

**EXECUTIVE**

**DATE:** 30<sup>TH</sup> MARCH 2009

**SUBJECT:** JOINT MINERALS AND WASTE DEVELOPMENT  
SCHEME 2009

**REPORT BY:** HEAD OF PLANNING

**CONTACT OFFICER:** PETER MULVIHILL 01582 546314

**IMPLICATIONS:**

LEGAL	✓	STAFFING	✓
EQUALITIES	✓	COMMUNITY SAFETY	
FINANCIAL	✓	RISKS	✓

**OTHER****CONSULTATIONS:**

COUNCILLORS CONSULTED	SCRUTINY COMMITTEE CONSULTED
STAKEHOLDERS CONSULTED	OTHER

---

**WARDS AFFECTED:** ALL

**LEAD EXECUTIVE MEMBER(S):** Councillor Worliding

---

**RECOMMENDATION**

1. Executive is recommended to agree submission of the draft 'Bedford Borough, Central Bedfordshire & Luton Borough Council – Minerals and Waste Development Scheme 2009' to Government for statutory approval.

## **BACKGROUND**

### **Need for a revised Minerals and Waste Development Scheme (MWDS)**

2. The purpose of this report is to request authority to submit the draft Minerals and Waste Development Scheme to the Government for statutory approval. Initial indications from the Government Office are that this revised Scheme will be accepted.
3. Up to the present time, Luton Borough Council's minerals and waste development planning activities have been carried out in conjunction with Bedfordshire County Council. The current Bedfordshire and Luton Minerals and Waste Local Plan covers the time period 2000 – 2015 (inclusive), and was prepared in accordance with the Town and Country Planning Act 1990.
4. However, the Planning and Compulsory Purchase Act (2004) brought about major changes in the planning system. This includes Regional Spatial Strategies replacing Structure Plans, and Local Plans replaced by Development Plan Documents (DPDs). This new generation of DPDs is project managed through Development Schemes, which set out which plans should be prepared including their detailed individual stages, and consultation arrangements. The first "Bedfordshire and Luton Minerals and Waste Development Scheme" was in 2005, and there have been two revisions up to the present time. However, important changes now require further amendments to this document.
5. The most significant change is that local government reorganisation has led to the creation of two unitary authorities in Bedfordshire, so that joint minerals and waste development planning will now be the responsibility of Bedford Borough Council, Central Bedfordshire Council and Luton Borough Council. Secondly, recent Government guidance ('Planning Policy Statement 12 – creating strong safe and prosperous communities through Local Spatial Planning' – June 2008) has simplified development planning in that strategic sites can now be incorporated into a Core Strategy DPD. Previously, such allocations had to be identified in a Site Allocations DPD, which generally follows the Core Strategy stage. Now there is the potential for a simplified process.
6. Executive is requested to agree that a revised (draft) MWDS, reflecting new circumstances, should be submitted to Government for approval to give effect to these changes. This Scheme has been prepared jointly by the respective local authorities, the main features of which are outlined in the 'Report' section. The main features of the current Local Plan, which will be replaced in due course, are outlined below.

## **The Current 'Bedfordshire & Luton Minerals & Waste Local Plan'**

7. In January 2005, Bedfordshire County Council and Luton Borough Council adopted the Bedfordshire and Luton Minerals and Waste Local Plan, referred to in paragraph 3. This superseded a 1996 Plan. Regarding the minerals content, clearly most of the proposals apply to Bedfordshire, although Policy M9 serves to protect the rail aggregate depot at Legrave Road.
8. In terms of waste, the 22 policies include the setting out of key principles; the need to reduce imported waste, encouragement of an overall reduction in waste, provision of facilities with new development, household waste recycling centres and the safeguarding of sites.
9. A third section in the Local Plan addresses 'General and Environmental Policies'. These policies are intended to assist planning applications and set out requirements regarding restoration, environmental improvements, aftercare, protection of Green Belt land and other important designations.
10. These three Local Plan subject areas of minerals, waste and 'general and environmental policies' (i.e. development control) are now being addressed under the current planning system through DPDs and are proposed to be guided by an updated MWDS – the subject of this report. The main points are outlined below.

## **REPORT**

### **Plans to be included in the MWDS**

11. The proposed draft MWDS follows a similar structure to the previous Development Schemes in establishing a project plan for the preparation of Development Plan Documents. As indicated above, PPS12 now presents an opportunity to consolidate plan making. Whereas in the 2007 version of the Scheme there were 5 main plans (Minerals Core Strategy, Minerals Site Allocations Plan, Waste Core Strategy, Waste Site Allocations Plan, General Environment Policies); this is now reduced to 2 plans (Combined Minerals and Waste Core Strategy, including Strategic Sites; and General Environment Policies).

### **Progress to Date**

12. A considerable amount of work has already taken place in preparing the Minerals and Waste DPDs, including:-
  - a) Minerals Core Strategy Preferred Options Consultation Paper – Consultation 19<sup>th</sup> September to 31<sup>st</sup> October 2007 – setting out core

policy proposals for minerals development. This work followed an 'Issues and Options' stage.

- b) Minerals Site Allocations Plan Preferred Options Consultation Paper – 19<sup>th</sup> September to 31<sup>st</sup> October 2007, setting out preferred site allocations for future mineral working. A new site proposal then necessitated additional consultation 28<sup>th</sup> April – 2<sup>nd</sup> June 2008.
- c) Waste Core Strategy Issues & Options Consultation Paper I – 1<sup>st</sup> October – 30<sup>th</sup> November 2007 – which set out policy issues.
- d) Waste Site Allocations Plan Issues & Options Consultation Paper II – 1<sup>st</sup> October – 30<sup>th</sup> November 2007 – setting out a portfolio of potential new sites for waste facilities which were nominated by waste operators and land owners, it was also a call for site nominations. A further 8 waste sites were put forward for possible inclusion within the plan, also a site amendment regarding capacity. There was additional consultation 28<sup>th</sup> April – 2<sup>nd</sup> June 2008.

### **Main Points of the MWDS**

13. Given that PPS12 permits a Core Strategy to allocate strategic sites for development, the opportunity for the previous five plans to be consolidated into just two plans involves a re-direction of plan formulation, as follows:-
  - The Waste Core Strategy DPD will advance to Preferred Options preparation and consultation by October 2009;
  - The more advanced Minerals Core Strategy DPD will be enhanced through further work on minerals safeguarding evidence gathering, again to October 2009;
  - At this juncture, it is proposed that the plans come together to form a Combined Minerals and Waste Core Strategy DPD involving preparation of a submission (to Government) Document with associated publicity, Examination, Inspectors Binding Report and finally Adoption. Completion is programmed for January 2012; and
  - The second plan – A General Environment Policies DPD – will follow on from the above work and is therefore scheduled to commence in February 2012, with completion anticipated by June 2014. It is considered that the current Local Plan's development control policies for environmental protection will not need reviewing until this later stage. Further details regarding all of the above points are set out in a Gantt chart in Appendix A of the draft Minerals and Waste Development Scheme 2009.

### **Joint Working Arrangements**

14. As indicated in paragraph 1.3 of the MWDS, as from the 1<sup>st</sup> April the above statutory plans will be progressed by a Joint Minerals and Waste Planning Team, employed by Central Bedfordshire, but working on behalf

of the three authorities. Given the tightness of Luton's boundaries to the built-up area, the potential for mineral extraction from within the Borough has and will remain very limited indeed. Partly in recognition of this fact, Luton has for the last 10 years contributed 25% of the annual costs of the Minerals and Waste Planning Team – which up until now has been hosted by Bedfordshire County Council. Although there are new officer working arrangements, the geographical area for their work and the proposed strength of the team is similar, and so it is envisaged that the annual contribution (which comes out of the planning service revenue budget) will remain broadly the same. Bedford Borough and Central Bedfordshire Councils will of course be required to approve this draft MWDS in the same manner as Luton Borough Council.

## **CONCLUSIONS**

15. It is recommended that Executive should approve the draft 'Bedford Borough, Central Bedfordshire & Luton Borough Council – Minerals and Waste Development Scheme 2009' because:-
  - The policies contained in the current Bedfordshire and Luton Minerals and Waste Local Plan 2000 – 2015, need to be reviewed;
  - This latest revision of the Minerals and Waste Development Scheme is logical given the implications of PPS12 and local government reorganisation;
  - The timetable for the preparation of a combined Minerals and Waste Core Strategy – including Strategic Sites, by 2012, is well within the policy time span of the current Local Plan;
  - The resource implications for Luton Borough Council remain broadly the same;
  - Informal discussions with the Government Office indicate their satisfaction with the proposals contained within the draft Scheme; and
  - Subsequent approval by Government of this statutory document will of course facilitate actual plan preparation.

## **PROPOSAL/OPTION**

16. In accordance with the Planning and Compulsory Purchase Act 2004 a Minerals and Waste Development Scheme is a statutorily required document. Given local government reorganisation and the planning reforms outlined in this report, a new Scheme has to be prepared and approved by Government.

## **LEGAL IMPLICATIONS**

17. Submission of the Scheme is in line with the council's duties as minerals and waste authority. Agreed by John Secker in Legal Services on 12 March 2009.

## **STAFFING IMPLICATIONS**

18. To financially contribute to the Joint Minerals and Waste Planning Team as indicated in paragraph 14.

## **EQUALITIES IMPLICATIONS**

19. This overarching project plan sets out the key stages for the Minerals and Waste Development Plans. All equality key groups will be included in community consultation. The need to undertake Equalities Impact Assessments (EIA) will be considered as each plan is progressed. Agreed by Pauline Manning Performance & Support Services Manager on 12<sup>th</sup> March 2009.

## **FINANCIAL IMPLICATIONS**

20. Luton's annual contribution to the MWDS is included within the base budget of the planning service. There is no expectation that Luton's contribution will increase as a result of the new local government arrangements in Bedfordshire. Agreed by the Finance Manager (Environment & Regeneration) on 16<sup>th</sup> March 2009.

## **ENVIRONMENT IMPLICATIONS**

21. Minerals and waste are statutory planning functions and clearly have important environmental effects. The proposed development plans incorporate many stages for comprehensive public consultation including Examination. The MWDS provides overall guidance for this process and thereby facilitates strategies which should result in satisfactory environmental outcomes.

## **CONSULTATION IMPLICATIONS**

22. The MWDS is not required to be subject to public consultation but does have to be approved by Government.

## **RISKS**

23. The draft Minerals and Waste Development Scheme 2009 is subject to Government approval. It is possible that revisions to the Scheme may be

required, but the principle of the need to project manage the plans contained in the document has been established.

### **COUNCILLORS CONSULTATIONS**

The following have been consulted in the preparation of this report:-  
Cllr D Worthing – Portfolio Environment

### **LIST OF BACKGROUND PAPERS**

#### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

The 'Bedford Borough, Central Bedfordshire & Luton Borough Council – Minerals and Waste Development Scheme 2009'.