
Meeting: Executive
Date: 10 December 2013
Subject: Minerals and Waste Local Plan: Strategic Sites and Policies – Plan for Adoption
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Summary: The report proposes that the Plan, incorporating the modifications put forward by the Inspector, be recommended to Council for adoption as Council policy.

Advising Officer: Chief Executive
Contact Officer: Susan Marsh, Principal Minerals & Waste Planning Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) N/A

CORPORATE IMPLICATIONS

Council Priorities:

1. The 'Minerals and Waste Local Plan: Strategic Sites and Policies' when adopted, will contribute to the wellbeing 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 Plan will contribute to the priority of enhancing Central Bedfordshire and provide better infrastructure.

Financial:

2. The proposed changes do not have any financial impacts for the Council. If the Plan is subsequently adopted by 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.

3. If the Plan is not adopted by Council, the Council will be at much greater risk of planning applications for minerals and waste use which it might regard as inappropriate and may therefore need to finance the costs of defending the Council's position at planning appeal more frequently than it would otherwise do if it had an adopted Minerals and Waste Plan in place. The costs of defending an appeal vary, but could be £10-20k depending on the nature of the development proposed. If the Council faced several appeals promoting inappropriate Minerals and Waste development, it is likely that the costs of those appeals could not be dealt with within existing budgets.

Legal:

4. It is a legal requirement for the Plan to be approved by the Council for adoption.

Risk Management:

5. 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.
6. Failure to adopt a local plan would result in:
 - failure to discharge statutory responsibilities. It is a legal requirement for the Plan to be approved by Full Council;
 - failure to maintain compliance with the Local Development Scheme, approved in November 2012; and
 - the increased possibility of applications for inappropriate minerals and waste development and increased costs of defending the Council's position on those developments at appeal.

Staffing (including Trades Unions):

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

Equalities/Human Rights:

8. 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.

9. When the Plan was submitted to the Planning Inspectorate for Examination into Soundness in August 2012 it was accompanied by an Equalities Impact Assessment. This identified that the Plan 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 Plan.
10. The proposed Modifications are required by the Inspector to make the Plan sound and do not alter the impact of the policies.

Public Health:

11. The Minerals and Waste Local Plan 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:

12. Section 17 of the Crime and Disorder Act places a duty on local authorities to consider crime and disorder implications of all their policies and practices. The provision of landfill sites and quarries has community safety implications – such as the safety of the public as a result of a significant number of HGV vehicle movements to and from the site. The General and Environmental policies set out in the Minerals and Waste Local Plan 2005 and the DEFRA Waste Design Guide can be used to mitigate and minimise the risk of such developments to the community.

Sustainability:

13. The Minerals and Waste Local Plan has been subject to Sustainability Appraisal at all relevant stages of Plan preparation. The waste policies and strategic waste sites will enable the move towards more responsible sustainable local waste management within Central Bedfordshire and away from landfill. A final Sustainability Statement will be prepared along with the adopted Plan.

Procurement:

14. Not applicable.

Overview and Scrutiny:

15. This matter was considered by the Sustainable Communities Overview and Scrutiny Committee at its meeting on 15 October 2013. The Committee noted the Inspector's Report and recommended to the Executive that it recommends to Full Council that the Plan be adopted as Council policy.

RECOMMENDATIONS:

The Executive is asked to:

- 1. note the Inspector's Report as set out in Appendix A; and**
- 2. recommend to 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.**

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

Executive Summary

16. The Inspector's Report states that the Plan is 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 the Executive.

General

17. 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.
18. All the proposed modifications put forward, 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.

Duty to Co-operate

19. The Inspector has been satisfied 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 has confirmed that the Duty to Co-operate set out by section 33A of the 2004 Act and section 110 of the Localism Act have been met.

Waste Strategy and Range of Facilities

20. The Inspector is satisfied that the strategic waste recovery sites identified by the Plan are sufficient to manage the volumes of waste which are anticipated over the Plan period and that there is flexibility enough in the Plan's policies as to the nature of the facilities that may be developed.

21. In respect to non-hazardous waste landfill, the Inspector considered that the two sites identified for this purpose at Elstow South and Rookery South 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 non-hazardous waste landfill has not been confirmed by the Inspector.
22. The Inspector also 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 both for non – hazardous waste landfill and waste recovery.
23. 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 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 was identified in the southern part of the Plan area (Luton/Dunstable/Leighton Buzzard) and no evidence has been put forward that an alternative site exists outside the Green Belt. On the basis that the Development Strategy is promoting the removal of the site from the Green Belt at some time in the future, the Inspector therefore felt that it was reasonable to retain the allocation but on the understanding that very special circumstances will have to be demonstrated in support of a planning application.
24. The Inspector did not consider that there was any overriding objection to the allocation of a waste recovery site at Elstow North landfill site as it was confirmed that the recovery operation there was not dependant upon any landfilling, dewatering or associated leachate level reductions at Elstow South Pit. He further commented that the site had excellent access to the A6 and that the employment allocations at The Wixams would offer a degree of segregation between the site and the housing area at The Wixams.

Minerals Supply and Identification of Mineral Extraction Sites

25. The Inspector was satisfied that the identification of minerals extraction sites was based on the Aggregates Working Party figures for 10 years averaged annual sales and was content with this approach. He did not consider that there was any additional need to identify 'areas of search' where further sites might be developed.

26. 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

27. 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 as Council policy.

Appendices:

Appendix A – Copy of the Inspector's Report dated 4 October 2013 can be viewed by the following link - <http://www.centralbedfordshire.gov.uk/planning/minerals-and-waste/examination-hearings.aspx>

Appendix 2: Copy of proposed final Plan can be viewed by the following link- <http://www.centralbedfordshire.gov.uk/planning/minerals-and-waste/development-framework.aspx>

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 into Soundness.