
BEDFORDSHIRE AND LUTON MINERALS AND WASTE LOCAL PLAN REVIEW

SCHEDULE OF INSPECTORS RECOMMENDATIONS AND PROPOSED MODIFICATIONS: GAZETTEER OF REPRESENTATIONS

1 Representations

All valid representations received regarding Schedule of Inspectors Recommendations and Proposed Modifications have been considered by the County Council and the views and responses to these are summarised in this folder.

2 How To Use

The records are filed in accordance with the Bedfordshire and Luton Reference Number as given in the Schedule of Inspectors Recommendations and Proposed Modifications, in ascending order.

3 Original Letters

Copies of the original letters can be viewed at the following

- Bedfordshire County Council, County Hall, Cauldwell Street, Bedford MK42 9AP: Monday - Thursday 8:00am to 5:20pm and Friday 8:00am to 4:30pm;
- Luton Borough Council, Town Hall, Luton, LU1 2BQ: Monday - Friday 8:45am to 5:00pm
- Bedford Borough Council, Town Hall, St Paul's Square, Bedford MK40 1SJ: Monday - Thursday 8:45am to 5:00pm and Friday 8:45am to 4:45pm;
- Mid Bedfordshire District Council, 23 London Road, Biggleswade, SG18 8ER: Monday - Thursday 8.45am to 5.00pm and Friday 8.45am to 4pm;
- Mid Bedfordshire District Council, The Limes, Dunstable Street, Ampthill, MK45 2JU: Monday - Thursday 8.45am to 5.00pm and Friday 8.45am to 4pm;
- South Bedfordshire District Council, District Offices, High Street North, Dunstable, LU6 1LF: Monday - Thursday 8:45am to 5:15pm and Friday 8:45am to 4:45pm

If further details on this document are needed, please contact:

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Key

Rep No	Mod No	O/S/C	Reasons for Representation	Wording Req	Councils Response
PM/xx/yy This number identifies each individual representation. The “PM” identifies that reps relate to the proposed modifications draft The first number (xx) identifies the respondent (see look up table below) The second number (yy) identifies the particular representation made	This number identifies the proposed modification to which the representation is made	O=objection S=support C=comment	Transcript of representation	Transcript of any specific changes requested	The Councils’ response to the representation

Respondents look up table

Pers No	Respondent's Name	Pers No	Respondent's Name
1	Suffolk County Council	45	South Northamptonshire District Council
2	Lloyds TSB Bank	46	Amphill Town Council
3	Shanks Waste Services	47	Countryside Agency
4	Beds CC (Estates)	48	Railtrack Property
5	ENCAMS	49	GO-East
6	Thomas Beasley & Sons Ltd	50	Bedford Borough Council
7	Beds CC (Waste Servs)	51	Councillor Martin Parker
8	Sita Holdings UK	52	GFX Hartgian
9	Mr MC Edwards	53	Gill Pawson Planning
10	Councillor Hare	54	English Nature
11	Bedford Estates	55	The Greensand Trust
12	Surrey County Council	56	Aylesbury Vale District Council
13	Woburn Sands and District Society	57	The National Trust
14	Chilterns Conservation Board	58	Dacorum Borough Council
15	Elstow Parish Council	59	Environment Agency
16	South Beds DC	60	JJ Gallagher and Innogy Plc ("the Joint Venture")
17	Steetley Woburn Bentonite	61	DEFRA
18	Mouchel Property Services	62	Luton Friend's of the Earth
19	MidBeds District Council	63	Bedfordshire River Valleys Service
20	Oxfordshire County Council	64	Highways Agency
21	SITAUUK	65	Cambridgeshire County Council
22	Thames Water Property Services	66	Hertfordshire County Council
23	The Southern Brick Federation	67	Milton Keynes Council
24	Hanson Aggregates	68	BCC LUTS
25	Hanson Brick	69	BCC Culture and Environment
26	RSPB	70	BCC Culture and Environment
27	Waste Recycling Group South East	70	BCC Culture and Environment
28	Bedford Group of IDB's	71	BCC Culture and Environment
29	Tarmac Southern	72	Greenpeace (Bedford Group)
30	Wilshamstead Parish Council	73	Arlesey Town Council

31	East Sussex County Council	74	Suffolk County Council
32	WBB Minerals	75	North Hertfordshire District Council
33	Arnold White Group	76	Highways Agency
34	FW Ward & Sons	77	Stewartby Parish Council
35	Mr M Compton	78	Anglian Water Services
36	Trustees of the Kempston Mill Trust	79	Huntingdonshire District Council
37	M&D Marshall	80	Totternhoe Parish Council
38	The Lord of the Manor of Biggleswade	81	The Quarry Products Association
39	The exors of TJ Chisolm deceased	82	Northampton County Council
40	The British Horse Society	83	The Poynter Charitable Trust/Bedford River Valley Park Group
41	O&H properties	84	Buckinghamshire County Council
42	Aspley Guise Parish Council	85	Forest of Marston Vale
43	Lafarge Aggregates	86	BCC Rights of Way (Access and Partnerships)
44	CPRE Bedfordshire	87	Mr Harry Maughan

Rep No	Mod No	O/S/C	Reasons for Representation	Wording Req	Councils Response
PM/77/1	1 - 372	S	The Council has no objections to the proposed modifications and supports all mods 1 -372		Acknowledged
PM/60/1	n/a	C	The JV is pleased to see that the WPA has accepted the Inspector's recommendation to delete Elstow South as an allocation for waste development in the Plan. The JV remains strongly and resolutely opposed to any waste development at Elstow South, by way of new allocation, restoration or otherwise.		Acknowledged – see responses to PM/60/2 – PM/60/36
PM/60/2	n/a	O	The JV is very concerned that the WPA has not correctly followed the Inspector's recommendations and has clearly "rushed out" a set of revised landfill capacity assessments without proper consultation, scrutiny or debate and in advance of key questions being addressed in the regional waste planning and strategic planning frameworks. These key questions must be addressed before any proper, reliable revised landfill capacity assessments (or site specific allocations having regard to such assessments) can be made. The JV's representations to the proposed modifications to the MWLP set out in detail the JV's strong concerns in this respect and the JV considers it would be manifestly unreasonable of the WPA not to make the modifications proposed by the JV to properly reflect the Inspector's recommendations.		In terms of outstanding uncertainties, the Inspector noted a number of issues, including (IR paragraph 3.1.89); the current permitted voidspace, the t/m ³ conversion rate, the role of Newton Longville, the revised timetable for IWMF, and the revised 2015 target date for residues-only landfill. She went on to state (IR3.1.92) that <i>"The Councils will need to consider what information they can sensibly put into this Plan in light of these conclusions and the need for further work to ensure that the assumptions made about the need for waste management facilities, including landfill are robust"</i> . She also noted (IR 3.1.89(v)) that <i>"the criteria based policies, modified as I recommend, read together with the GE policies of the Plan, however, will provide an adequate framework in the short term for consideration of waste</i>

					<p><i>related development proposals.” Overall, the Inspector clearly recognised that some of these matters would need to be addressed via an immediate review of the Plan.</i></p> <p>In consideration of the IR recommendations, the Councils must also take account of the Governments agenda for planning reform under the PCPA2004, which requires urgent replacement of Local Plans with LDF documents. In light of this, the Councils consider that the only sensible way forward is to modify the waste strategy, as set out in the Modifications draft Plan, to take account of such matters as can be addressed in the light of current knowledge: i.e. the strategic modifications to the SERP160-based approach and the revised date for the IWMF. The other uncertainties relating to the waste strategy identified by the Inspector, particularly those relating to the emerging regional policy framework, will inevitably require some time to resolve and in light of this will be better handled under the LDF review, which the Councils agree must be completed as a matter of urgency. In light of the likely timescales for resolving outstanding matters and the government’s stated urgency in moving to the new LDF system, it would not be advantageous or appropriate to prolong the modifications stage of the current MWLP.</p>
PM/60/3	n/a	O	The JV is also concerned that key conclusions from the Panel Report to the Milton Keynes and		The context of the MKSMSRS is not yet settled. The Councils consider that the only

			<p>South Midlands Sub-Regional Strategy Public Examination in March/April 2004 are not being properly represented. In particular, the Panel concluded the following, which the JV highlights further below in these representations:</p> <p>1.1.1 the emphasis that the "northern part" of the Marston Vale has "a key role to play in the strategy for the Bedford sub-region";</p> <p>1.1.2 "landfilling is not a use which would normally be considered desirable within a major development area"; and</p> <p>1.1.3 "continued landfilling in the Vale close to locations for development would militate against achieving the objectives of the SRS".</p>		<p>practical approach is to address the regional planning context under the forthcoming MWLDF review</p>
PM/60/4	n/a	O	<p>The JV wishes to formally record its strong disappointment at not being consulted upon earlier in relation to the approach which the WPA has decided to take to these proposed modifications. This is particularly given the JV's significant commitment to regeneration of the Wixams site and wider area, and the Inspector's urge for meaningful dialogue with all stakeholders. This lack of consultation has led to deep concerns with the approach that the WPA</p>		<p>The Councils have made modifications in close accordance with the Inspector's recommendations, which have themselves been made following detailed and open examination of the issues at Public Inquiry. They consider that it will only be possible to resolve the outstanding uncertainties relating to the waste strategy in the context of the MW LDF review, which will be undertaken with maximum possible public</p>

			seems to be pursuing and the JV calls for urgent discussions with the WPA in this regard.		engagement in accordance with the spirit of “front-loading” promoted by Government. See also response to PM/60/2.
PM/60/5	n/a	O	<p>The deletion of: "The Structure Plan is currently under review. The revised MWLP will be compliant with the replacement Structure Plan" is stated to be simply a factual update as the Structure Plan will not now be reviewed in light of the Planning and Compulsory Purchase Act 2004.</p> <p>However, the WPA should make reference to the need for the revised MWLP to be compliant with the adopted LDF which will replace the Structure Plan. Otherwise the important point that the revised MWLP must accord with the over-arching development policy framework will (improperly) be lost.</p>	At the end of paragraph 1.2.3 of the Mod draft MWLP, add: "The revised MWLP will be compliant with the adopted Local Development Framework (LDF) which will, inter alia, replace the current Structure Plan" .	<p>Disagree with basis of objection, as;</p> <ol style="list-style-type: none"> 1. There is no “adopted Local Development Framework”. The MWLP has been prepared under existing (pre-LDF) procedures. It is compliant with the current adopted Structure Plan, which remains in force until superseded by RSS14. It will be replaced with a MW LDF prepared under the new procedures, and it will be this replacement MWLDF which will have to be compliant with the new procedures and regional strategy. 2. There are already extensive references to the current “over-arching development framework” in the Plan, including the current Structure Plan and the current and emerging regional and national policy guidance. This is the appropriate framework to which to refer in the context of this Plan. <p>Therefore, no change required</p>
PM/49/3	6 & IR 8.1/1	O	We object to the apparent removal of the Proposals Map from the local plan. It is a requirement of the Town and Country Planning Act (1990) (section 36 (6)), PPG12 (Annex 2) and the Development Plan regulations (Reg. 6)	<p>The plan should be modified to include the words “ A Proposals Map identifies areas to which specified development control policies will be applied”</p> <p>The plan should have a single Proposals</p>	Agree request to rename maps as the “proposals map”. Also agree insertion of text in paragraph 1.2.4. However, disagree with single map. We experimented with various formats and found the current

			<p>for local plans to consist of a written statement and a map (to be known as the proposals map). We acknowledge that the Plan does not include site-specific allocations, but it is important for the Plan to illustrate the areas where certain policies apply (see PPG12 paragraph 26). We note the Plan includes three ordnance survey maps to serve this purpose, although their status is unclear. This illustrative material should have the status of and be termed the Proposals Map. We also object to the decision not to accept the Inspector's recommendation (8.1/1.) We agree that separate maps do not aid understanding of the plan area</p>	<p>Map (In line with the Inspectors Recommendations 8.1/1). The notation/key could cross- refer to the relevant policies in the Plan (i.e. the relevant GE policies)</p>	<p>arrangement gave greatest clarity – there is simply too much information at a variety of spatial scales to enable sensible presentation on a single sheet.</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Rename current 3 maps, plus strategic highways map as proposals map (parts 1-4) 2. Move strategic highways network map into set as single (A4) sheet 3. Add text at end of paragraph 1.2.4; "A proposals map, presented in four sheets, identifies areas to which specified development control policies will apply".
PM/60/6	8	O	<p>The JV is concerned that the WPA has not properly followed through the Inspector's recommendation for modification of this statement in the Mod draft MWLP. There is no recognition that there is a need to qualify the Mod draft MWLP as providing a broad framework "pending clarification of the regional waste management framework" which was the Inspector's recommendation 3.1/4 (p. 39 IR).</p> <p>In addition, the Inspector referred to "strategic aims" in her recommendation 3.1/4 (p. 39 IR), which must be seen as being not just the strategic aims of the MWLP but also the wider strategic aims for successful development of the Plan area. The JV therefore objects to the WPA's linkage solely to the "strategic aims of</p>	<p>This Plan will therefore be adopted as an interim measure in order to provide a broad framework for minerals and waste planning to meet the strategic aims of this Minerals and Waste Local Plan, pending clarification of the regional waste management framework, and to meet the strategic aims of the strategic planning policy for the Plan area. (additional text sought in bold).</p>	<p>This is an introductory section to the Plan and relates to minerals as well as waste. The specific reference to the emerging regional waste management framework, as requested by IR Rec 3.1/4 is addressed in the waste section of the Plan (see mods draft MWLP paragraphs 5.2.3-5). However, the Councils agree that some additional clarification regarding the relationship of the replacement LDF to the Regional Spatial Strategy could usefully be added here.</p> <p>Propose rewording of paragraph 1.2.6 for additional clarity (additional text underlined):</p> <p><u>"Local Development Frameworks will also be required to be in general conformity with the new Regional Spatial Strategies</u></p>

			this Minerals and Waste Local Plan".		<i>(RSSs), which will replace the current system of Regional Planning Guidance (RPG) and Structure Plans. The Regional Spatial Strategy for the East of England, RSS14, is currently under preparation, and once adopted, will provide the strategic planning framework for the area. This Plan will therefore be adopted as an interim measure, pending transition to the LDF system, in order to provide a broad framework for minerals and waste planning to meet the strategic aims of this Minerals and Waste Local Plan. The policies of this Plan will be reviewed in light of the final agreed RSS14, and site-specific plans for minerals and waste developments will be brought forward as a matter of urgency under the new system".</i>
PM/49/1	12	O	The reference to summer 2006 for the anticipated adoption of RSS14 should be amended to winter 2006 to reflect the latest revised timetable	Change 'summer 2006' to 'winter 2006'	Agree change. (NB: also require similar change in paragraph 5.13.5 (1 st bullet)). Also change all existing references in Plan to "RPG14" to read "RSS14".
PM/60/7	15	O	The JV considers that there should be a specific acknowledgement here that the current national guidance of WS2000 is different from the SERP 160 principles incorporated into the EERWMS, and an acknowledgement that the Inspector's decision (accepted by the WPA) has found projections based on the SERP 160 principles to be unrealistic. There should be a clear acknowledgement that a thorough review of the general adoption of the SERP 160 principles will be required following the adoption of RSS14,	Addition of the following at the end of para 1.3.5: The WPA acknowledges that the general adoption of the SERP 160 principles will require thorough review following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000.	Disagree need to state difference between SERP160-based approach and WS2000. This issue was comprehensively dealt with in Inquiry and the Inspector concluded that the SERP160 principles, subject to her proposed modifications, should form the basis of the strategic approach of the Plan to waste, pending adoption of RSS14. See, for e.g. IR paragraphs 3.1.13; 3.1.25; 3.1.26; 3.1.89 (i),(iii); Rec 3.1/1.

			and that this thorough review must re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000.		<p>The text of the Plan follows the Inspector's recommendations, and makes clear that it will be an interim measure, pending early review under the LDF format and taking into account the new RSS14. See for e.g. Mods draft paragraphs; 1.2.6; 1.3.5; 5.1.5; 5.2.5; 5.13.5-6. However, for extra clarity, the Councils agree that some additional text regarding the procedure for LDF review could usefully be added at end of paragraph 1.3.5. The suggested wording is not agreed, however.</p> <p>Propose the following additional text at end of paragraph 1.3.5:</p> <p><i>"It should be noted, however, that this approach will need to be reviewed under the forthcoming transition to the LDF system in order to ensure that the replacement MWLDF is in conformity with RSS14."</i></p>
PM/60/8	18	O	The JV notes that there is no acknowledgement in new paragraph 1.4.4 of the Mod draft MWLP that the revised capacity projections in the Mod draft MWLP are preliminary and are to be subject to further analysis. The JV is extremely concerned that there has not been proper and thorough examination of these revised capacity projections, particularly in relation to landfill voidspace capacity, and strongly questions the accuracy and reliability of the revised capacity projections.	<p>With regards to waste, the Plan does not include site specific allocations, as the previous capacity projections on which the draft plan was based have been independently considered to be unrealistic and not sufficiently reliable. It instead presents criteria based policies to assist in any preliminary identification of suitable sites pending:</p> <p>(a) the preparation of a site-specific waste plan under the Local Development</p>	<p>Disagree need for substantive change here. Paragraph 1.4.4 deals with the matter of site allocations for waste sites. The matters raised in this objection are covered in the waste strategy and non-inert landfill sections of the Modifications draft – see, for e.g. paragraphs 5.13.5-6. See responses to representation made against these sections of the Modifications draft MWLP. However, the Councils agree that some clarification of the remaining uncertainty regarding emerging regional planning context could usefully be added for clarity.</p>

		<p>The Inspector recommended in her report that: "It would not be appropriate to permit any additional landfill capacity in Bedfordshire until a thorough assessment has been made both of the need for such capacity to be provided and the means by which that need should be met (IR, paragraph 3.1.56). (JV emphasis).</p> <p>The Inspector went on to recommend that:</p> <p>"The Council will need to consider what information they can sensibly put into this Plan in the light of these conclusions and the need for further work to ensure that the assumptions made about the need for waste management facilities, including landfill are robust" (IR, para 3.1.92) (JV emphasis).</p> <p>The Inspector also recommended that the WPA: "Carry out an early review of the Plan in parallel with bringing this Plan through to adoption. Encourage meaningful dialogue with the waste management industry, the Waste Collection and Waste Disposal Authorities and local communities to ensure that the review delivers a strategy and sites and/or more refined areas of search which will enable the aims of the waste strategy to be met. The review of the plan to be prepared to incorporate the BPEO process." (IR Rec 3/1/6) (JV emphasis).</p> <p>The JV has seen no evidence of such review being carried out in parallel with the production of these modifications and no evidence of any</p>	<p>Framework format; and</p> <p>(b) a thorough re-assessment of the capacity projections following verification of industry data, final clarification of the regional waste management framework and a full public consultation exercise.</p> <p>No additional landfill capacity will be permitted in Bedfordshire until such further work is completed, the regional waste management framework is clearer and the means by which any landfill need should be met has been thoroughly assessed.</p> <p>(JV requested additional text in bold).</p>	<p>Propose additional text in paragraph 1.4.4 as follows (new text underlined):</p> <p><i>"With regards to waste, the Plan does not include site specific allocations, as the previous capacity projections on which the draft plan was based have now been revised, <u>and will be subject to further review in light of the emerging RSS14.</u> It instead presents criteria based policies to assist in the identification of sites pending the preparation of a site specific waste plan under the Local Development Framework format."</i></p>
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			<p>meaningful dialogue with the stakeholders, particularly local communities, being carried out to date since the Inquiry. The JV considers that meaningful dialogue must mean public meetings and other forums with, for example, local councils, parish councils and members of the public and consultation with other stakeholders, including the JV, before se This applies, in particular, to the need for a thorough debate of any proposed new landfill capacity figures (though the JV strongly maintains that this can only "sensibly" be done after finalisation of the regional waste management framework). The WPA has not followed the Inspector's recommendation in this regard and the JV considers that the WPA has acted improperly in not doing so.</p> <p>Indeed, in relation to the revised capacity figures, the JV does not see any evidence of a "thorough" assessment having been carried out. In particular, the JV cannot therefore see how the WPA can "sensibly" be coming forward with the capacity assessments which it has done, given that there is:</p> <ul style="list-style-type: none"> • no real evidence presented to test whether they are robust assessments; • the continued absence of the final regional waste planning framework and the final wider regional planning framework which need to be read 		
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			<p>together; and</p> <ul style="list-style-type: none"> no clear analysis of the impact of Newton Longville on the capacity projections. <p>The revised capacity assessments are premature and have been inappropriately "rushed out" without the proper and thorough assessment and public scrutiny which is needed. The Inspector made it clear that there should be a thorough re-assessment of capacity projections and the JV considers that that must include proper verification of industry data (including voidspace remaining, compaction/settlement rates etc.). The important differences apparent at the Inquiry Waste Round Table discussion need to be resolved. The Inspector also made it clear that there should be final clarification of the regional waste management framework before any landfill capacity will be permitted in Bedfordshire. It would be manifestly unreasonable if the modifications to the Plan did not properly reflect the Inspector's recommendations in all these regards.</p>		
PM/77/2	37 & 38	C	Would help to know where if any new sites are to be worked		The paragraphs only refer to existing permitted reserves
PM/43/1	39	S	Support		Acknowledged
PM/43/2	41	S	There is a need to identify future concreting sand and gravel reserves to meet the required sub-regional apportionment throughout the plan period.		Acknowledged
PM/29/1	Para 2.1.4	O	No modifications are proposed to Paragraph 2.1.4. However, the retention of the original	The fourth sentence should be retained, but with the central element of the paragraph	Not agreed that the paragraph is inappropriate or that a change is

			<p>paragraph, without amendment, is inappropriate, and is inconsistent with the general theme of the Inspector's recommendations and other modifications. In particular, it is no longer appropriate to confirm in the fifth sentence that <i>'permission for mineral extraction will only be granted where the scale of the perceived benefit is sufficient to justify the release of additional mineral reserve'</i>, without any further comment to reflect changes in circumstances arising from the Inspector's report. That sentence was incorporated into the second deposit draft MWLP in order to allow some minor element of flexibility at a time when the County Council was contending that, in terms of a combined aggregates landbank, there was no need to grant planning permission for the release of additional reserves. That matter has now advanced via, for example, modifications 40 and 41 relating to the need to subdivide the landbank, with particular reference to concreting sand and gravel.</p> <p>The paragraph should therefore be amended to reflect (i) the Inspector's recommendation 2.1/5; (ii) the comments made by the Inspector in paragraph 2.3.17 of her report; and (iii) the context now provided by the modified policy M2.</p>	<p>then reading:</p> <p><i>'Thus, in assessing any claimed planning benefit, the planning authority will take as a starting point the current levels of reserves with benefit of planning permission, together with the identified need and any landbank requirements for the mineral in question. The County council will aim to ensure the maintenance of separate landbanks of concreting sand and gravel and building sand, and where the landbanks fall below the minimum level of at least seven years, permission for the release of additional reserves will be granted, subject to individual proposals complying with other development control policies of the Plan. In other cases, where a landbank need is not established, planning permission for mineral extraction may still be granted where the scale of the perceived planning benefit is sufficient to justify release of the additional mineral reserve</i></p>	<p>necessary. This paragraph specifically describes circumstances in which planning permission may be granted in the absence of need for the mineral, whilst policy M1 itself specifically excludes need based applications relating to aggregates of silica sands (see last sentence). Issues relating to aggregates and silica sand landbanks are covered under policies M2 and M3.</p>
PM/81/1	Para 2.1.4	O	<p>No modifications are proposed for paragraph 2.1.4. The QPA believe the retention of the original paragraph, without modifications, is inappropriate and inconsistent with the general theme of the Inspector's recommendations and other modification proposed. The existing paragraph was written at the time the County Council were contending that in terms of a</p>	<p>As a result of the Inspector's recommendations, notably her comments in paragraph 2.3.17 of her report, the Inspector's recommendation 2.1/5 and the new context provided by the modified Policy M2, paragraph 2.1.4 should be altered to read:</p>	<p>Not agreed that the paragraph is inappropriate or that a change is necessary. This paragraph specifically describes circumstances in which planning permission may be granted in the absence of need for the mineral, whilst policy M1 itself specifically excludes need based applications relating to aggregates of silica</p>

			combined aggregates landbank, there was no need to grant planning permission for the release of additional reserves. The context has now been altered through modifications such as MOD40 and MOD41, which relate to the need to subdivide the landbank, with particular reference to concreting sand and gravel.	<i>“... Thus, in assessing any claimed planning benefit, the planning authority will take as a starting point the current levels of reserves with the benefit of planning permission, together with the identified need and any landbank requirement for the mineral in question. The County Council will aim to ensure separate landbanks are maintained for concreting sand and gravel and building sand, and when the landbanks fall below the minimum level of at least seven years, permission for the release of additional reserves will be granted, subject to individual proposals complying with other development control policies of the Plan. In other cases, where a landbank need is not established, planning permission may still be granted where the scale of the perceived planning benefit is sufficient to justify release of the additional mineral reserve. ...”</i>	sands (see last sentence). Issues relating to aggregates and silica sand landbanks are covered under policies M2 and M3.
PM/29/2	42	O	This new paragraph is generally supported, but the text should be amended to reflect the precise wording of the Inspector's recommendation 2.1/5.	At the end of the first sentence the text should continue with the phrase: <i>‘...as a means of minimizing environmental disturbance, <u>especially where there is an existing processing plant which can continue in use.</u> However, this may not be appropriate for all mineral workings...’</i>	Agree
PM/43/3	42	S	Support		Acknowledged
PM/81/2	42	O	The QPA generally support the proposed modification, MOD42, to paragraph 2.1.5,	As such the first sentence should read:	Agree

			however the text should be amended to reflect the precise wording of the Inspector's Recommendation 2.1/5	<i>"In cases where a need is identified for the release of further mineral reserves, extensions to existing minerals workings may be preferable to the opening up of new sites as a means minimising environmental disturbance, especially where there is existing processing plant which can continue in use. ..."</i>	
PM/29/3	52	O	<p>The factual update of total reserves as at 1/1/2003 is noted. However, the text of the new paragraph 3.1.6 should be amended to make it clear that the figures relate to <u>total</u> production and <u>total</u> reserves and that, in accordance with the new paragraph 4.1.5 (MOD 71), the total landbank will be subdivided into separate landbanks of concreting sand and gravel and building sand.</p> <p>(see separate objection to MOD 71. Rep PM/29/8)</p>		<p>It is clear that these figures relate to totals. The last part of the objection relates to policy not context. Aggregate policy is dealt with in policy M2.</p> <p>No change necessary</p>
PM/77/3	Para 3.3.2	C	Ref Brickclay any guarantees that company will not open other sites later, leaving them open for landfill		The local plan is not able to give such a 'guarantee'
PM/42/1	56	S	Statement reflects current situation		Acknowledged
PM/29/4	57	O	The modified policy is generally supported but, for clarity and consistency with other modifications, the text should be amended to read:	<i>The MPA will monitor permitted aggregate reserves and endeavour to maintain <u>separate landbanks</u> of at least 7 years throughout the plan period for both concreting sand and gravel and building sand for aggregate purposes. Should <u>those separate aggregates landbanks</u> fall below seven years within this plan period, the MPA will take appropriate action in order to</i>	Disagree need for suggested insertions. The policy has been modified exactly as recommended by the Inspector.

				<i>identify the need and, where appropriate, grant planning permission, for the release of additional reserves.'</i>	
PM/43/4	57	S	Support		Acknowledged
PM/81/3	57	O	The QPA generally support the proposed modification, MOD57, to Policy M2. For clarity and consistency with other modifications however, the test of Policy M2 should be amended	<p>To read:</p> <p><i>“The MPA will monitor permitted aggregate reserves and endeavour to maintain separate landbanks of at least 7 years throughout the plan period for both concreting sand and gravel and building sand for aggregates purposes. Should those separate aggregates landbanks fall below seven years within this plan period, the MPA will take appropriate action in order to identify the need and, where appropriate, grant planning permission, for the release of additional reserves.”</i></p>	Disagree need for suggested insertions. The policy has been modified exactly as recommended by the Inspector.
PM/43/5	58	S	Support		Acknowledged
PM/43/6	59	S	Support		Acknowledged
PM/29/5	70	O	This modification is generally supported, but in the light of the retention of the original text in the renumbered paragraph 4.1.3, the modified paragraph 4.1.4 would read better with the insertion of the word 'However', at the start of the paragraph.	Insert the word 'However', at the start of the paragraph	. Agree with insertion
PM/43/7	70	S	Support		Acknowledged
PM/43/8	71	S	The proposals are supported by the industry		Acknowledged
PM/29/8	71	O	This modification is again generally supported, but the second sentence of paragraph 4.1.5 should be deleted. As drafted, it suggests that there may be no requirement to replace the		Agree

			<p>figures set out in table 1. However, the re-calculation exercise urged by the Inspector (and which the County Council are committed to, in consultation with the minerals industry), will inevitably mean that changes will be required to that table. (See also objection to table 1: modification 72).</p> <p>In addition, the words 'if necessary' should be deleted from the start of the third sentence. The Inspector's recommendation 2.3/2 does not use that qualification.</p>		
PM/29/6	72	O	<p>The continued reference to the 'total reserves' in a combined landbank is misleading, and completely out of spirit with the Inspector's findings, conclusions (eg paragraph 2.3.18 of the Inspector's report), and recommendation 2.3/2.</p> <p>The intention of that recommendation is that table 1 should be '<u>replaced</u>', and that it should make reference to separate landbanks of concreting sand and gravel and building sand, rather than be maintained and updated with continued reference to a combined landbank.</p>	<u>Table 1 should be deleted.</u>	Acknowledged – Assumption re IR Rec 2.3/2 is correct (Schedule ref to 3.2.3 is erroneous) Table modified to reflect new MPG6 sub regional apportionment. MPA will now work to resolve landbank split issue as part of LDF process. Meantime Table 1 (as modified) needs to be retained so as to indicate the overall scale of demand.
PM/43/9	72	S	Assume this relates to I.R Rec 2.3/2		Acknowledged – Assumption re IR Rec 2.3/2 is correct (Schedule ref to 3.2.3 is erroneous) Table modified to reflect new MPG6 sub regional apportionment. MPA will now work to resolve landbank split issue as part of LDF Process
PM/29/7	73	O	The inclusion of the phrase 'combined aggregates landbank', and the calculation which	<u>This paragraph should be deleted, again in the spirit of the Inspector's recommendation</u>	Agree partial deletion - from ' <i>with a combined aggregates..... MPG6</i>

			<p>stems from it, is wholly inconsistent with the Inspector's findings, and recommendation 2.3.2. In particular, the County Council cannot be "confident" that a 'post plan-period' aggregates landbank can be maintained when, at present, i) information is not available on the subdivision of the current concreting sand and gravel and building sand landbank; and ii) no allocations are being made in the current plan for the release of additional concreting sand and gravel and building sand reserves.</p> <p>It is therefore premature and incorrect to express 'confidence' that the current concreting sand and gravel reserves are adequate for either the minimum 7 year landbank period, or for the plan period, let alone a post plan-period. This is particularly the case where the Inspector, in paragraph 2.3.7, records a possible current landbank for concreting sand and gravel of only just over 4.5 years, (albeit with some qualifications).</p>	2.3/3.	<p><i>Guidance'</i>. The rest of the paragraph needs to be retained in order to provide an indication of the overall scale of potential reserves</p>
PM/43/10	73	S	Support		Acknowledged
PM/81/4	73	O	<p>1. The inclusion in paragraph 4.1.6 of the phrase "<i>combined aggregates landbank</i>" is wholly inconsistent with the findings of the Inspector and her Recommendation 2.3/2.</p> <p>2. Subject to assessing, in consultation with the aggregates industry, the appropriate split between building sand and concreting sand and gravel and the revised requirement to be met over the plan period, it is premature for the County Council to be "<i>confident</i>" that the current concreting sand and gravel</p>		<p>Agree partial deletion - from '<i>with a combined aggregates..... MPG6 Guidance'</i>. The rest of the paragraph needs to be retained in order to provide an indication of the overall scale of potential reserves.</p>

			<p>reserves are adequate to meet either the minimum 7 year landbank, or for the plan period, let alone the post plan period.</p> <p>3. In light of the above, and the Inspector recording a possible current concreting sand and gravel landbank of only just over 4.5 years, in paragraph 2.3.7 of her report, the QPA seek the deletion of paragraph 4.1.6.</p>		
PM/32/1	74 & 75	C	<p>The reference to “production site” in policy M3 should be clarified in the “ Glossary of Terms” within the plan to reflect the supporting text in the inserted sentences at para 4.2.1. MPG15 identifies the need for individual extraction sites to maintain at least a 10year landbank of reserves.</p> <p>2) Silica is also spelt incorrectly in the final sentence of 4.2.1</p>	<p>Suggested insertion into “Glossary of Terms” for clarification “Production Site” – individual extraction site at which there is a need to maintain a landbank of permitted reserves in accordance with mineral planning guidance. For silica sands sites this is “at least” 10 years to accord with policy MPG15</p>	<p>1) Include ‘production site’ in Glossary. Can include an extraction site or plant site processing primary material. 2) Will correct spelling error in the final plan</p>
PM/40/1	81	S	This is a welcome addition to the policy		Acknowledged
PM/42/3	81	S	This is a useful change that will help conservation and public access		Acknowledged
PM/54/1	81	S	The proposed modification to the text of paragraph 3.5.4 (now 4.4.4), referring to potential as wildlife habitat is supported		Acknowledged
PM/77/4	Para 4.4.4/5	C	With regards to current pits what plans are afoot regarding the restoration of these		The Parish Council have been consulted on all restoration proposals for the current clay pits in their area
PM/60/9	88	O	In relation to para 5.1.5 of the Mod draft MWLP, the JV repeats its strong concern set out above in relation to the lack of a thorough assessment of capacity projections and the need to await final regional waste and planning guidance.	The Plan does not include site specific allocations at this stage, as the previous capacity projections on which the draft plan was based have been independently considered to be unrealistic and not sufficiently reliable and further work is	See responses to PM/60/2 and PM/60/4. The Councils consider that the reassessment of capacity projections has been completed as thoroughly as possible in light of current circumstances and that further work will be best undertaken in the

			<p>now required in relation to the capacity projections and to identify appropriate specific sites. It instead presents criteria-based policies to provide generalised locational guidance in the form of areas of search to assist in any preliminary identification of suitable sites pending:</p> <ul style="list-style-type: none"> • the preparation of a site-specific Plan under the Local Development Framework format; and • a thorough re-assessment of the capacity projections following verification of industry data, final clarification of the regional waste management framework and a full public consultation exercise. <p>No additional landfill capacity will be permitted in Bedfordshire until such further work is completed, the regional waste management framework is clearer and the means by which any landfill need should be met has been thoroughly assessed. The WPA will work to produce this site-specific plan as a matter of priority.</p>	<p>context of immediate LDF review. The text of the Plan already describes the context, matters that remain to be finally resolved and the process for early review whereby this work will be undertaken. However it is agreed that some clarification regarding the relation of the LDF review with the emerging RSS14 could usefully be added here.</p> <p>The suggested additional text relating to an embargo on further landfill capacity pending review is not considered appropriate. Such a statement would constitute a policy, rather than a supporting statement. The Inspector considered matters and had opportunity to recommend such a policy if this was her intention.</p> <p>Propose following additional text for paragraph 5.1.5 for additional clarity (new text underlined):</p> <p><i><u>“The Plan does not include specific site allocations at this stage, as the previous capacity projections on which the draft Plan was based have been revised, and further work is now required to review the strategy in light of the emerging RSS14, and to identify appropriate specific sites. Pending this work, this Plan presents criteria-based policies to provide generalised locational guidance in the form of areas of search to assist in the identification of sites pending the preparation of a site-specific Plan under the Local Development Framework format.</u></i></p>
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					<u>The strategic capacity projections of this Plan signal the nature and scale of change which is required by local and London authorities to deliver sustainable waste management in the Bedfordshire and Luton area, but should be regarded as indicative pending review of the strategy under the LDF format. The WPA will work to complete the LDF review, and to produce site-specific development documents, which will be informed by and be in general conformity with the finalised RSS14, as a matter of priority</u>
PM/60/10	89 & 92	O	Paragraph 5.2.4 does not properly reflect the need for a thorough review of whether SERP 160 principles are appropriate for the Plan following the adoption of RSS14 and makes no mention of the fact that the SERP 160 principles are different from those of the current national guidance in WS2000 which is a manifestly misleading omission. A similar amendment to that to para 1.3.5 is thus required.	Addition of the following at the end of para 5.2.4: The WPA acknowledges that the general adoption of the SERP 160 principles will require thorough review following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000.	See response to PM/60/7. Propose additional final sentence to paragraph 5.2.4 for additional clarity: <i>"This approach will be reviewed under the forthcoming transition to the LDF system in order to ensure that the replacement MWLDF is in conformity with RSS14."</i>
PM/41/1	91 & 92	O	It is noted that the new paragraph 5.2.4 reflects the wording set out in the Inspector's recommendation 3.1/1, and that the new paragraph 5.2.3 provides further information on the progress with the EERWMS and RPG14. It is however important for the text of the modified plan to also confirm that the content of the EERWMS will be subject to scrutiny at an EIP, as part of the finalisation of RPG14, and that whilst it has been approved by the Regional Planning Body, it is not yet adopted as part of	An additional sentence should therefore be added before the final sentence of the new paragraph 5.2.3 to read: 'The content of the EERWMS will be the subject of an EIP in 2005, which will inform final decision of RPG14'	Agree in principle. It is our current understanding, however, that the EERWMS will not itself be subject to EIP. Rather, key policies to guide waste management will be incorporated directly into RSS14 and examined at the main EIP. In light of this, propose including new penultimate sentence to paragraph 5.2.3 follows: <i>"However, the final strategic framework for waste management will be established in</i>

			<p>the RPG14, and may be subject to change as RPG14 progresses to adoption.</p> <p>Add the sentence indicated below. This sentence would be consistent with:</p> <ul style="list-style-type: none"> a) The content of the new paragraph 5.13.4 (first bullet point) b) The Inspector's conclusions set out in paragraph 3.1.89(iii) that 'the assessment of need should have regard to the regional debate and this should be acknowledged in the plan' c) The Inspector's recommendation 3.1/4 which, at present, is not fully embraced by the modifications, merely 'agreed in principle' via MOD93; and d) The recognition by the Inspector that the EERWMS may be one of the issues considered at the EIP (Inspector's Report paragraph 3.1.2/1). <p>In view of the fact that the EERWMS has been subject of objection from GO- East, and that the South East Regional Waste Strategy is to be the subject of an EIP as part of the parallel completion of RPG9, it is difficult to imagine that the content of the EERWMS will not be considered as one of the topics at the RPG 14 EIP.</p>		<p><i>RSS14 itself as this is will be statutory regional planning document for the area</i></p>
PM/60/11	93	O	<p>In para 5.2.5 of the Mod draft MWLP, again, there is a need for reference to further thorough review of the Plan where reference is made to it being "an interim measure". In addition, again, the Inspector's recommendation was to refer to "strategic aims", which must be seen as being not just the strategic aims of the MWLP but also</p>	<p>5.2.5 ...This Plan is therefore adopted as an interim measure, pending finalisation of the MKSMSRS, in order to provide a broad framework for the development of waste management facilities waste planning to meet the strategic aims</p>	<p>Agree that further clarification of interim nature of Plan pending resolution of regional planning framework may be desirable. In this context, it would be useful to include reference to emerging RSS14 as well as MKSMSRS in final sentence of 5.2.5.</p>

			<p>the wider strategic aims for successful development of the Plan area. The JV therefore objects to the WPA's linkage only to the "strategic aims of this Minerals and Waste Local Plan". Also, the reference to "the development of waste management facilities" should be deleted as it is not consistent with the more appropriate language in para 1.2.6. of "waste planning" rather than necessarily "waste development".</p>	<p>identified herein, pending clarification of the regional waste management framework, and to meet the strategic aims of the strategic planning policy for the Plan area. (additional text sought in bold).</p>	<p>Disagree re interpretation of "strategic aims". The Councils consider that the Inspector's reference to "strategic aims" does clearly relate to the strategic aims of the Plan itself, as set out in her IR Rec 3.1/1, relating to inclusion of the new sub-section entitled "Aims of the waste strategy of the Plan" (Mods draft paragraphs 5.2.6-7).</p> <p>Disagree use of "waste planning" rather than "waste development" – the text is directly based on the terminology used by the Inspector at IR Rec 3.1/4.</p> <p>Therefore propose following amendments to paragraph 5.2.5:</p> <p><i>"This Plan is therefore adopted as an interim measure, pending finalisation of <u>RSS 14 and the MKSMSRS</u>, in order to provide a broad framework for the development of waste management facilities required to achieve the strategic aims identified herein. <u>A revised Plan will be brought forward under the new LDF system in order to fully address regional planning issues which remain unresolved at the current time.</u>"</i></p>
PM/60/12	93	O	<p>There is a need to add in "generally" before "adopted" in line 1 of para 5.2.6 to be consistent with the Inspector's recommendations and other</p>	<p>5.2.6 Accordingly the SERP 160 principles are generally adopted and</p>	<p>This objection appears to arise from a misreading of the text. The Plan text, as per inspector's recommendation 3.1/1, states "adapted" not "adopted". Therefore the</p>

			<p>modifications.</p>	<p>applied... (additional text sought in bold).</p> <p>For the reasons set out above, add in a new para 5.2.8 as set out below.</p> <p>Precise Wording Sought:</p> <p>5.2.8 The WPA acknowledges that the general adoption of the SERP 160 principles will require thorough review following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000. (additional text sought in bold).</p>	<p>suggested insertion of “generally” is not necessary.</p> <p>The Plan already makes clear that an early (LDF) review will be undertaken to address outstanding matters, notably the emerging regional planning framework, which are resolved at the current time. Further minor amendments, as specified in responses to other objections to the Mods draft, will reinforce this message.</p> <p>The Inspector has considered the strategic approach of the Plan in the context of WS2000, and concluded that it is essentially sound (as modified in accordance with her recommendations). She states in IR paragraph 3.1.18 that <i>“...the fact that the SERP160 targets are much more demanding than Waste 2000 does not necessarily mean that the plan does not accord with the national waste strategy as implied by some objectors.”</i> The “aims” sub-section inserted at her recommendation explicitly states that the landfill reduction targets exceed the WS2000 targets, as does policy W1 - there is therefore no need or benefit in stating that the principles are “different” as per suggested text.</p> <p>Therefore, no changes required.</p>
PM/60/13	95	O	<p>Paragraph 5.2.7 should also make reference to the specific need to monitor and review the impact of Newton Longville in accordance with</p>	<p>Insert at end of paragraph 5.2.7: "The impact of the major nearby landfill site at Newton Longville will also need to be</p>	<p>Disagree that it is appropriate to make specific reference to the Newton Longville site here. This site is neither within the Plan</p>

			the Inspector's recommendation	further assessed and monitored and reviewed in relation to the achievement of these aims.	<p>area or, indeed, the region. Whilst the Inspector recommended (and the Councils accept) that the potential role of Newton Longville in regional waste disposal will have to be examined further, the Councils consider that this work will need to take place under the LDF review and in the context of the MKSM / RSS14 framework, once finalised.</p> <p>Therefore, no changes required.</p>
PM/77/5	95	C	I believe that the County should have control of waste from London and not left to the London authorities regarding waste being sent.		The sentiment is noted. The County does have a certain degree of control in terms of forward planning and development control, but must operate within the bounds of national / regional policy and the commercial waste market.
PM/60/14	97	O	A new paragraph "e)" to Policy W1 is required to reflect the Inspector's recommendation that the strategic aims of the Plan will require re-examination when the regional waste planning and wider planning frameworks are adopted.	W1... "(e) The strategic aims of the Plan in b) above will be subject to thorough review following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000	<p>Disagree. The suggested text is not appropriate as a statement of policy, whilst the supporting text of the Plan already makes clear the reasons and urgency for further review.</p> <p>Therefore, no changes required.</p>
PM/77/6	97	C	Will this be achieved and when??		The strategic aims of the Plan (as modified) have been supported by the Planning Inspector, and reflect current national and regional guidance. As such we have confidence that these aims can be achieved. It should be noted, however, that this Plan will only be an interim measure, and that a further review will be required in

					light of the emerging regional and sub-regional planning context and the government's planning reform agenda.
PM/60/15	102	O	<p>A new sentence is required to reflect the Inspector's recommendations that:</p> <p>1.2.1 the strategic aims of the Plan will require re-examination when the regional waste planning and wider planning frameworks are adopted;</p> <p>1.2.2 the impact of the major nearby landfill site at Newton Longville will also need to be monitored and reviewed in relation to the achievement of these aims;</p> <p>1.2.3 the SERP 160 principles are only generally applied as they will require thorough review following the adoption of RSS 14 and this thorough review should re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000;</p> <p>1.2.4 No additional landfill capacity will be permitted in Bedfordshire until such further work is completed and the regional waste management framework clear.</p>	<p>Add the following at the end of policy W2:</p> <p>The strategic aims of the Plan will require re-examination:</p> <p>(a) when the regional waste planning and wider planning frameworks are adopted;</p> <p>(b) in light of further assessment and monitoring and review of the impact of the major nearby landfill site at Newton Longville;</p> <p>(c) to reflect the fact that currently the SERP 160 principles are only generally applied as they will require thorough review following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000;</p> <p>(d) by thoroughly re-assessing capacity projections including verification of industry data and carrying out a full public consultation exercise in relation to such capacity projections.</p> <p>Until such re</p>	<p>Disagree. The suggested text is not appropriate as a statement of policy, whilst the supporting text of the Plan already makes clear the reasons and urgency for further review. The wording of the policy is as recommended by the Inspector: if she had desired the inclusion of such text as suggested, she would presumably have indicated this in her recommendation.</p> <p>Therefore, no changes required.</p>

				<p>examination is completed and the means by which any landfill need should be met has been thoroughly assessed, no additional landfill capacity will be permitted in Bedfordshire</p>	
PM/60/16	104	O	<p>Following the Inquiry into the second deposit draft MWLP, it has become clear that the statement in paragraph 5.3.1 that the existence of worked out clay pits in the County have proved "ideal" for landfill engineering is somewhat far from reality as evidenced by the leachate, piggy-backing, capping and stability issues cited at various of the current landfill sites in the County. Hence this "ideal" reference should be appropriately corrected to reflect the reality.</p> <p>Should "County" be "Bedfordshire" given there are two Counties?</p>	<p>in line 4 of para 5.3.1: "which have proved ideal of benefit for landfill engineering"</p>	<p>Disagree. This is simply a statement of the historical background to landfill in the Marston Vale. The suggested replacement of "ideal" with "of benefit" does not appear to offer any semantic advantages. The Inspector did not recommend any such change.</p> <p>Do not understand what statement re "two counties" is intended to mean. There is (by definition) only one county in Bedfordshire, whilst there are 34 shire counties in England. Luton is a unitary authority.</p> <p>Therefore, no changes required.</p>
PM/60/17	107	O	<p>Need to make clear that the SERP 160 analysis is conditional on a thorough re-assessment to accord with the Inspector's recommendations.</p> <p>As part of this, the WPA should again note that the Inspector recommended that the SERP 160 principles should only be "generally" applied to reflect the need for them to be re-examined in accordance with the Inspector's recommendation</p>	<p>Add in at end of para 5.3.4: "These assessments will need to be thoroughly reviewed following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000"</p>	<p>Disagree. The introductory text of the plan in section one already sets out the need and procedure for early review, and this is reinforced in the introductory sections to the waste strategy (5.1 and 5.2). The Councils have agreed refinement to these sections (at paragraphs 1.2.6; 1.3.5; 5.1.5; 5.2.3; 5.2.4; 5.2.5) in order to further clarify this message. Given this, there is no need to repeatedly re-iterate this in subsequent</p>

					<p>sections of the plan, which deal with detailed application of the general principles. The Plan should be read as a whole.</p> <p>Therefore, no changes required.</p>
PM/60/18	112	O	<p>It must be made clear that Table 3 requires a thorough re-examination as part of the process of SERP 160 re-examination as set out above in these representations.</p> <p>As part of this, the WPA should again note that the Inspector recommended that the SERP 160 principles should only be "generally" applied to reflect the need for them to be re-examined in accordance with the Inspector's recommendation. Table 3 should (as is the case with Table 5) therefore be regarded as indicative only.</p>	<p>Add in at end of para 5.3.5: "These projections and Table 3 will need to be thoroughly reviewed following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000. Table 3 should therefore be regarded as indicative only."</p>	Disagree. See response to PM/60/17.
PM/50/3	112, 15, 118, 123	O	<p>Mods 112, 115, 118, 123 update the Councils' estimates of all waste imports for landfill in line with the Inspector's recommendations. These have fallen from 19,084,329 tonnes to 13,993,257 tonnes between 2000 and 2015. However it is not clear what assumptions have been made in calculating these revised figures, for example the role of Newton Longville in diverting demand for landfilling in Bedfordshire. Furthermore, it is premature to make assumptions that need to be agreed at a regional level, for example on how London's waste will be dealt with</p>	<p>It is therefore felt to be inappropriate to include detailed calculations of landfill requirements in this plan. Such calculations should be left to the next review of the Plan (as has been decided with the conversion rate between waste weight and volume).</p>	Disagree. The Inspector clearly recognised that the strategic approach of the Plan to waste should be maintained, subject to her recommended modifications, in order to provide an interim strategic framework pending a further review undertaken in light of the agreed RSS14 and MKSMSRS. In this respect, the quantified projections should be retained as these provide an essential explanation of the strategic basis of the Plan. To remove these figures would act to reduce the clarity of the strategic aims. This was clearly recognised by the

					<p>Inspector. Who noted in her summary foreword (paragraphs 10, 11):</p> <p><i>“Meanwhile, I am conscious that the current MWLP was adopted in 1996 and it is due to expire in 2006....In these circumstances, I see benefit in bringing this Plan forward as soon as possible. So far as waste management planning is concerned it will have to represent an interim measure pending the finalisation of the regional planning framework....However, by adopting it, modified as I propose, the Plan will signal the nature and scale of change which is required by local and London authorities to deliver sustainable waste management in the Bedfordshire and Luton area.”</i> (Council's emphasis)</p> <p>The Councils have made such amendments as are possible at the present time, in line with the Inspector's recommendations (see also response to PM/60/2). They acknowledge that further revision of the strategy will be necessary in light of RSS14, once agreed, and this is also made clear in the text of the current plan and will be further clarified in additional minor textual amendments to paragraphs 1.2.6; 1.3.5; 5.1.5; 5.2.3; 5.2.4; 5.2.5.</p> <p>Therefore, no changes required.</p>
PM/41/2	112 115 123	O	The Inspector's comments on the content of the tables set out in the 2 nd Deposit Draft are set out in paragraphs 3.1.30-3.1.31 of her report. With	<p>Changes required</p> <p>1) Amend tables 3,4 and 6 (MODS 112,115 and 123) to reflect the</p>	<p>Disagree with suggested changes.</p> <p>The Councils have made such</p>

124 131 135		<p>further comments set out in paragraph 3.1.54, (particularly the need for a recalculation of the need for landfill void space). The Inspector's overall conclusion on this matter are set out in paragraph 3.1.92, namely that :</p> <p><i>'The assumptions and associated tables on the remainder of the waste strategy will need to be reviewed in the light of my conclusions on the unsound nature of the landfill assessment and the revision to the target for achieving residue only landfill. The Councils will need to consider what information they can sensibly put into this plan in the light of these conclusions and the need for further work to ensure that the assumptions made about the need for waste management are robust'</i></p> <p>It is noted that the tables have been updated to a base year of 2004, but several of the original assumptions have either not been changes, or have not been changed to adequately reflect the Inspector's conclusions that residue only landfilling will not be achieved until 2015. Moreover, in certain cases, the amendments continue to make assumptions regarding the early availability of alternative waste management facilities</p> <p>Most notably, the revised table 7 (MOD124) assumes the availability of alternative treatment for commercial and industrial waste in Bedfordshire in 2004, and the availability of alternative treatment of municipal waste by 2010 (table 9 MOD131). In contrast, the supporting text correctly indicates the assumption of the</p>	<p>actual recent imports of rational waste and then recalculate the cumulative requirement from a revised, increased 2004 base year.</p> <p>2) Amend table 7 (MOD124) to ensure consistency with paragraphs 5.4.7 i.e. no assumptions regarding alternative treatment till 2015. This will require increases in the cumulative landfill tonnage column 3, and the deletion of the figures in the alternative treatment column 4 for the years 2004,2005 and 2010</p> <p>3) Amend table 9 (MOD121), column 6 'end treatment plant, with the plant to be assumed to be available in 2015 rather than 2010, with corresponding amendments to column 3 and 4 relating to landfill and cumulative landfill. This amendment would be consistent with table 10, and the assumptions made for Luton of an end treatment plant in 2015.</p> <p>4) Amend Table 11 (MOD 135) to correspond to amendments made to tables 7 and 9</p>	<p>modifications as can sensibly be made at this time (see response to PM/60/2). With regard to specific matters raised:</p> <ul style="list-style-type: none"> • The tables retain the modelling base year 2000, except in as much as the cumulative landfill need is assessed from start of 2004. This is appropriate in that the need from start 2004 can then be compared to the available permitted voidspace at start 2004, as determined though updated survey work. It is not considered appropriate to replace the modelled figures with actual recorded waste deposits, however, as the projections of the strategy are founded on a year 2000 base. It may reasonably be expected that actual recorded disposals will vary from the model projections for year to year, but this does not in itself undermine the value of the strategic projections over the longer term, as these serve to illustrate the aims of the strategy. Under the current phasing programme of the landfill operators, annual disposals can now be expected to progressively reduce. • The criticism of table 7 regarding availability of capacity for diversion of commercial /industrial wastes is unfounded. Such capacity already exists in the County for recycling,
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		<p>availability of alternative waste management facilities by 2015. (Paragraph 5.4.7: MOD126)</p> <p>The tables also update the annual tonnage from 2000-2004, but the quoted figures appear to be based upon SERP 160 projections, rather than trends of actual landfill tonnage in the period since 2000. The notable example relates to regional imports (table 6: MOD123), with a suggested reduction from 2.34m tonnes in 2000, to 1.85m tonnes in 2004. These figures are inconsistent with the information set out in Table 14 (within MOD182), which confirms landfill tonnage (including local arisings) of some 3.2 m tonnes in 2000; 3.5m tonnes in 2001 and 3.15m tonnes in 2002.</p> <p>It is appreciated that these figures include both regional and local waste, but, the combined regional and local waste landfill figures suggest an overall landfill figure for 2004 of only some 2.39m tonnes. [Ref the assumptions made in table 7 of local commercial and industrial waste of 0.235m tonnes (MOD124); table 11, with local municipal waste of 0.308 tonnes (MOD135) and table 6 and regional landfilling of 1.85million tonnes (MOD123)]. There is no evidence that these individual figures or combined totals are correct or reliable, particularly as the total is some 1m tonnes less than the average landfill in the period 2000-2002 (ref table 140).</p> <p>The significance of the figures is that they are used as base data for the projection of SERP160 landfill reductions (tables 6, 7, 9 and 11) and, in so doing, they serve to</p>		<p>composting and thermal energy recovery, whilst an anaerobic digester has recently been granted permission. The current schedule for establishment of an IWMF for municipal waste has a target of 2008/9 for start of operation, although the projections of the Plan do not assume such plan coming on-stream until 2010. Paragraph 5.4.7 indicates the total indicative capacity requirement for 2015, not the first availability, as is clear from table 7 itself.</p> <p>Therefore, no changes required</p>
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			<p>underestimate the cumulative landfill requirement.</p> <p>It also follows that if landfilling continues at recent rates (Table 14), then the recalculated residual void space of 6.86mm³ at 1/1/2004 will be utilised at a much quicker rate than assumed by the plan. This in turn will require additional longer term provision.</p>		
PM/77/7	Para 5.3.6 & 5.3.7	C	Do we have to accept commercial and industrial wastes		Bedfordshire currently imports commercial and industrial wastes, over which the Councils have no direct control. Future provisions for such wastes are as set out in the projections of the Plan.
PM/60/19	114	O	<p>Need to make clear that the SERP 160 analysis is conditional on a thorough re-assessment to accord with the Inspector's recommendations.</p> <p>As part of this the WPA should note that the Inspector recommended that the SERP 160 principles should only be "generally" applied to reflect the need for them to be re-examined in accordance with the Inspector's recommendation. Table 4 should (as is the case with Table 5) therefore be regarded as indicative only</p>	<p>Add in at end of para 5.3.6:</p> <p>"These estimates will need to be thoroughly reviewed following the adoption of RSS 14 and this thorough review will re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000. Table 4 should therefore be regarded as indicative only."</p>	Disagree. See response to PM/60/17.
PM/77/8	116	C	Ref – L field just what hazardous waste will go into this field if any?		Under the provisions of the Landfill Directive, 'L' Field is now classified as non-hazardous and can no longer take any hazardous wastes
PM/60/20	122	O	As well as the uncertainties relating to figures for hazardous waste imports in relation to	Add in at end of para 5.3.6:	Disagree. See response to PM/60/17.

			<p>hazardous waste imports, there are clearly uncertainties, as set out in the Inspector's recommendations, surrounding:</p> <p>1.2.5 the role of the Newton Longville site and the approach of London and neighbouring regions in relation to regional import and export of waste;</p> <p>1.2.6 the revised timescale for bringing forward the proposed integrated waste management plant; and</p> <p>1.2.7 the adoption of RSS 14 and the then required review of the appropriateness of generally adopting SERP principles which are different from those of current national guidance in WS2000.</p> <p>These uncertainties need reflecting in the text of paragraph 5.3.12.</p>	<p>"In addition, these projections will need to be thoroughly reviewed following:</p> <p>(a) the adoption of RSS 14;</p> <p>(b) further assessment and monitoring and review of the role of the major landfill site at Newton Longville and the approach of London and neighbouring regions in relation to regional import and export of waste;</p> <p>(c) clarification of the revised timescale for bringing forward of the proposed integrated waste management plant in Bedfordshire;</p> <p>(d) a thorough review of the projections following confirmation of (a), (b) and (c) above and also to re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000</p>	
PM/60/21	128	O	<p>Para 5.4.12 incorrectly states that the Bedfordshire and Luton Waste Strategy itself applies the SERP 160 based principles to local municipal wastes as for other waste streams with a modified target year of 2015 for attainment of residues-only landfill. This is factually incorrect as the B&LWS has not, to the JV's knowledge, been amended with</p>	<p>Appropriate amendment/clarificatory text should be inserted.</p>	<p>Agree. Propose following amendment to paragraph 5.4.12:</p> <p><i>"Overall, the Bedfordshire and Luton Waste Strategy applies the same SERP 160 based principles to local municipal wastes as for other waste streams; <u>Again, with this Plan adopts the modified target year of 2015 for attainment of residues-only</u></i></p>

			a modified target date (unlike the Mod draft MWLP).		<i>landfill."</i>
PM/77/9	5.8.1 7	C	Where will this site go?		No decision regarding location of IWMF has yet been made
PM/77/10	5.9.5	C	Can they confirm that this will not take place at all?		As the previous planning permission has expired and the site is no longer identified in the reviewed MWLP it has no special status in terms of HWRC location. There are no plans to develop an HWRC at this site, but it would not be appropriate to rule out the possibility of such a use at some future time.
PM/49/2	158	O	The 'reasons' section related to this states 'not implemented as WPA disagree with this recommendation.' PPG12 (Annex B, paragraph 20) states that "where the local authority choose not to accept a recommendation, they must provide clear and cogent reasons for not doing so." We consider that this requirement has not been fulfilled in this case.	The authorities should either accept the recommendation or give clear and cogent reasons for not accepting it.	<p>The omission of the reason in the schedule was an administrative error. The reason agreed by the Councils as followed (ref: BCC Executive report of 4 May 2004; LBC Executive report of 7 June 2004);</p> <p><i>"Reason: Mineral extraction is a temporary activity. There is no reason to suppose, as a matter of general principle, that restored mineral sites will be appropriate sites for location of composting activities. Where mineral sites are restored to agriculture they would be eligible under criteria (d) of the policy. Where they are restored to other uses (e.g. public amenity, nature conservation), composting may not be suitable."</i></p> <p>The Council's maintain rejection of the second bullet of IR Recommendation 3.8/1 for the above reason.</p>

PM/27/1	174	O	<p>Introduction</p> <p>In her report on the Bedfordshire and Luton Minerals and Waste Local Plan (BLMWLP), the Inspector recommended that the specific sites identified for non-inert landfill in Policy W12 be deleted and the policy reworded. Her reasons for this are given in detail in her report but may be summarised as follows:</p> <ol style="list-style-type: none"> 1. The Council did not provide convincing evidence for the level of additional landfill void set out in the BLMWLP, particularly in the light of the debate at the Inquiry concerning tonnes/cubic metre conversion factors; 2. The process by which the sites were identified was not transparent; and 3. The BLMWLP did not clearly demonstrate that the two sites identified represented the Best Practicable Environmental Option (BPEO). <p>The Councils have accepted this recommendation and have reworded and renumbered Policy W12 as W14. The Policy now reads:</p> <p>Planning permission will only be granted for proposals for non-inert landfill provided that it can be clearly demonstrated that the landfill provision is required to meet an identified</p>	<p>We suggest that proposed Policy W14 be amended to read:</p> <p><i>To ensure continuity of landfill to serve both the regional and local need, the WPA will give favourable consideration to landfill proposals at Elstow South and Stewartby. Planning permission will only be granted for proposals for non-inert landfill elsewhere where it can be clearly demonstrated that the landfill provision is required to meet an identified need that cannot be met either by the treatment of waste higher up the waste hierarchy or at the identified site</i></p>	<p>Disagree with suggested modification. The Inspector considered the matter of landfill need and specific allocations in depth and clearly recommended that the previously identified sites for landfill should be deleted, together with redrafting of policy W14 (previously W12). The Councils have accepted these recommendations.</p> <p>With regard to specific matters raised in the objection:</p> <p><i>The Inspector's approach</i></p> <p>Whilst the Inspector accepted the fundamental principles of the waste strategy of the Plan, she also found a number of issues which would require modification or further investigation. At the same time, she acknowledged the dated nature of the current adopted (1996) MWLP. In light of this she concluded that the draft MWLP should be modified as recommended, and <i>"should proceed to adoption as soon as possible"</i> (IR foreword paragraph 12) as an interim measure, pending resolution of the outstanding uncertainties (notably the regional and sub-regional policy context) under an immediate LDF format review. She clearly considered this to be the most pragmatic approach, and the Councils concur with her recommendations.</p> <p><i>Timing of the Plan Review</i></p>
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		<p>need which cannot be met by the treatment of waste higher up the waste hierarchy.</p> <p>Waste Recycling Group Limited object to this modification to the BLMWLP for the reasons that are set out below.</p> <p>The Inspector's Approach</p> <p>The Inspector does not appear to find fault with the waste management strategy that the Councils are seeking to follow (Inspector's report para 3.1.13). However, she was concerned about the different policy approach taken to landfill and other waste management facilities, the uncertainty over the landfill void requirement, the absence of a robust BPEO process for landfill site identification and the general lack of clarity at the sub-regional level regarding the role of the Marston Vale. The response to these issues was to allow the Plan to proceed to adoption so as to provide a framework for the consideration of planning applications but to call for an immediate review to address the issues raised.</p> <p>In our view, this approach is flawed since it does not provide the certainty inherent in the Plan-led system and will merely deflect the debate to the planning application consideration process.</p> <p>Timing of the Plan Review</p>	<p>The Plan will be reviewed with due dispatch under the LDF process. We anticipate that MW LDDs can be adopted by late 2007 / early 2008, in compliance with the three-year period prescribed under the transitional arrangements of the PCPA2004.</p> <p>The emerging regional policy framework is one of the key areas of outstanding uncertainty identified by the Inspector. The waste strategy of the revised (LDF) plan will need to be in conformity with the provisions of RSS14, once finalised. It will therefore not be possible to complete the review process in advance of RSS14. Nor is it appropriate to identify specific landfill sites in this Plan at this time, as to do so may prejudice the emerging regional and sub-regional policy framework.</p> <p>The Inspector clearly recognised these issues, hence her recommendation that the current draft Plan be adopted "as an interim measure".</p> <p><i>Need for additional landfill void</i></p> <p>The 'need' for additional landfill void is a matter that can only be finally resolved in light of the final agreed approach of RSS14 and the MKSMSRS, once known. The Inspector recognised this, but recommended that the current draft Plan should proceed to adoption as quickly as possible, with the strategic waste capacity projections modified and retained in order</p>
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			<p>We understand from Bedfordshire County Council officers that the review of the adopted BLMWLP will not commence formally until early 2005. This will be brought forward under the new Local Development Framework process. The role of the Marston Vale that is of concern to the Inspector is unlikely to be resolved, through the publication of the EIP panel report into the Regional Spatial Strategy, until August 2005. Thereafter, site selection work can begin for the new Development Plan Documents.</p> <p>Despite the stated aims of the LDF process, it is unlikely that the new DPD will be adopted much before the end of 2008. There will, therefore, be a lengthy period during which proposals for new waste management facilities will need to be assessed against the BLMWLP as now proposed to be adopted.</p>		<p>to “<i>signal the nature and scale of the change which is required by local and London authorities to deliver sustainable waste management in the Bedfordshire and Luton area</i>” (IR foreword, paragraph 11). She did not state, as claimed in the objection, that “the amount of waste that Bedfordshire is likely to have to deal with is largely beyond the influence of the Council” – rather, she stated that that the “<i>SERP 160 principles include elements over which the plan has little control</i>”, and noted that the strategy of the Plan (as modified by her recommendations) would be an appropriate means to apply “<i>...pressure on the London authorities to play their part in making the changes needed...</i>”.</p> <p>Thus, whilst the projections of the Plan serve to highlight and illustrate the strategic direction, they can not be taken as a definitive statement of need in advance of the resolution of the regional and sub-regional policy framework.</p>
			<p>The Framework Established by Proposed Policy W14</p> <p>In our view, the proposed policy does not provide the clarity or certainty that the development plan system is intended to provide to both the community and to the development industry.</p>		<p><i>The framework established by proposed policy W14</i></p> <p>As noted above, the definitive “need” for landfill cannot be determined until the regional framework of RSS14 is settled (see above). In light of this it is not appropriate to assume that landfill sites need to be brought into operation in the timescales stated in the objection: indeed, to do so would risk prejudice of the</p>

		<p>The BLMWLP as proposed to be modified states at para 5.13.1 that:</p> <p>Notwithstanding the central strategic aim to reduce landfill to a practical minimum under the projected capacity modelling outlined in Section 5.2, there will remain a considerable demand for putrescible landfill voidspace in the plan period.</p> <p>Para 5.13.4 puts the shortfall at 11.33 mcm after allowing for currently consented void. It seems therefore that the BLMWLP already accepts that there will be a demonstrated need since the void figure quoted assumes that alternative treatment facilities higher up the waste hierarchy come on stream. Since the circumstances set out in the Policy are already met, the determination of any application will be against the remaining policies of the BLMWLP.</p> <p>The Framework Established by Proposed Policy W14</p> <p>In our view, the proposed policy does not provide the clarity or certainty that the development plan system is intended to provide to both the community and to the development industry.</p> <p>The BLMWLP as proposed to be modified states at para 5.13.1 that:</p> <p>Notwithstanding the central strategic aim to</p>		<p>approach to landfill in the emerging regional and sub-regional policy framework <i>A site specific policy</i></p> <p>The objection notes that the Inspector did not rule out landfill at Elstow South in principle, listing in aid a summary of her conclusions regarding potential site-specific issues. The Inspector, however, concluded that Elstow South (and Stewartby) should not be identified for landfill at this time owing to the requirement to re-assess the need for landfill in the context of the framework of RSS14 and the MKSMSRS, together with the requirement to conduct a robust BPEO in order to determine the means by which any identified need should be accommodated. The councils accept her conclusions and therefore do not agree with the suggested re-instatement of specific landfill sites in the Plan.</p> <p>Therefore, no changes required.</p>
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			<p>reduce landfill to a practical minimum under the projected capacity modelling outlined in Section 5.2, there will remain a considerable demand for putrescible landfill voidspace in the plan period.</p> <p>Para 5.13.4 puts the shortfall at 11.33 mcm after allowing for currently consented void. It seems therefore that the BLMWLP already accepts that there will be a demonstrated need since the void figure quoted assumes that alternative treatment facilities higher up the waste hierarchy come on stream. Since the circumstances set out in the Policy are already met, the determination of any application will be against the remaining policies of the BLMWLP.</p> <p>3.1.1 Despite the debate at the Inquiry and the Inspector's comments regarding the site selection process, the Inspector's report (para 3.11.72) states:</p> <p>As I believe there to be only 5 sites to consider, ie Brogborough, Stewartby, Arlesey, Rookery South and Elstow South and the WPA has a great deal of detailed information about these sites the site selection process for non-inert landfill need not take too long.</p> <p>3.1.2 Although she goes on to say that this process should be part of the preparation of a site specific DPD, we comment above on the timing issues</p>		
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			<p>that are raised. In our submission, the Inspector is overly optimistic regarding the date by which the new Plan will become a material planning consideration carrying substantial weight. She also underestimates the time taken to move from an application submitted in accordance with the development plan and the landfill being available to receive waste. In our view therefore her approach will lead to a shortfall in landfill void in the first part of the Plan period.</p>		
			<p>A Site Specific Policy</p> <p>For the reasons set out above it is our view that proposed Policy W14 should be site specific to provide the appropriate planning context. The Inspector considered Elstow South in depth at the Inquiry and concluded (appropriate references to the report are given) as follows:</p> <ol style="list-style-type: none"> 1. It would not be appropriate to rule out the consideration of Elstow South for landfill at this time if there was a demonstrable need for it on the basis of potential incompatibility with the longer term strategy for the Marston Vale (para 3.11.25). 2. There appears to be little doubt that the new settlement (at The Wixams) 		

			<p>will proceed as anticipated irrespective of what happens at Elstow South (para 3.11.32). The allocation of a landfill site at Elstow South would not prevent the successful implementation of the Wixams but, unless there is a demonstrable need for the site to be used for landfill, it is not a use that should be considered appropriate next to a proposed major new village (para 3.11.35).</p> <ol style="list-style-type: none"> 3. The GE policies of the Plan provide the appropriate controls and protection, in association with the IPPC process, to ensure that existing and new communities will not experience an unacceptable level of environmental harm (para 3.11.40). 4. The allocation of Elstow South should not be resisted on traffic grounds (para 3.11. 41). 5. The ecological value of the lakes needs to be balanced against the need for Elstow South to be used for landfill to meet other sustainability objectives. Appropriate mitigation measures could be secured (para3.11.44). 6. The potential options for addressing the long term integrity of the Elstow North site should be considered before a decision is taken to landfill Elstow North (para 3.11.46). Issues of engineering solutions, cost and 		
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			<p>the effect of this on viability and likely implementation are all factors (para 3.11.48).</p> <p>7. The issues are complex and require to be balanced (para 3.11.49) and the issues carefully assessed before concluding that Elstow South represents an appropriate location, in principle, for landfill of non-inert waste (para 3.1.50).</p> <p>In our view, there is a demonstrable need. The technical issues that underpin the concerns expressed in point 6 above are now under active discussion with the Environment Agency and the County Council as owners and operators of the Elstow North site. Allocation of the site in the BLMWLP would give additional certainty and confidence to take these matters forward to a resolution.</p> <p>In addition, further surcharging at Stewartby has been accepted, in principle, by the County Council and this was not strongly contested at the Inquiry. Allocation of this site too in the BLMWLP would provide the confidence to take these issues forward to a conclusion</p>		
			<p>Conclusion</p> <p>In our view the proposed modifications to the BLMWLP do not address adequately the clear need to provide for additional landfill void within the Plan period. In our view, waiting for the DPD to be progressed to a material stage (ie. post</p>		

			<p>inquiry) will not provide for sufficient time to gain approval and commission sites to ensure continuity of voidspace. As drafted, proposed Policy W14 does not give adequate guidance and will simply invite a number of applications to address what is a clear requirement.</p> <p>The Inspector has dealt with all of the environmental and amenity issues that relate to the allocation of Elstow South and has concluded, in effect, that the site should not be excluded for these reasons. Her decision to recommend its deletion was influenced by considerations of need and technical matters. As set out above both of these issues have moved on. Similarly with respect to Stewartby, the Inspector concludes that if there were to be a clear need for additional voidspace, there may well be benefits in seeking to meet some of it here (para 3.11.56).</p>		
PM/60/22	174	O	<p>To ensure consistent application of the Inspector's recommendations regarding the need for thorough re-examination of the need for landfilling in the Plan area, and the realistic achievability of the Plan's aims in relation to landfilling, the JV considers that it should also be made clear in Policy W14 that until such thorough re-examination is completed, no additional landfill capacity will be permitted in Bedfordshire.</p>	<p>Add to end of Policy W14 the following:</p> <p>"No additional landfilling capacity will be permitted in Bedfordshire until completion of the thorough re-examination of:</p> <p>(a) the aims of this Plan set out in Policies W1 and W2;</p> <p>(b) the projected landfill requirements to be met during this Plan period; and</p> <p>(c) the means by which any landfill need should be met has been</p>	<p>Disagree. If the Inspector had intended such a policy then she would have recommended this in her report.</p> <p>Therefore, no changes required</p>

				thoroughly assessed. "	
PM/77/11	Para 5.13	C	Local Parish council should be informed of any change prior to possible use of any site in Stewartby and have powers to veto any move		The Parish council will certainly be informed of, and invited to participate in, future development of policy under the LDF process. Similarly, the Parish Council will be consulted on any specific proposals. Statute does not, however, afford parish councils powers of veto in such matters.
PM/77/12	Para 5.13.3 - 5.13.6	C	With regards to Brogborough closing 2008, Arlesey 2010 what assurances if any does Stewartby closing 2014 have in taking extra waste (Doming) because more transport coming into areas because the village can not handle its present traffic flow		Any proposals for revised working practices or additional landfill at Stewartby would be assessed in light of transport impacts

PM/60/23	175	O	<p>There is a need to redraft the modifications to paragraph 15.13.1 to reflect the need for the thorough re-examination recommended by the Inspector of the projected capacity modelling which has not yet been properly undertaken, as set out elsewhere in these representations. It is premature to say there "will" remain a "considerable" demand for putrescible voidspace in the plan period in advance of that thorough review and the JV accordingly suggests below appropriate amendments</p>	<p>5.13.1 Notwithstanding the central strategic aim to reduce landfill to a practical minimum under the preliminary projected capacity modelling outlined in section 5.2. there will is likely to (subject to the thorough re-examination (as specified in Policy W2)) remain some considerable demand for putrescible landfill voidspace in the plan period. This is considered likely to will occur for the following reasons:</p> <p>The plan period covers a transitional phase, during which the current landfill-dominated practice is aimed to be replaced by more sustainable methods. Whilst this transition is ongoing, it is considered that there is will is likely to remain a (reducing) need for landfill, for both local and imported wastes;</p> <p>Alternative waste management processes will still produce residues, which will require landfill. A continuing provision will may be required for landfill of process residues from the Greater London area."</p> <p>(new wording sought in bold).</p>	<p>Disagree need for suggested changes. The Plan already makes clear the interim nature of the strategic waste projections in the introduction and the waste strategy section, whilst the particular ramifications of the outstanding uncertainties in respect of landfill are clearly set out in paragraphs 5.13.5-6 of the modifications draft Plan.</p> <p>Paragraph 5.13.1 simply observes that there will be a continuing <u>demand</u> for landfill, and outlines key reasons for this – there is no need to make further qualifying statements regarding the strategic basis here.</p> <p>Similarly, paragraph 5.13.2 simply summarises the projections, which are already supported by text in the introductory waste strategy paragraphs to explain outstanding uncertainties and the process by which they will need to be resolved.</p> <p>Therefore, no changes required.</p>
PM/60/24	176 & 177	O	<p>It should be made clear that the projections are preliminary projections subject to the thorough re-examination recommended by the Inspector of the projected capacity modelling which has not yet been properly undertaken, as set out elsewhere in these representations. The JV</p>	<p>The preliminary projections of landfill need for imported and local wastes are shown in Table 6, Table 7 and Table 11. Together, these projections indicate a total of non-inert landfill requirement of 18.19 million cubic metres (mcm) over the plan period (2004-</p>	<p>Disagree need for suggested changes. The Plan already makes clear the interim nature of the strategic waste projections in the introduction and the waste strategy section, whilst the particular ramifications of the outstanding uncertainties in respect of</p>

			notes the significant alteration of the total non-inert landfill requirement (now 18.19 million cubic metres over the plan period) compared to the projected figures being promoted by the WPA at the recent Inquiry into the second deposit draft MWLP. This further re-inforces the need for a careful and thorough review of the landfill requirement projections in light of a thorough public consultation exercise and in light of clearer regional waste and wider strategic planning guidance	<p>2015 inclusive). However, as also set out elsewhere in this Plan, these projections will need to be thoroughly reviewed following:</p> <p>(a) the adoption of RSS 14;</p>	<p>landfill are clearly set out in paragraphs 5.13.5-6 of the modifications draft Plan.</p> <p>Paragraph 5.13.1 simply observes that there will be a continuing <u>demand</u> for landfill, and outlines key reasons for this – there is no need to make further qualifying statements regarding the strategic basis here.</p> <p>Similarly, paragraph 5.13.2 simply summarises the projections, which are already supported by text in the introductory waste strategy paragraphs to explain outstanding uncertainties and the process by which they will need to be resolved.</p> <p>Therefore, no changes required.</p>
				(b) further assessment and monitoring and review of the role of the major landfill site at Newton Longville and the approach of London and neighbouring regions in relation to regional import and export of waste;	
				(c) clarification of the revised timescale for bringing forward of the proposed integrated waste management plant in Bedfordshire;	
				(d) a thorough review of the projections following confirmation of (a), (b) and (c) above and also to re-examine the appropriateness of generally adopting SERP 160 principles	

				which are different from those of current national guidance in WS2000. "	
PM/41/3	177	O	In the light of the requested amendments to Table 3,4,6,7,9 & 11, there is a need to amend the calculation of total non-inert landfill requirement, which is summarized in paragraph 5.13.2 (18.19mm ³), to reflect the necessary recalculations within the respective tables.		<p>The Councils do not agree that further changes are required to the tables indicated – see responses to PM41/2 and PM/60/2.</p> <p>Therefore, no changes required.</p>
PM/50/2	178	O	Mod 178 updates and reduces the landfill void availability from the 2000 figure in the previous draft (16.66 million cubic metres) to a 2004 figure of 6.86 million cubic metres. This is said to be based on the results of an industry survey. Details of this have not been included in the Modification documents, however	It is therefore felt to be inappropriate to include detailed calculations of landfill requirements in this plan. Such calculations should be left to the next review of the Plan (as has been decided with the conversion rate between waste weight and volume).	<p>The County council conducts an annual survey of minerals and waste operations, and the figures in the modifications draft are taken from the latest survey. Details of individual sites, however, are collected on a confidential basis and as such are not appropriate for inclusion in the Plan.</p> <p>The Councils consider that appropriate modifications have been made in light of the Inspector's recommendations and the information currently available. See responses to PM/50/3 and PM/60/2.</p> <p>Therefore, no changes required.</p>
PM/60/25	178	O	The JV notes the apparent significant change from the remaining capacity projections of Arlesey, Brogborough and Stewartby L Field from those being promoted by the WPA at the Inquiry into the second deposit draft MWLP only a few months ago and it is not at all clear whether the figures presented reflect Shanks'	As at January 2004, these sites will are preliminarily assessed as having a combined capacity sufficient to accept 6.86 million cubic metres (mcm) of waste. The modelling basis of this preliminary assessment is to be subject to a thorough verification of industry data	Disagree need for suggested amendments. The figure for available landfill void is for the start of year 2004, and was provided by Shanks. It updates the figures presented at the Inquiry, which related to start of year 2003. The uncertainties attaching to the landfill projections and the appropriate

		<p>own data presented at the Inquiry where Shanks calculated that the voidspace at January 2003 was 10.97 mcm as opposed to the 9.78 mcm then being estimated by the WPA (see para 3.1.40, IP).</p> <p>The lack of explanation, and the apparent significant differences from the position being adopted by the WPA from only a few months ago, highlight the acute need to independently verify the industry data being supplied by the operators of these facilities and to assess more precisely what the appropriate settlement and conversion rates for landfill in these sites should actually be.</p>	<p>and further assessment and public scrutiny of the appropriate conversion/compaction rates to be used in calculating the tonne:cubic metre conversion rate for these specific sites." (additional text sought in bold)</p>	<p>conversion rate, as well as the means by which they will be addressed, are adequately explained in paragraphs 5.13.5-6 of the Plan.</p> <p>Therefore, no changes required.</p>
		<p>The Inspector was clearly expecting (see para 3.1.53, IP) that further assessment of what the conversion rate should be would be undertaken. The JV is not aware of any further assessment being undertaken, and certainly not subject to public scrutiny. Instead the WPA seems to have ignored this clear expectation of the Inspector for further assessment and adhered to a 1:1 conversion rate which was severely questioned at the recent Inquiry and contrary to the data of even the operators of the sites in question. Continuing to adopt a modelling approach based on that relied on in the EERWMS (which the WPA was itself heavily involved in promoting) which has now subsequently been shown to be unreliable, is manifestly unreasonable without further detailed assessment work being</p>		

			<p>undertaken and subject public scrutiny.</p> <p>In the interim, any figures put forward need to be given with a great degree of caution and the amendment below is sought to ensure this is properly reflected.</p>		
PM/41/4	180	O	<p>The conversion rate of 1:1 tonnes per cubic metre is supported.</p> <p>However, the calculated shortfall of 11.33m³ non-inert landfill void space requirement is considered to be an underestimate based upon the objections raised to the content of the calculation tables (see attached separate objection to MODS 112, 115, 123, 124, 131 and 135).</p> <p>The shortfall therefore needs to be recalculated accordingly.</p>		<p>The Councils do not agree that further changes are required to the tables indicated – see responses to PM41/2 and PM/60/2.</p> <p>Therefore, no changes required</p>
PM/50/1	180	O	<p>MOD180 updates and increases the projected shortfall of landfill voidspace from 7.4 million cubic metres to 11.33 million cubic metres. This is a matter of some concern as it would seem to set down a marker for the next review of the Local Plan that more sites for landfill will be needed. The increase is the product of two other changes.</p>	<p>It is therefore felt to be inappropriate to include detailed calculations of landfill requirements in this plan. Such calculations should be left to the next review of the plan (as has been decided with the conversion rate between waste height and volume.)</p>	<p>The Councils consider that appropriate modifications have been made in light of the Inspector's recommendations and the information currently available. See responses to PM/50/3 and PM/60/2.</p> <p>Whilst the current Plan, once adopted, would provide the starting point for the LDF review, the strategic provisions will have to be reassessed in light of (<i>inter alia</i>) the agreed RSS14 and the latest data available at the time.</p>

					Therefore, no changes required.
PM/60/26	180	O	<p>The JV's criticisms relating to the continued reliance on the 1:1 tonnes:cubic metre conversion rate in the face of contrary evidence at the recent Inquiry into the second stage deposit MWLP are set out in relation to MOD 179 and should be taken as being repeated here for MOD 180. The significant change in the projected shortfall from the position of the WPA only a few months ago illustrates the need for careful and thorough assessment, subject to public scrutiny, of the appropriate conversion rate to be used. The JV is mindful of the WPA's position that it is "crucial" not to overprovide (as clearly supported by the Inspector at paragraph 3.11.67, IR) and there can be no confidence in the "rushed job" that has been done by the WPA in producing these modifications in respect to landfill voidspace projections without undertaking the thorough assessment required. The JV considers that either modelling projections should be abandoned for this modifications draft of the MWLP or a strong caveat applied to the preliminarily assessed stated figures.</p>	<p>5.13.4 Using a 1:1 tonnes per cubic metre conversion rate, a projected shortfall of some 11.33 mcm non-inert landfill voidspace therefore exists over the plan period. As with other landfill capacity and input projections in this Plan, these projections will need to be thoroughly reviewed following:</p>	<p>Disagree. The Councils have made appropriate revisions in line with the Inspector's recommendations and the information available (see responses to PM/60/2 and PM/50/3).</p> <p>The revisions have been carefully considered and not "rushed". The Inspector herself noted the desirability of bringing the Plan to adoption as soon as possible (IR foreword paragraph 11), and this approach is in line with the government's planning reform agenda, which urges local authorities to move to the new system of LDFs as soon as possible. In light of this, the Councils consider that the most appropriate way to tackle the outstanding uncertainties of the waste strategy will be under the LDF review. The Plan makes this approach clear.</p> <p>Therefore, no changes required.</p>
				the adoption of RSS 14;	
				further assessment and monitoring and review of the role of the major landfill site at Newton Longville and the approach of London and neighbouring	

				regions in relation to regional import and export of waste	
				clarification of the revised timescale for bringing forward of the proposed integrated waste management plant in Bedfordshire	
				a thorough verification of industry data and further assessment and public scrutiny of the appropriate conversion/compaction rates to be used in calculating the tonne:cubic metre conversion rate for existing and any proposed new specific landfill sites; and	
				a thorough review of the projections following confirmation of (a) to (d) inclusive above and also to re-examine the appropriateness of generally adopting SERP 160 principles which are different from those of current national guidance in WS2000. " (additional wording sought in bold).	
PM/41/5	181	S	Support		Acknowledged
PM/59/1	181 & 182	S	The Agency supports the above proposed Modifications. Whilst it would ideally be preferential to provide land allocations within the plan period, we understand that this has not been possible due to the complex land issues faced by minerals and waste proposals in the		Acknowledged

			County		
PM/41/6	182	O	<p>The retention of the 1:1 conversion factor is supported. However, objection is raised to the content of paragraph 5.13.5, which, for clarity, should incorporate an additional first sentence to read:</p> <p><i>'This indicates a requirement to allocate an additional 11.33m m³ of non-inert landfill void space for use within the plan period to 2015'</i></p> <p>(subject to recalculations referred to in separate objections).</p>		<p>Disagree with suggested amendment. The Inspector clearly recommended that no sites should be allocated for landfill in the Plan, and that this matter should be addressed under the LDF review. See IR Recs 3.11/1-3. The Councils have accepted these recommendations, and the suggested amendment is therefore not appropriate.</p> <p>Therefore, no changes required.</p>
PM/60/27	182	O	<p>The weight to be given to the importance of the major new Wixams development should be cited in the "national" as well as the "regional development context" since it is highlighted in the national ODPM Communities Plan Government guidance.</p> <p>The examination in public of the MKSMSRS conclusions should also be cited in more detail. In particular, the following (all from para 9.33 of the Report of the Panel into the Public Examination of the MKSMSRS) require specific emphasis:</p> <p>1.1.1 the emphasis that the "northern part" of the Marston Vale has "a key role to play in the strategy for the Bedford sub-region";</p> <p>1.1.2 "landfilling is not a use which would</p>	<p>Alter 5.13.5 as follows:</p> <p>" • National and Regional development context: Whilst the Marston Vale has historically and currently continues to for some time provided landfill resources to serve some of the needs of London and the previous south east region, it has now also been identified (and particularly the northern part of the Marston Vale) as a potential key major growth area under the proposals of the Milton Keynes and South Midland Sub-regional Study (MKSMSRS).</p>	<p>Disagree with suggested amendments, apart from replacement of references to "RPG14" with "RSS14". With reference to particular issues raised in the objection:</p> <ul style="list-style-type: none"> • There is no need to make specific reference to the Wixams proposals: this section of the Plan deals with the regional planning context, not specific development proposals. Nor is there any need to revisit the national context here: this is already covered earlier in the waste strategy context section of the Plan.

		<p>normally be considered desirable within a major development area"; and</p> <p>1.1.3 "continued landfilling in the Vale close to locations for development would militate against achieving the objectives of the SRS".</p> <p>It is clear that there is significant potential conflict with successful regeneration of the Marston Vale and new landfilling development. The necessary thorough review to be carried of the modified SERP 160 based approach should be more properly emphasised.</p> <p>The Inspector made clear in her report (see e.g. para 3.3.10, IP) that it is not appropriate to keep on referring back in a "positive" way to the historic role of the Marston Vale in serving regional landfill needs by restoring the former mineral voids. Indeed, it gives rise to the impression that the historical role of the Marston Vale should, of itself, be given some positive weight in relation to future landfilling. That would not be appropriate given the forward looking nature of the Plan, the aim of the plan to eliminate landfilling and the regeneration emphasis now being given to the northern part of the Marston Vale. In addition, the Inspector made clear that events have moved on and circumstances have changed and it is proper to examine proposals in the current context (see e.g. para 3.11.28, IP). The reference in the first</p>	<p>The MKSMSRS has recently (spring 2004) undergone Examination in Public, the findings of which will inform the emerging regional planning guidance for the East of England, RSS14. The Panel Report for the Examination in Public of the MKSMSRS has identified that landfilling is not a use which would normally be considered desirable within a major development area and that continued landfilling in the Vale close to locations for development would militate against achieving the objectives of the MKSMSRS</p>	<ul style="list-style-type: none"> It is not appropriate to make extensive reference to the MSKSM panel report as these findings will be considered in the context of the EIP into RSS14, as made clear in the MKSM Panel Report itself (see Panel Report paragraph 9.34). The existing text of modifications draft paragraph 5.13.5 already explains in sufficient detail the need to resolve potential land-use conflicts in the Growth Area, the process whereby these will be resolved as RSS14 evolves, and the caveats that apply to the strategic projections of the current MWLP as a result.
			<p>The Panel Report has stated that whether there is a case for any further landfill to be permitted in the Vale, or how long it should continue, depends not only on its effects on development but also on regional questions of need, on the alternative options available and on considerations of BPEO.</p>	<ul style="list-style-type: none"> The opening sentence of the 1st bullet to paragraph 5.13.5 simply states the fact that the Marston Vale has hitherto provided landfill resources. It is in no way a "positive" interpretation; indeed, the thrust of the paragraph is to highlight that the previous landfill use may no longer be appropriate in light of the emerging regional / sub-regional development context.

		<p>part of the bullet to para 5.13.5 to historic provision of landfill resources (headed "Regional development context") should therefore be amended.</p> <p>It should be noted that RPG 14 will re-emerge as "RSS14" and this should be reflected where appropriate throughout the Mod draft MWLP.</p> <p>[N.B. We note a formatting error in the blackline modifications copy on the website when 5.13.4 runs into 5.13.5. We note that the modifications table refers to the text as being in 5.13.5 which is what we have followed.]</p> <p>is otiose as was clear from the Waste Round Table Session at the recent Inquiry into the second deposit draft of the MWLP when significantly differing standards, guidance and</p>	<p>. It is clear that major landfill activity has significant potential to conflict with the growth area proposals, particularly in the northern part of the Marston Vale, and as both matters have significant regional (and inter-regional) dimensions, these issues must be addressed in the context of RPGSS rather than to inform the local planning framework.</p>	<ul style="list-style-type: none"> The reference to common use of the 1:1 conversion ratio is entirely appropriate. As noted by the inspector, it was agreed by industry and the Environment Agency at the time the Plan was prepared (IR paragraph 3.1.15). It is also adopted in the EERWMS. The modifications draft Plan makes clear that, as recommended by the Inspector, the suitability or otherwise of the 1:1 conversion factor will be reviewed. This work will clearly have to be based on accurate data, so there is no need to raise the specific matter of data verification in the Plan itself. The Plan already states that the strategic capacity modelling must be regarded as an interim approach.
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		<p>views were cited. The reference must be deleted or it will be liable to challenge.</p> <p>The need for thorough verification of industry data and further assessment and public scrutiny of the appropriate conversion/compaction rates to be used in calculating the tonne:cubic metre conversion rate for existing and any proposed new specific landfill sites also must be stated. The calculations in Table 14 and in paragraph 5.13.5 must therefore be stated to be indicative only.</p> <p>The reference to the conversion of factor of 1:1 being:</p> <p style="text-align: center;">"commonly used in industry and</p>	<p>In this context, the capacity modelling set out in this Plan, as based on the modified SERP 160 approach, must be regarded as an interim approach and subject to the thorough re-examination highlighted in this Plan. The final strategic approach and resultant landfill need and siting assessment must be informed by the guidance of RPSSS14. It is anticipated that RPSSS14 will itself be subject to Examination in Public in mid 2005, with the final version adopted by early 2006</p>	<ul style="list-style-type: none"> The Inspector clearly states that landfill site identification will have to be undertaken as part of the preparation of a site-specific plan under the LDF process (IR paragraph 3.11.72). She has proposed a series of modifications to the current draft MWLP in order to provide "... a policy framework for the determination of landfill proposals and to underpin any site-specific plan. She did not propose any policy statement placing an embargo on landfill. The proposed amendment is therefore not appropriate in light of her findings.
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			<p>planning circles"</p> <p>is otiose as was clear from the Waste Round Table Session at the recent Inquiry into the second deposit draft of the MWLP when significantly differing standards, guidance and views were cited. The reference must be deleted or it will be liable to challenge.</p> <p>The need for thorough verification of industry data and further assessment and public scrutiny of the appropriate conversion/compaction rates to be used in calculating the tonne:cubic metre conversion rate for existing and any proposed new specific landfill sites also must be stated. The calculations in Table 14 and in paragraph 5.13.5 must therefore be stated to be indicative only.</p> <p>Paragraph 5.13.6 needs to make reference to the Inspector's clear statement in her report that: "it would not be appropriate to permit any additional landfill capacity in Bedfordshire until a thorough assessment has been made of the need for such capacity to be provided and the means by which that need should be met" (para 3.1.56). The way that paragraph 5.13.6 is drafted does not make that clear, particularly as it refers to potentially applications coming in "pending the completion" of the assessment process.</p>	<p>In the national context, appropriate weight must be given to the proposed Wixams development in the northern part of the Marston Vale highlighted in the OPDM's Communities Plan guidance." (additional text sought in bold)</p> <p>In the bullet headed "Tonnes/cubic metres conversion factor for landfill":</p> <ul style="list-style-type: none">• delete "as commonly used in industry and planning circles and" in lines 7 and 8;• add in "industry" before "local" in line 10;	
				<ul style="list-style-type: none">• replace "1.2" with "1.28" in line 12 as that was the figure actually emerging from the Shanks data;• add in "industry" before "local" in Table 14 and recalculate figures using a 1.28:1 conversion factor and amend subsequent text referring to figures accordingly.• replace "1.2:1 (t/m3)" with "1.28:1 (t/m3)" in line 19	

				<ul style="list-style-type: none"> • add in "industry-derived data concerning" before "operations at the three existing sites" in line 20. • add in after "Therefore, the 1:1 conversion factor is retained for the purposes of this Plan" the following: "subject to a thorough verification of industry data and further assessment and public scrutiny of the appropriate conversion/compaction rates to be used in calculating the tonne:cubic metre conversion rate for existing and any proposed new specific landfill sites." 	
				<ul style="list-style-type: none"> • The calculations in Table 14 and in this paragraph 5.13.5 are therefore indicative only." 	
				In para 5.13.6, add at the end: " No additional landfill capacity will be permitted in Bedfordshire until the regional waste management framework is clearer and the means by which any landfill need should be met has been thoroughly assessed. "	
PM/41/7	185	O	The requirement to undertake an objective BPEO assessment for all options for all landfilling was a specific requirement of the Inspector (3.11/5). It is accepted that this	It is therefore suggested that an additional phrase should be added to the end of the second sentence of the new paragraph 5.13.6, to read: ' ...via an objective BPEO	Agree insertion

			represents an action, but the commitment to follow that recommendation should be confirmed in the text of the modified plan.	assessment of all options'	
PM/60/28	W22		<p>The JV considers that there must be a modification to policy W22 resulting from the Inspector's Report deleting landfill allocations. Clearly, safeguarding of waste management sites must dovetail with the safeguarding of nearby development sites which may result in potential conflicts. There is currently no recognition in this new policy W22 to the fact that nearby development sites may already be safeguarded or proceeding themselves and the need to appropriately balance the needs of such schemes.</p> <p>Although not specifically identified as a modification by the Inspector, it is clear that this policy must now be modified if proper effect is to be given to the Inspector's decision which has resulted in the deletion of the landfill site allocations. In the second deposit draft MWLP, the allocation of certain sites for landfill created some inherent safeguarding protection for those sites. However, the deletion of those sites as unsuitable for allocation in the Plan means that Policy W22 requires amendment to recognise that landfill sites which are to be allocated in the future must pay due regard to nearby development sites which are already safeguarded or proceeding</p>	<p>Add to end of Policy W22, and also as a new paragraph 5.20.3:</p> <p>"Appropriate regard will be had to existing and future safeguarding of nearby non-waste management development sites as identified by other national, regional and local planning policies".</p>	<p>Disagree need for suggested amendment. W22 deals specifically with the safeguarding of waste management sites. The protection of other sites from impacts of new waste management developments is already covered in policy GE25 (Buffer Zones).</p> <p>It should also be noted that the comment in the objection regarding "...deletion of those [landfill] sites as unsuitable for allocation in the Plan..." is somewhat misleading. The sites were deleted as the Inspector did not consider the process of need and BPEO assessment to be sufficient. She made it quite clear in her report that the sites were not unacceptable in principle</p>

PM/40/2	189	S	The word “ development” has wider implications than ‘operations’		Acknowledged
PM/42/2	189	S	The word “ development” has wider implications than ‘operations’, which strengthens the policy		Acknowledged
PM/60/29	190	O	<p>The deletion of the paragraph at the end of 6.1.3 beginning "Adverse impacts..." and ending with "adversely affected" is objected to by the JV.</p> <p>There is a loss of valuable assurance which was in the second deposit draft MWLP that, for example, "the value of the benefits associated with the development must be greater than that of the factor(s) adversely affected" and that "adverse impacts on factors not protected under specific policies or designations but nonetheless of local or regional significance will result in refusal of planning permission, unless it can be demonstrated that any residual adverse impacts have been minimised as far as possible and that any residual adverse impacts are clearly outweighed by other benefits of the proposal".</p> <p>The Inspector's recommendation in relation to this paragraph was to amend to reflect her comments on the other GE policies, for example policy GE12. The Inspector's comments were mainly directed at whether in each GE policy it was appropriate to have the test being one whether the benefits of the development either "clearly outweigh" or simply "outweigh" the negative impacts. It is not necessary or appropriate to delete all the valuable environmental protections contained in the (now</p>	The last (now deleted) paragraph of paragraph 6.1.3 should be re-instated save for the deletion of "clearly" in line 8.	The last (now deleted) paragraph of paragraph 6.1.3 should be re-instated save for the deletion of "clearly" in line 8.

			deleted) last paragraph of 6.1.3 to properly reflect the Inspector's recommendations. A simple deletion of "clearly" in line 8 of the (now deleted) last paragraph of 6.1.3 is sufficient. The last (now deleted) paragraph of paragraph 6.1.3 should be re-instated with this change made.		
PM/40/3	191	S	The changes strengthen the protection the policy gives to the Marston Vale.		Acknowledged
PM/40/4	192	S	Changes seem sensible		Acknowledged
PM/40/5	193	S	Changes seem sensible		Acknowledged
PM/60/30	193	O	In paragraph 6.2.2, the use of the phrase "development pressure" is objected to as "pressure" is inappropriately negative. It should be more correctly re-phrased "development opportunity" given the extent of national, regional and local support for regeneration of the Marston Vale and, in particular, the identification of the northern end of the Marston Vale as a key growth area. Further, the development opportunity is current, not future, as is evident from the very advanced Wixams development proposals. In addition, it should be made clear that the "development pressure" coming from new regional planning guidance is primarily non-waste development	Replace existing paragraph beginning "This area will be..." with the following: "This area is subject to increased development opportunity (primarily non-waste-related) and the northern part of the Marston Vale has been particularly identified as a key growth area. This area is likely to be subject to further development proposals/allocations, the full extent of which is currently under discussion as part of the preparation of new regional planning guidance."	Disagree – It is acknowledged throughout the plan that the Marston Vale is subject to increased development. The term 'pressure' is used for consistency with the previous sentence in the paragraph. Housing, employment and leisure are 'pressures' on land. The plan has been updated to reflect the situation regarding current regional planning guidance. As yet the Marston Vale has not been completely ruled out for waste related uses and this remains one of the 'pressures'.

PM/40/6	202	O	Object to loss of (clause b) words after "proposal" because it weakens protection of greenbelt		Objection Noted No further change required: this issue has been considered at Public Inquiry and the modification reflects Inspectors conclusions exactly
PM/43/11	202	S	In line with guidance in MPG6 and PPG2		Acknowledged
PM/43/12	205	S	Fully support recognition that mineral extraction does not have to meet a test of "overriding need", particularly in this instance when relating to development within the green belt		Acknowledged
PM/40/7	209	O	This wording does not seem to be backed by ministerial or PPG advice	Delete "or where it is minor waste related" and reinstate "except for minor farm based..."	Disagree – modification follows Inspectors advice precisely, which was given in light of current policy guidance
PM/40/8	214	O	The Inspector did not recommend this so do not think policy should be weakened by the removal of this sentence	Please reinstate " the County Council" to "AGLV's in Bedfordshire	This modification is a necessary change in light of Inspectors conclusions regarding aggregate and silica sand landbanks. The original restriction can no longer be justified as the presumption of adequate mineral reserves no longer applies
PM/42/4	214	O	The Inspector did not recommend this so do not think policy should be weakened by the removal of this sentence	Please reinstate " the County Council" to "AGLV's in Bedfordshire	This modification is a necessary change in light of Inspectors conclusions regarding aggregate and silica sand landbanks. The original restriction can no longer be justified as the presumption of adequate mineral reserves no longer applies
PM/60/31	217	O	The JV is concerned at the deletion of the word "clearly" from Policy GE9. The Inspector's recommendation is that she said that the WPA had accepted that "clearly" does not add anything to Policy GE9 which is odd, considering that in relation to other GE policies she herself (e.g. for GE12) accepts that "clearly" is either	Reinstatement of word "clearly" in line 5 of Policy GE9	Disagree – modification follows Inspectors Advice

			<p>appropriate or not appropriate – but not that it does not add anything at all. The WPA had obviously thought that "clearly" provided the appropriate level of protection for this policy and the JV considers that the WPA has been correct in this approach. No good reason for any change in approach has been given.</p> <p>The JV would like to see strong protection for landscape protection and landscaping and requests the re-instatement of the word "clearly".</p>		
PM/54/2	220	S	The specific reference to the value of trees and wildlife is supported		Acknowledged
PM/54/3	224	S	Improved Policy wording		Acknowledged
PM/54/4	225	O	English Nature is of the opinion that an International Sites policy should be maintained to ensure full policy coverage, should any sites in Bedfordshire be designated an International site in the lifetime of the plan	<p>Development which may affect a European site, a proposed European site or a Ramsar site will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that the proposal would not adversely affect the integrity of the site, will not be permitted unless:</p>	Disagree suggested policy. This was considered and rejected by the Inspector. Should sites of International significance be designated, then appropriate local policies may be developed under the LDF process
				<p>(i). There is no alternative solution; and</p> <p>(ii). There are imperative reasons of overriding public interest for the</p>	

				<p>development</p> <p>Where the site concerned hosts a priority natural habitat type and/or priority species, development of land use change will not be permitted unless the authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation</p>	
PM/54/5	226	S	The revised wording of policy GE12 (now GE11) follows much of English Natures recommendations		Acknowledged
PM/54/6	227	S	Improved policy wording		Acknowledged
PM/60/32	330	O	<p>This refers to the deletion of "clearly" in line 7 of Policy GE12 in relation to "Protection of locally designated sites".</p> <p>The JV is concerned at the deletion of the word "clearly" from Policy GE12. The Inspector considered that "clearly" is not "necessary" but it is not clear whether she means that it is not "appropriate" or whether she thinks it is "superfluous". In any event, the WPA obviously had thought that "clearly" provided the appropriate level of protection for this policy and the JV considers that the WPA has been correct in this approach. No good reason for any change of approach has been given.</p> <p>The JV would like to see strong protection for locally designated sites and requests the re-</p>	Reinstatement of word "clearly" in line 7 of Policy GE12	Disagree – Deletion of the word “clearly” was specifically recommended by the Inspector and it is not considered that there is a good reason to disagree with her recommendation

			instatement of the word "clearly".		
PM/42/5	331	S	This modification will strengthen the policy		Acknowledged
PM/54/7	331	S	Improved policy working		Acknowledged
PM/54/8	334	S	Improved policy working		Acknowledged
PM/60/33	GE19	O	Although not proposed as a modification, the JV considers that policy GE 19 should refer also to direct flood risk arising from minerals and waste development proposals themselves. It would be improper for the WPA to grant planning permission for a development which itself creates a significant risk of flooding and the current wording erroneously does not cover that.	Add in at end of policy GE 19: "or where such development proposals themselves create a significant risk of flooding"	<p>Disagree – the policy already specifically covers the 'risk of flooding' as defined in the objection, whilst policy GE20 provides wider protection for water resources. No modification is therefore required to GE19.</p> <p>However, the Councils consider that paragraph 6.19.1 of the supporting text to GE20 could usefully consider <u>rates</u> of discharge in any dewatering proposals in addition to "quality" of discharge. This will clarify the need to avoid flooding risk in any dewatering proposals. Thus, propose following addition to 2nd last sentence of 6.19.1 (new text underlined):</p> <p><i>"Proposals should consider the water quality and rate of the discharge, especially that which contains suspended solids".</i></p>
PM/42/6	335	S	The modification will strengthen the policy		Acknowledged
PM/42/7	343	O	This modification poses a threat to historic sites and buildings	Reinstate the original wording	Disagree - following Inspectors Recommendations to reflect national policy guidance. It is considered that there is not a good reason for not following the Inspectors

					recommendations
PM/42/8	344	O	This modification seriously weakens protection for historic sites and buildings and conservation areas	Reinstate the original wording	Disagree - following the Inspectors recommendations that policies should be worded in a positive term. It is considered that there is not a good reason for not following the Inspectors decision
PM/42/9	345	O	This modification seriously weakens protection for historic sites and buildings and conservation areas	Reinstate the original wording	Disagree - following Inspectors recommendations to include buildings to provide clearer guidance. It is considered that there is not a good reason for not following the Inspectors recommendations.
PM/42/10	347	O	This modification seriously weakens protection of conservation areas	Please delete 'conservation areas' from title of Policy 16	Disagree - following Inspectors recommendations. It is considered that there is not a good reason for not following the Inspectors recommendation
PM/77/13	Para 6.19	C	With the proposed new housing for Stewartby, this will increase the level of the water table, which in turn could mix with waste from landfill, causing possible pollution of water levels. What assurances do we have regard any pollution problems?		This is not a local plan consideration. It is an issue which should be raised when commenting on housing proposals
PM/42/11	352	S	This modification will help fish conservation		Acknowledged
PM/42/12	352	S	Brings paragraph in line with policy para 2 line 4		Acknowledged
PM/40/9	353	O	Inspectors instructions not carried out because 'not deleted' and 'only' not inserted		This is true – administrative error as forgot to add. Insert 'only' into final adopted plan
PM/40/10	356	S	Brings paragraph in line with policy para 2, line 4 above		Acknowledged
PM/43/13	357	S	Support		Acknowledged

PM/60/34	357	O	<p>This relates to Buffer zones Policy GE25.</p> <p>The JV considers that the insertion of "sensitive" in Policy GE25 must reflect the fact that both real and perceived impact of minerals and waste development form part of what is sensitive and non-sensitive neighbouring land uses. This was accepted by the Inspector in para 3.11.39 of her Report: "I appreciate that the perception of harm is a legitimate planning issue". It is also planning law.</p>	Addition of the following after "sensitive" in line 3 of Policy GE25: "(including actual or perceived sensitivity)" .	It is accepted that the perception of harm is a legitimate planning issue and should form part of the consideration of any planning application. However it is not considered that this policy needs to make reference to this, especially as it is enshrined in case law.
PM/60/35	358	O	<p>This relates to paragraph 6.24.6 of the Mod draft MWLP.</p> <p>It is incorrect planning law only to take into account "legitimate" health concerns. All health concerns, whether legitimate, or perceived concerns with no actual scientific legitimacy, are material planning considerations (see para 3.11.39, IR, relevant government guidance, e.g. in PPG8 and case law). We consider that the Inspector has erred with her recommendation in this regard and the word "legitimate" should thus be deleted from the proposed modification.</p>	Delete "legitimate" from penultimate line of para 6.24.6	Disagree. The modification does not rule out the MPA/WPA requiring a risk assessment due to perceived concerns
PM/42/13	359	S	Improves conservation value of policy		Acknowledged
PM/54/9	359	S	Improved policy wording for nature conservation		Acknowledged
PM/60/36	359	O	This relates to Policy GE26 of the Mod draft	1) Amend Policy GE26 to read:	Agree in part:

			<p>MWLP.</p> <p>The JV considers that "Opportunities for habitat creation" should not only be "considered" but also "provided wherever practical ". That would also reflect the amendment to para 6.25.2.</p> <p>In addition, there should explicitly be "no loss of existing habitat except where the need for the restoration clearly outweighs the need for the loss of habitat."</p> <p>Paragraph 6.25.3 should be clarified to correct a misleading impression that unilateral undertakings can be required by the WPA. If offered, they can be taken into account, but the WPA cannot require their offering</p>	<p>"...Opportunities for habitat creation should also be considered and wherever practical provided in all restoration proposals and no loss of existing habitat shall be permitted except where the need for the restoration clearly outweighs the need for the loss of habitat. ..."</p> <p>2)Insert "(where offered)" before "unilateral undertakings" in line 9 of para 6.25.</p>	<ol style="list-style-type: none"> 1) Agree desirability of including a provision for actual establishment of habitats as well as "consideration". However, whilst It may be 'practical' to restore to habitat creation but it may not necessarily be the 'best' plan for a site. Therefore propose to add "wherever practical and desirable". This serves to clarify the intention of the Policy. 2) Habitat loss is dealt with in Policy GE13 – there is therefore no need to duplicate here. 3) It is not accepted that paragraph 6.25.3 is misleading and therefore in need of amendment. <p>Propose new text to 2nd last sentence of policy GE26 (new text underlined):</p> <p><i>"Opportunities for habitat creation should also be considered and, where practical and desirable, provided in all restoration proposals."</i></p>
PM/54/10	360	S	Improved policy wording		Acknowledged
PM/42/14	361	S	The modification improves the conservation value of the policy very much		Acknowledged
PM/54/11	361	S	Improved policy wording		Acknowledged

PM/42/15	363	S	The modification improves the aftercare policy for restored sites very much		Acknowledged
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