

Wiltshire and Swindon Development Control Policies for Minerals and Waste Consultation on Submission Drafts

Cabinet

Date: 11 June 2008

**Author: Cabinet Member for Highways, Transport and Strategic Planning/
Group Director of Environment and Regeneration**

Parish / Wards Affected: All

Purpose

- To consider the Submission Drafts of the Wiltshire and Swindon Development Control Policies for Minerals and Waste and to seek Cabinet's agreement that the documents be recommended to Full Council for approval to submit to the Secretary of State and to be published for a period of public consultation.

Recommendation

That Cabinet:

- Recommend the Submissions Drafts of the Wiltshire and Swindon Minerals and Waste Development Control Policies to Full Council for approval, and
- Subject to the Council's approval, authorise the Director of Planning and Transport Strategy to submit the Wiltshire and Swindon Development Control Policies for Minerals and Waste (Submission Drafts) to the Secretary of State and authorise the Director of Planning and Transport Strategy to publish the documents for public consultation in accordance with the procedures set out in paragraph 3.1 of this joint report, and
- Authorise the Director of Planning and Transport Strategy and the Director of Law and Democratic Services to make minor changes to the content of the documents (if required) prior to publication, in consultation with the Cabinet Member for Highways, Transport and Strategic Planning and the Cabinet Member for Local Environment and Sustainability.

1. Reasons

- 1.1 Upon adoption, the Wiltshire and Swindon Development Control Policies for Minerals and Waste will provide planning frameworks against which decisions can be made in respect of waste management and minerals development proposals in Wiltshire and Swindon.
- 1.2 The documents are prepared jointly with Wiltshire County Council who lead on their production. The Development Control Policies documents do not contain any site specific allocations or issues that are specific to Swindon, instead they generally seek to provide criteria based policies that will be used in the determination of any new waste development

Further information on the subject of this report can be obtained from *David Dewart* on *Direct Dial No. 466445* or Email ddewart@swindon.gov.uk.

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applications that may be received in the Borough, and to manage the associated impacts of future minerals development.

2. Detail

The Preparation Process

2.1 Revised 'Preferred Options Development Control Policies for Minerals and Waste' were published for consultation in August 2007. The Submission Drafts take representations made to these documents into account, along with new Government guidance and best practice.

2.2 Officers consider that they are 'sound' and can therefore be submitted to the Secretary of State and published for public consultation.

The Minerals and Waste Development Control Policies

2.3 The **Minerals** Development Control Policies Document provides detailed criteria based policies that will be used to manage the associated impacts of future minerals development (including quarries, mines, and rail aggregate depots). The Document provides policies to mitigate against the adverse impacts of mineral workings on the environment (for example, the potential adverse impacts on protected landscapes, biodiversity, and ground and surface water) and to control the adverse amenity impacts associated with mineral extraction (such as noise, vibration, dust, traffic and visual impacts).

2.4 The **Waste** Development Control Policies Document provides criteria based policies that will be used in the determination of new waste development applications (i.e. recycling, composting, recovery and disposal along with ancillary or related development). These policies will help prevent waste developments from taking place in inappropriate locations and will enable the Council to control the potential adverse impacts associated with waste development (such as environmental, noise, vibration, dust, traffic and visual impacts).

2.5 Having effective waste development control policies in place are essential to ensuring that we can secure sites for the implementation of the Council's Municipal Waste Management Strategy over the next 10 years.

2.6 The Key Changes made to the Minerals Development Control Policies are;

General changes

The supporting text to all policies in the document has been revised to provide clearer guidance to minerals developers and key stakeholders on what will be expected to support planning applications.

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Policy Changes

Policies have also been amended to embrace more fully the principles of sustainable minerals development, including:

- i) greater emphasis on pre-application discussions and community involvement
 - ii) additional requirement for waste minimisation and promotion of use of secondary and recycled aggregates
 - iii) The introduction of the requirement for a 'mitigation strategy' that will serve to ensure that a holistic approach is taken to managing the adverse impacts of minerals development
 - iv) Additional requirement to protect soil resources.
 - v) Additional requirements to ensure flexibility of potential after uses.
- Include an additional requirement to consider use of Sustainable Urban Drainage Systems.
 - Provide clearer policy wording on;
 - (i) need for Landscape Character and Visual Impact Assessment,
 - (ii) the avoidance/mitigation/compensation hierarchy,
 - (iii) the requirements of archaeological assessment,
 - (iv) assessments to consider public rights of way, bridleways and cycleways.
 - Removed option for compensation for significant adverse impacts.

2.7 The Key Changes made to the Waste Development Control Policies include;

- A new policy (WDC1), which relates to the key criteria that planning applications will be considered against. The policy bridges the gap between the Waste Core Strategy and the Development Control Policies DPD. The policy has previously been included in the Minerals Development Control Policies DPD drafts, however a number of objectors requested a similar policy should be included in the Waste document.
- Removal of policy relating to landfill, as the pre-treatment of waste is now a legal requirement under the Landfill Regulations and the control of leachate and landfill gas is undertaken by the Environment Agency during their 'Environmental Permitting', rendering the policy unnecessary. The need for new landfill developments to make provision for the recovery of energy from landfill gas has been moved into the Renewable Energy policy.
- The addition of policy criteria relating to the historic alignments of the Wiltshire & Berkshire Canal, the North Wiltshire and Thames & Severn Canal

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that will be safeguarded with the view to their long term re-establishment as navigable water ways.

- The development of a more detailed implementation, monitoring and review section has been included that discusses the indicators for each policy of the document.

2.8 All other changes to both documents are minor word changes or amendments to policies and supporting text.

3. Process and Next Steps

3.1 If endorsed by Cabinet and subsequently approved by Full Council, the document will be submitted to the Secretary of State and also published for public consultation as soon as is practicable. Copies of the documents will be available at the offices of the County, Borough and District Councils and at all libraries throughout Wiltshire and Swindon. A statutory notice will be published in the Swindon Advertiser. The documents will also be accessible from the Council's website. Following cessation of the 'formal consultation' period, dates will be published for a public examination into these documents, chaired by an independent Government appointed Inspector.

Alternative Options

- There are no realistic alternative options. The preparation of Minerals and Waste Development Plan Documents is a statutory requirement, and the preparation arrangements are established in the adopted Swindon Borough Local Development Scheme. Failure to progress with the Submission Drafts in line with the Local Development Scheme would put at risk the ability to meet Best Value targets associated with the provision of planning services (BVPI200). We are consulting on the Submission Drafts to ensure that we are able to deliver an appropriate Minerals and Waste Planning framework which is justifiable and sound.

Risk Management

Financial and Procurement Implications

- There are no financial implications arising from this report relating to costs of documents and public notices for consultation. These are contained within Forward Planning budgets for 2008/09.

Legal / Human Rights Implications

- The Local Development Framework preparation process is regulated by national legislation and regulations, which have been adhered to throughout. By consulting on Submission Drafts, the Borough and County Council will ensure that the

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document is more likely to be deemed 'sound' when examined by the Planning Inspectorate. There are no human rights issues arising from this report.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- Once adopted, the Waste and Minerals Development Plan Documents will form part of the Statutory Development Plan for Swindon and will therefore be a key delivery mechanism for the Corporate Plan, in particular, Swindon 2010 Promise 49 and the Swindon Municipal Waste Strategy by enabling provision of suitable waste management facilities in Swindon.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- Director of Environment and Streetscene
- Head of Finance (Environment and Regeneration)

Background Papers and Appendices

- Sustainability Appraisal/Strategic Environmental Assessment Report (available to view in Members Room)
- 'Revised Preferred Options' Consultation document and responses (available to view in the Members Room)

Appendices (Circulated in Annex 2 to the Agenda)

- Appendix 1: Wiltshire and Swindon Minerals Development Control Policies – Submissions Draft
- Appendix 2: Wiltshire and Swindon Waste Development Control Policies – Submissions Draft