

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 3rd FEBRUARY 2011
title: MINERALS AND WASTE DEVELOPMENT FRAMEWORK – CONSULTATION
ON SUBMISSION VERSION OF THE SITE ALLOCATIONS AND
DEVELOPMENT MANAGEMENT POLICIES DPD
submitted by STEWART BAILEY - DIRECTOR OF DEVELOPMENT SERVICES
principal author PHIL DAGNALL

1 PURPOSE

1.1 To inform the Council of a consultation by Lancashire County Council and associated authorities concerning potential future minerals consultation policy and sites for future waste facilities within the Borough.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – The location of future waste treatment facilities will have relevance to the following Council ambitions: to make people's lives safer and healthier and protecting and enhancing the existing environmental quality of the area by guiding the development of necessary waste facilities into sites which will minimise their impact on the local environment.
- Community Objectives – Maintain, protect and enhance the natural and built features that contribute to the quality of the environment. Promote waste minimisation and reduction through recycling and reducing waste generation.
- Corporate Priorities – To provide a high quality environment, to conserve our countryside, the natural beauty of the area and enhance our built environment.
- Other Considerations – Lancashire County, Blackpool and Blackburn with Darwen Councils have a statutory duty to prepare a Minerals and Waste Local Development Framework. Ribble Valley Borough Council has the opportunity through this process to make its views known on important planning policy documents.

2 BACKGROUND AND PREVIOUS CONSULTATIONS IN 2010 ON THIS ISSUE

2.1 Lancashire County, Blackpool and Blackburn with Darwen Councils (the Joint Authorities) are jointly developing a series of strategic waste and minerals plans for their joint areas which will be major influences on the future location of such facilities in the Borough to 2021. A Core Strategy, setting overall policies, has already been adopted and now the Joint Authorities are moving to produce a site allocations plan and a series of development management policies that will finalise actual locations for future waste and mineral use and which will become a part of the Borough's development plan.

2.2 In February and June 2010 the Joint Authorities consulted on a variety of site allocation and development management policy issues within a Preferred Options version of the Development Plan Document (DPD), which were reported to Members in February and July 2010. Formal responses to these Preferred Options consultations were sent to the

Joint Authorities in February and June 2010. These responses are included in Appendix 1 to this report. The Joint Authorities have now, having considered the results of these consultations, produced the next stage of this DPD, the "Submission Version" to be commented on through this consultation. After this consultation the Joint Authorities intend to take the finalised version to an examination by the Planning Inspectorate later this year and ultimately to adoption.

- 2.3 In the earlier Preferred Options consultation responses of February and June of 2010 we raised questions relating to proposed Mineral Safeguarding Areas (MSAs) and the potential allocation of a commercial and industrial waste facility at either Pendle Trading Estate or Salthill Industrial Estate. These, and the Joint Authorities' responses, are discussed in Section 3 below.
- 2.4 These earlier consultations also proposed Peat Safeguarding Areas, (mostly lying within upland parts of the Mineral Safeguarding Areas mentioned above) within some parts of the Borough. This designation places restrictions on development (as does the MSA designation mentioned above) but in this case the underlying rationale is to prevent the degradation of the peat, which would then release locked carbon into the atmosphere. The Council did not raise any objection to the Peat Safeguarding Area designation.
- 2.5 The 2010 consultations also proposed that the rail sidings at Ribblesdale Cement Works be safeguarded from inappropriate development to preserve them as a possible mineral or waste rail depot. Such depots are designated to reduce waste and mineral road transportation. While there was no detailed discussion of the possible implications of such facilities within the 2010 consultation documentation Joint Authorities' staff, when questioned, regarded this designation as relating to preservation of the site for current cement related traffic and not to draw further road based traffic from a wider catchment, which we then reported to Committee in our report of 4 February 2010. As such the Council did not raise any objection to this proposal.
- 2.6 The 2010 consultations also did not propose any new mineral sites allocations, such as quarries, within the Borough.

3 PROPOSED SUBMISSION VERSION AND IMPLICATIONS FOR RIBBLE VALLEY - MINERALS RELATED ISSUES

- 3.1 The Submission Version of the document comes in several parts, all of which are listed at the end of this report within background papers. All are available in the Members' Room. The main documents are: Site Allocations and Development Management Policies Part 1 (which deals with policy issues and referred to below as Part 1); Site Allocations and Development Management Policies Part 2 Site Plans (which deals with site allocations and contains detailed site plans and is referred to below as Part 2) and a series of Proposals Maps on a much smaller scale. Proposals Maps 1 and 2 show the whole of Lancashire in relation to site allocations and Mineral Safeguarding Areas (MSAs), and District Map 3 specifically shows Ribble Valley.

Minerals Sites

- 3.2 The Submission Version of the document reiterates the earlier consultation position (see 2.6) ie that there are no new site allocations for mineral sites, such as quarries, in the Borough for the life of the plan.

Ribblesdale Cement Works Rail Sidings

- 3.3 The Submission Version includes the earlier consultation proposal (see 2.5 above) to allocate the Ribblesdale Cement Works Sidings (see Part 2 Page 72 and Page 75 map MRT4) as a site for minerals or waste transport. This also relates to proposed policy SA1 – Safeguarding Rail Sidings and its associated justification (see Part 1 Page 28-9).

Minerals and Peat Safeguarding Areas (MSAs)

- 3.4 Part 1 policy MR2 (Part 1 Page 32–33) deals with the designation of Mineral Safeguarding Areas (MSAs), on which we commented in the 2010 Preferred Options consultations (see 2.3 above). MSAs include both areas relating to peat and to deposits of minerals (specifically limestone, sand and gravel, sandstone, shallow coal, brickshales and salt). The areas of these MSAs in this Submission version appear to be identical to those in the earlier Preferred Options consultations of February 2010 and cover extensive parts of the borough and could relate to many possible future development sites. Around all MSAs a Mineral Consultation Area (MCA) will be drawn. Within these MCAs it will be obligatory for RVBC, as the local planning authority, to consult with the Joint Authorities on any planning application received. Should the MSAs and MCAs be adopted they will have to be indicated on RVBC's LDF Proposals Map.
- 3.5 In our February 2010 consultation response we raised a series of points about the extensive nature of the MSAs/MCAs and the many potential sites that they could cover within the borough. We were also concerned about the uncertainty within associated policy text referring to a presumption against development within MSAs and what that implied for possible developers and the allocation of land. We were also concerned at the possible delays such MSA - related consultation might impose on the processing of planning applications.
- 3.6 The Joint Authorities summarise the main points raised by all respondents to this issue in these 2010 consultations and give their own brief responses to them within the Consultation Statement document, another part of this consultation's documentation (see Consultation Statement page 5 – 6). Their responses to Ribble Valley's specific points are within another associated document – the Preferred Options Outcomes Report (see Page 11.)
- 3.7 The Joint Authorities' response to both the general points, and Ribble Valley's questions, seemed to reiterate that there will be a presumption against development within MSAs, though built up areas within MSAs will be excluded from this provision. It should be emphasised, as mentioned below (see 3.10), that RVBC would treat any comments made by the Joint Authorities using such a presumption, as a material consideration in coming to a final decision on any relevant planning application together with any other relevant considerations. The Joint Authorities go on to respond in the Preferred Options Outcomes Report (page 11, ref MSA12) to our question about this matter that:
- “in responding to consultations on planning applications that fall within an MSA/MCA that the Mineral Planning Authority will consider proposed development by balancing the competing land uses and finding a pragmatic solution where possible”
- 3.8 Their response to our other MSA related concern, that potential increased Minerals consultation brought about through the MSA designations would cause delay in

processing applications, can be found in their response in the Preferred Options report (Page 11, ref MSA14) in which they state that,

“The Minerals Planning Authority will respond to all consultations within the prescribed time frames unless a prior time extension is agreed”.

- 3.9 Given the above exchanges and previous consultations the Submission Version position on MSAs now presented to us is contained within policy MR2 – Safeguarding Minerals in the Part 1 document. In summary it seems to re-state the essence of the previous position, that within MSAs,

“planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals.”

This position can only be overcome if an applicant can satisfy one or other of a series of criteria, which the Joint Authorities would use to inform their response to a planning application. It also goes on to state that there is no set definition of what might comprise “incompatible development.” The Joint Authorities assert that this position complies with National Minerals Planning policy.

- 3.10 However, again, it should be borne in mind that any recommendations by the Joint Authorities using such a policy in relation to a planning application submitted to them by RVBC for comment are to be treated as material considerations that RVBC planning officers may need to take into account, alongside any other material considerations, in coming to a final decision.

- 3.11 The above would indicate that RVBC may be consulting the Joint Authorities more frequently over mineral resource issues relating to planning applications than it has done in the past and that the Joint Authorities do not feel that this will cause any delay in processing applications. It is not easy, given the mapping scale of the information within this consultation, to see whether these proposed MSAs could affect any potential housing or other land allocations in our emerging LDF and therefore clearer mapping would be useful. We will need to be aware of this issue in the future development of our Core Strategy and other LDF documents.

4. POTENTIAL WASTE RELATED ISSUES – SALTHILL BUILT WASTE MANAGEMENT FACILITY

- 4.1 The only waste related issue for the borough within the Submission Version is the proposed allocation of land at the Salthill Industrial Estate for what is termed a Local Built Waste Management Facility. Initial consultations did also propose an alternative site at the Pendle Trading Estate but this site has now been judged to be less appropriate. The Salthill site is described, together with a map, in the Submission Version Part 2 Site Plans document of this consultation (see pages 52 – 53).

- 4.2 Consultations in 2010 on earlier Preferred Options versions of the document asserted that a range of new facilities would be needed over the period of the plan to deal with the industrial and commercial waste stream within the Blackburn with Darwen and Ribble Valley sub-area. The land take for such facilities for the whole sub area (ie Blackburn and Ribble Valley combined) has been reduced from earlier estimates of 3.5 ha to 2.5 ha in this Submission Version.

- 4.3 However the relevant policy (Policy WM3 – Local Built Waste Management Facilities) now in the Submission version relating to sites such as the Salthill site no longer makes specific mention of the site dealing exclusively with commercial and industrial waste, to which it had been linked in earlier consultations. In fact it does not specifically mention which types of waste will be dealt with on such sites. Clarification on this matter was sought from the Joint Authorities and their response is quoted in full below (see 4.4).
- 4.4 “Policy WM3 covers all Directive wastes (that is all wastes covered by the Waste Framework Directive, consequently it excludes radioactive wastes). Policy WM1 describes these wastes as Municipal; Commercial and Industrial; and Construction, Demolition and Excavation Wastes. This does not exclude hazardous wastes. It may be that at the planning application stage the specific type of waste would be made explicit in conditions, and definitely at the pollution control permit application stage, when the appropriateness of any particular proposal will be considered. As defined by the documents glossary, commercial waste comes from premises used for trade, sport, recreation or entertainment; industrial waste is generated by factories and industrial plant. Restrictions on the size of facility appropriate for Salthill (50,000 tonnes/year), and its location within the Plan area, mean that it is likely to only be handling wastes generated by businesses and industry from Clitheroe and its surrounding towns and villages, and consequently is unlikely to be handling hazardous wastes, however this could not be ruled out.”

This emergence of the potential use of the site to deal with hazardous wastes, not mentioned in earlier consultations, is a matter of concern.

- 4.5 The plan proposes to allocate two sites within the sub-region to house facilities to deal with the wastes mentioned above; one within Blackburn with Darwen at Roman Road Estate and the other at Salthill. Each site is intended to deal with a capacity of not more than 50,000 tonnes of waste per year.
- 4.6 In earlier consultations (see our responses in Appendix 1) we raised concerns over which technologies might be applied to waste treatment on such sites, as Preferred Options versions of the document were unclear on this point. In particular we were concerned that there was the possibility of controversial thermal treatment processes being used.
- 4.7 The Joint Authorities’ responses to all our questions on this allocation are within the Preferred Options Outcomes Report. (Pages 157 – 161), together with responses from other bodies and individuals contacted by the Joint Authorities. The responses BWF 208, 209 and 210 (page 159) relate to the thermal treatment issue. The Joint Authorities indicate that such uses would be directed towards the larger strategic waste management facilities, none of which are proposed for Ribble Valley, rather than the Salthill facility, which they consider to be “smaller scale” and dealing with locally produced waste. They also confirm in comment reference BWF 210 that the site will not be used for the management of municipal waste.
- 4.8 In our responses to earlier consultations we also raised the issue of the proximity of the Salthill site to residential areas. In the Preferred Options Outcomes Report (see Page 160 comment reference BWF211) the Joint Authorities reply that this issue would be considered within the Sustainability Report and also at any planning application stage, should an application come forward. As mentioned below (see 4.10.3 below) the Sustainability Report does mention the proximity issue but does not recommend any action on this matter.

4.9 In the Development Management Part 1 document of the Submission Version policy WM3- Local Built Waste Facilities (page 19) gives further clarity on the type of facility and the technologies deemed appropriate for such sites as Salthill. The policy states that the site will be used for “the recycling, transfer, and materials recovery (excluding thermal treatment)” of waste. It also goes on to define the particular technologies that could be used on such sites in the document’s Appendix C (page viii). These are:

- Waste Transfer Station
- Material Recovery Facility
- In Vessel Composting Plant
- Anaerobic Digestion

4.10 These technologies and their associated health and sustainability issues are described in more detail in other documents associated with this consultation. All are available in the Member’s Room and at Planning Reception. Briefly they are:

4.10.1 **Indicative Waste Site Profiles**; this briefly outlines the characteristics for the 4 types of site mentioned as appropriate to the Salthill site in 4.9 above. These include: the expected lifetime of such facilities; the typical site areas, building footprints and building heights associated with them and the number of vehicle movements they may generate.

4.10.2 **Health and Equality Impact Assessment**: this describes the current knowledge relating to the use of technologies that may be used at the Salthill site, such as In Vessel Composting (see Appendix B of the document) and also examines the implications of the Salthill Site in a Site Specific Health File (see Pages A62 – A64) and the also within a Health and Equalities Profile (see Pages 95 –97).

4.10.3 **Sustainability Appraisal report**: this points out the environmental issues associated with the Submission document and its policies and site allocations, including Salthill; suggests any alternatives and, if it deems it necessary, makes recommendations needed to improve sustainability. Salthill is discussed on pages 22 – 23. This document had no recommendations to suggest regarding the Salthill site.

4.11 The above matters were discussed with the Council’s Director of Community Services and the Waste Management Officer and it was felt that there were no issues to raise in objection to the Salthill allocation in relation to the types and scale of the technologies that could be used on the site, and that there was a welcome exclusion of thermal processing on the site. However, as mentioned above in 4.3 and 4.4, the newly expressed possibility of the site being used to deal with hazardous waste is a matter for concern and that this concern should be expressed to the Joint Authorities.

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – No immediate implications.

- Technical, Environmental and Legal – The Minerals and Waste Development Framework is a statutory requirement of the planning process. The consultation exercise will enable the council to inform the final policy document within the constraints of the statutory process.
- Political - No direct political implications.
- Reputation – The Council would wish to contribute its views to an important long term planning document.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Instruct the Director of Development Services to advise the Joint Authorities of the views expressed in paragraphs 3.11 and 4.11 and to clarify the concerns regarding possible hazardous waste, and if necessary to protect the Council's position through submitting a formal representation as a part of the statutory process.
- 6.2 Ask that the Director of Development Services keep this Committee informed as appropriate.

DIRECTOR OF DEVELOPMENT SERVICES

BACKGROUND PAPERS

All documents relate to the Lancashire Minerals and Waste Development Framework (Submission Version) Consultation.

1. Site Allocation and Development Management Policies DPD – Part One
2. Site Allocation and Development Management Policies DPD – Part Two. Site Plans
3. Proposals Map
4. Consultation Statement. Publication Version
5. Preferred Options Outcomes Report
6. Sustainability Appraisal Report
7. Health and Equality Impact Assessment. December 2010
8. Site Allocations DPD. Indicative Waste Site Profiles
9. Habitat Regulations Screening Report
10. Position Statement

All the above documents are available in the Members' Room.

Also the documentation is available on the Lancashire County Council website at:

<http://lancashire-consult.limehouse.co.uk/portal>

For further information please ask for Phil Dagnall, extension 4570.

Ribble Valley Borough Council

Formal Response to Consultation on Possible Minerals and Waste Site Allocations and Development Management Policies. (17-2-10)

After discussing the issues raised within this document the Council has the following comments to make.

1. Extent of Mineral Safeguarding/Consultation Areas

The selection of Option MSA1 as the favoured option in defining such areas takes a very geographically extensive approach which will potentially bring many development sites within the Borough into an MSA/MCA. Taken together with the statement in para 5.1.1 that within these very extensive MSA/MCAs there will be “a presumption against any development that could prejudice the future working of those minerals” we are concerned about the potential impact this could have on future development.

We do not feel that there is sufficient clarity regarding the above position as the statement setting out the presumption against development is immediately followed by the statement that an MSA does not in itself preclude other forms of development, but merely provides “an alert”. We feel that this creates an unnecessary degree of uncertainty and possible delay about the prospects for development within these areas, which you acknowledge within the drawbacks of this option as stated in the consultation document. In the current economic climate this added uncertainty is not helpful.

While we understand the need to provide for future mineral needs and the need for consultation with regard to mineral resources we feel that this combination of policies is excessive. We also feel that the large number of consultation requests that such a policy will generate may place a burden on the relevant Minerals and Waste Authority which could further delay decision making on planning applications.

We would wish therefore to see a better balance struck between the needs of minerals availability and that of other necessary and important development. Also we would value clarity regarding what the blanket presumption against development actually means in practice, for instance in relation to significant housing development.

2. Commercial and Industrial Waste Stream Site Allocation

In dealing with future commercial and industrial waste streams the document states that a range of new facilities will be needed throughout Lancashire. Table 11 of the document gives an indicative list of the facilities required to handle this waste stream which states that the Blackburn/Ribble Valley sub-area will require a total of 3.5 hectares of land to house a materials recycling facility, a composting plant and a “small treatment facility”, not necessarily all on the same site.

The favoured option is to locate facilities to handle these waste types on existing or planned industrial land and that chosen allocations will not be technology specific in order not to stifle new or emerging technologies. One potential method of treatment which could be located on such sites, thermal processing, is acknowledged in the document as engendering public concern while, the document goes on to say, scientific evidence suggests that the risks are

“small”. This potential issue is a concern to the authority given the allocation of a site within the Borough for the processing of this waste stream.

One site allocated for a non-strategic facility is identified within the Borough at Pendle Trading Estate (Map 28, page 94 of document). Sites such as this are defined as “not...expected to accommodate larger waste users, and would instead provide for a more modest size of waste user across these catchment area”. Given the selection of a local site for such a facility and the lack of detail regarding both the exact size of potential development and the type of treatment process mentioned above, which could include controversial techniques, further clarity is needed here to allow us to understand the exact implications of this allocation. While such an approach gives some certainty to the waste processing industry it does not, as you acknowledge, create certainty among local communities.

Comments made during stakeholder consultation also recommended that these facilities should be located away from residential development and while we appreciate that sites have been considered that are primarily industrial there is no overt statement within the policy that recommends that residential areas be avoided.

Philip Dagnall, Assistant Planning Officer, Forward Plans, Ribble Valley Borough Council
(17-2-2010)

Ribble Valley Borough Council

Formal Response to the Addendum to Consultation on Possible Minerals and Waste Site Allocations and Development Management Policies – Additional Sites (15-6-10)

Land at Salthill Industrial Estate

After considering this document we have the following comments to make.

1. We note the inclusion (within section 4.6 of the document) of a site at Salthill Industrial Estate as an additional site to those sites already identified as preferred options for the location of smaller new build waste facilities within consultations held earlier this year (Jan – Feb 2010).
2. Within these earlier consultations we made comments regarding another preferred site for an apparently similar facility at Pendle Trading Estate that we feel have equal relevance to the Salthill site. These are mentioned below.
3. We note that in 4.5.8 it is stated that these sites are not intended to accommodate larger treatment facilities for commercial and industrial waste or municipal waste but for “smaller and more modest” facilities such as material recycling or composting facilities. However this does not make clear which waste streams will be dealt with on such a site, will it be for industrial and commercial only, municipal only or a mixture of both streams? We would value some further clarity here.
4. This document also re-iterates (section 4.5) the Favoured Option for the allocation of built waste facilities mentioned within the earlier consultation. This states that, “allocations will not be technology specific” in order that new and emerging technologies will not be stifled. This statement could indicate that a wide variety of existing treatment technologies may be used on the Salthill site.

5. Material sent to us associated with the consultation held earlier this year included background outlines of the wide variety of possible technologies available in treating waste (within a document entitled Indicative Waste Site Profiles). This material appears to be equally relevant to this consultation. It described both Thermal Treatment and Advanced Thermal Treatment technologies as potential options for waste management.
6. Given this and given our consultation comments made earlier this year regarding the Pendle Trading Estate site, we would like to express our grave concern regarding the potential use of such controversial technologies as Thermal Treatment and other incineration technologies on the Salthill site. We feel that these technologies would not be compatible with such a site.
7. We also note that in “Rubbish to Resources” - the Waste Management Strategy for Lancashire 2008 – 2020 (page 14) the County Council states its opposition to the siting of any proposal for mass burn incineration of municipal waste within the County.
8. We also wish to re-iterate our previous consultation comment that built waste facilities should be located away from residential development. We note that housing lies within 100 metres of the site whilst a school and hospital are also within 300 metres, which we feel is too close given the possible uses of such a site and their effects on residential and other legitimate amenity.

Should you have any questions regarding this matter please contact:

Philip Dagnall, Assistant Planning Officer, Forward Plans, Ribble Valley Borough Council