.

Public Health

9. The 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 relevant stages of Plan preparation.

Procurement:

12. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

- 1. Note the Inspector's Report**
- 2. Recommend to the Executive that it recommends to Full Council that the Minerals and Waste Local Plan: Strategic Sites and Policies incorporating the modifications proposed by the Inspector in his report, be adopted as Council policy**

Executive Summary

13. The Inspector's Report confirms that the Plan has been found sound and legally compliant provided a number of modifications are made. All of these modifications, apart from one relating to the allocation of the waste recovery site at Thorn Turn, were previously considered and approved by this committee and by the Executive.

General

14. The Examination into the Soundness of the Minerals and Waste Core Strategy took place at hearings in December 2012 and January 2013. Following a formal consultation on proposed modifications to the Plan for a six week period in April/May 2013 the Inspector decided to hold three further hearing days in July and August 2013.
15. All the proposed modifications, apart from that relating to Thorn Turn, were formally consulted on and the Inspector gave the opportunity for anyone who wished to appear at a hearing to amplify their concerns about the Plan to do so.
16. The Inspector is satisfied that that all relevant bodies have been consulted and that views expressed in consultations have been taken into account in the preparation of the Plan. The Inspector also confirmed that the Duty to Co-operate imposed by section 33A of the 2004 Act has been met.

Waste Strategy and Range of Waste Facilities

17. The Inspector is satisfied that the Strategic Waste Recovery sites identified are sufficient to manage the volumes of waste anticipated to be generated over the Plan period and that there is flexibility as to the nature of the facilities that may be developed.
18. In respect to non hazardous waste landfill the Inspector considered that the two sites identified for this purpose would result in an excess of capacity which could be seen as unsustainable although having two sites did provide some flexibility. Elstow south is not big enough to take the anticipated volumes of non hazardous waste whilst Rookery south is much larger and can accommodate the volumes anticipated. This, combined with concerns about the timescale for developing landfill at Elstow south due to technical difficulties and potential impact on the viability of The Wixams, has meant that the allocation of Elstow south for landfill has not been confirmed.
19. The Inspector considered that having landfill and waste recovery on the same site would optimise efficient waste processing and disposal and would also minimise haulage trips. He therefore confirmed the allocations at Rookery South for non –hazardous waste landfill and waste recovery.

20. The Inspector acknowledged that the Thorn Turn site was currently rural although it lies in the North of Houghton Regis Strategic Site Specific Allocation proposed by the Council in its emerging Development Strategy. Nevertheless he considered that local amenities would not be unacceptably harmed even if the allocation were to be developed without other major development nearby. Access to the Thorn Turn site can be gained via the A5. The Inspector, however, noted that the site was currently in the South Bedfordshire Green Belt and such development might, therefore, be contrary to national policy. However, no other site had been identified in the southern part of the Plan area (Luton/Dunstable/Leighton Buzzard) and no evidence had been put forward that an alternative site exists outside the Green Belt. On the basis that the Development Strategy is promoting a removal of the site from the Green Belt the Inspector felt that it was reasonable to retain the allocation on the understanding that very special circumstances will have to be demonstrated in support of a planning application.

Minerals

21. The Inspector acknowledged the importance of silica sand production in the Bedfordshire area. He also acknowledged that it had not been possible for the Joint Authorities to identify a landbank for silica sand production due to confidentiality issues. The Inspector recommended proposed changes to policy MCP5 and its supporting text to offer positive support for further planning permissions for non-allocated sites to ensure continuity of production for at least 10 years.

Conclusion and Next Steps

22. The Inspector has found the Minerals and Waste Local Plan: strategic Sites and Policies sound and legally compliant provided the proposed modifications are incorporated in the Plan.
23. If the Joint Authorities accept the Modifications proposed by the Inspector there is no need for further formal consultation and the Plan can proceed to adoption

Background papers: (open to public inspection)

- a) Inspector's Report dated 4th October 2013 and accompanying letter
- b) Minerals and Waste Core Strategy Plan for submission with Main Modifications and Additional Modifications (dated May 2012)
- c) Minerals and Waste Local Plan: Strategic Sites and Policies (to be adopted 2014) – draft copy available