

AGENDA ITEM 6

Report to Cabinet	Forward Plan reference number: FP/296/11/15
Date of Meeting: 26 January 2016	County Divisions affected by the decision: All Divisions
Title of report: Essex and Southend-on-Sea Waste Local Plan – Proposed Submission Publication	
Report by Cllr Roger Hirst, Cabinet Member for Transport, Planning and the Environment	
Responsible Director: Andrew Cook, Director of Operations: Environment & Economy	
Enquiries to: Richard Greaves, Minerals & Waste Planning Manager: Planning & Environment	

1. Purpose of report

- 1.1 Ask the Cabinet to consider the draft Waste Local Plan Proposed Submission Document (Appendix 1) and to formally make a recommendation to the Council that the document be published for pre-submission consultation and then be submitted to the Secretary of State.

2. Recommendations

- 2.1 Agree the proposed responses to the representations received at the Revised Preferred Approach and previous versions of the RWLP as set out at Appendix 2.
- 2.2 That Cabinet recommends to full Council:
 - (a) that the Council agrees to the publication for pre-submission consultation of the RWLP under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in the form submitted to it (appendix 1); and.
 - (b) that the Council agrees that the RWLP be approved for submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004.

- 2.3 Agree that the Director of Operations: Environment and Economy is authorised to:
- a) make minor amendments to the RWLP to correct drafting typographical or printing errors;
 - b) Update the sustainability appraisal at any time before the documents are approved by full council;
 - c) propose to the Secretary of State amendments to the RWLP which may result from (inter alia) analysis of the representations made following public consultation, recommendations of the Sustainability Appraisal and any additional evidence considered and consult on these changes if required before they are sent to the Secretary of State and;
 - d) determine a response to any amendments which may be proposed by the Inspector during the Examination in Public process (but not to agree proposed 'main modifications'); and
 - e) take all necessary steps to ensure compliance with the relevant statutory processes and procedures necessary for preparation and participation of the Council at the Examination in Public.
- 2.4 Note that the Cabinet Member for Transport, Planning and the Environment is authorised to approve further consultation on any recommendations that may be proposed by the Inspector during or following the Examination in Public (e.g., any main modifications proposed by the Inspector).
- 2.5 Agree to amend the Minerals and Waste Development Scheme with the revised timetable for the production of the Waste Local Plan as set out in paragraph 3.20.

3. Background and proposal

- 3.1. ECC is the waste and minerals planning authority for Essex. As such it has a statutory duty to prepare a minerals and waste development scheme and to prepare local plans for minerals and waste development in accordance with that scheme, either on their own or as part of a wider local plan. The Essex Minerals Local Plan was adopted in 2014.
- 3.2. The most recent waste local plan is the Essex and Southend Waste Local Plan 2001 (which covered the period 1997-2010). The Council now needs to produce a new local plan which will provide planning policies to guide and enable waste related development until 2032.
- 3.3. The County Council has been working in partnership with Southend-on-Sea Borough Council to prepare a new replacement Waste Local Plan (WLP) since 2009.

- 3.4. As this is a Joint Plan with Southend-on-Sea Borough Council, both Councils need to agree to the contents of the Waste Local Plan. Officers and the respective Portfolio holders at Essex and Southend-on-Sea Borough Council have been involved in preparing the Waste Local Plan through ongoing Joint Briefing Panel sessions.
- 3.5. The Pre-Submission Draft Plan (as with previous consultation documents) has been developed in liaison with a cross-party Members Reference Panel at Essex County Council, currently chaired by the Cabinet Member for Transport, Planning and the Environment. The Panel has met at regular intervals during Plan preparation and has been presented with a mixture of written and verbal information to enable discussion.
- 3.6. The main sources of waste within the Plan area are:
- Local Authority Collected Waste (LACW) which is mainly from homes;
 - Commercial and Industrial Waste (C&I) from workplaces;
 - Construction, Demolition and Excavation Waste (CD&E);

The Plan also has to deal with other types of waste to be managed:

- Hazardous waste;
 - Clinical waste;
 - Radioactive waste;
 - Waste water.
- 3.7. LACW makes up approximately 20% of the total amount of waste created in the Plan area and is managed by a network of transfer sites and the mechanical biological treatment facility at Tovi Eco Park at Basildon. These facilities, along with most other existing waste facilities, will be safeguarded under the RWLP, meaning that ECC will ask to be consulted on planning applications for land within 250m of these sites. ECC, as waste planning authority, is likely to object to any proposals that may have an adverse impact on the continued operation of an existing waste management facility.
- 3.8. A summary of the key issues covered by the emerging Plan is to:
- Prioritise waste prevention, re-use and recycling ahead of other types of recovery and finally disposal and;
 - Provide policies and a supply of sites to ensure that Essex and Southend-on-Sea are both net self-sufficient, as far as practicable, for future waste management needs, but ensuring that those sites have the least harmful effects on the environment and social infrastructure.
- 3.9. In order to meet the future needs of the Plan area and, in accordance with national guidance to accommodate a small and reducing portion of the waste generated in London, the Plan proposes volumes of waste which are to be dealt with. This figure has been calculated based on the national guidance, current capacity and discussions with the London Waste Planning Authorities. National policy dictates that plans should aim to provide sufficient capacity so

that authorities can demonstrate they can meet the identified needs of their area. The Plan proposes that waste development will be permitted to meet the shortfall in capacity across all waste streams of:

- Up to 217,000 tonnes per annum of biological treatment for non-hazardous organic waste;
- Up to 1.50 million tonnes per annum for the recovery of inert waste;
- Up to 200,000 tonnes per annum for the treatment of other waste; and
- Up to 50,250 tonnes per annum by 2031/32 for the management of hazardous waste.

3.10. The Plan has been developed following several rounds of consultation and engagement since October 2010 with the public and with other interested parties. This includes the waste industry, Local Authorities, Parish and Town Councils in Essex, adjoining waste planning authorities within the Technical Advisory Body for the East of England, statutory undertakers and prescribed bodies associated with the duty to co-operate (summarised in Appendix 2).

3.11. Through the plan making process, there have been changes to planning legislation and in particular to Government planning advice, the latter culminating in the National Planning Policy for Waste Framework (NPPW) in October 2014.

3.12. Public consultation exercises on the emerging Replacement Waste Local Plan (previously referred to as the Waste Development Document) have been extensive, even before the required public consultation this year (a statutory requirement under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). Previous representations received through the public engagement stages have been taken into account as the Plan has progressed. These consultations are referenced in the box below. A separate technical paper, the Statement of Consultation (Appendix 2), sets out the consultation stages, the key issues arising and the proposed amendments to the Plan as a result.

Waste Local Plan Public Consultations	
Waste Development Document - Issues and Option 2010.	No sites. 96 respondees;
Waste Development Document - Preferred Approach 2011.	Sites included. 1,112 respondees (including those on petition);
Waste Plan placed on hold 2012.	Restarted 2014 with a decision to proceed with a Revised Preferred Approach;
Revised Preferred Approach consulted upon in 2015.	Revised Sites included. Around 509 respondees and 393 in a signed petition etc.
Focused consultation on the Newport Quarry site in late 2015.	RWLP updated to include site.

- 3.13. In accordance with the EU Waste Framework Directive, national policy and guidance, the Plan meets the identified need for new capacity by allocating sites. In the latest comprehensive public consultation (Revised Preferred Approach) a number of proposed allocated sites were a particular focus of the majority of representations received. The proposed sites prompting the most replies were Elsenham, Wivenhoe, Hastingwood (M11 Junction 7), Morses Lane (Brightlingsea) and Little Bullocks and Crumps Farm (Lt & Gt Canfield).
- 3.14. Changes to the list of sites contained in the previous Revised Preferred Approach consultation reflect a number of matters:
- The six LACW transfer stations and the Tovi Eco Park (Courtauld Road, Basildon) sites were previously included in the Plan as having potential for intensification. However, they have not been taken forward as there was insufficient evidence around any potential uplift needed in their capacity. However, they are proposed to be safeguarded - as indicated above.
 - The site at Hastingwood (M11 Junction 7) has been removed as an allocated site. This site is located in the Metropolitan Green Belt and any proposals would be rejected unless very special circumstances apply. Following further consideration of representations received it is no longer clear that the waste use amounts to very special circumstances. Given this uncertainty this site is no longer included in the RLWP.
 - A new site was put forward during the consultation itself at Newport Quarry and subsequently assessed favourably for its contribution to the inert waste stream. This is therefore included as a proposed new allocation for inert waste.
 - The proposed site at Fingringhoe Quarry would serve the Plan area and is assessed as suitable to manage inert waste and has therefore been included as an allocation.
 - Other changes, particularly around revised figures calculated for future needed waste management capacity and updates to the site assessment process have been reflected in other changes to sites chosen for biological treatment, inert recycling and inert disposal.
- 3.6 A number of sites are considered to be suitable for multiple waste facilities, resulting in the allocation of 18 sites for 23 waste management uses as follows in Table 1:

Table 1: WLP Preferred Site Allocations

	Site(s) Name	District	Purpose
1.	Site adjoining Tovi Eco Park, Courtauld Road	Basildon	Biological Treatment
2.	Site within Basildon WwTW	Basildon	Biological Treatment
3.	Rivenhall Airfield	Braintree	Biological Treatment and Other
4.	Blackley Quarry, Gt Leighs	Chelmsford	Inert waste recycling and landfill
5&6.	Sandon (two sites)	Chelmsford	Inert waste recycling and landfill
7.	Bellhouse Farm, Stanway	Colchester	Biological Treatment and Inert Landfill
8&9.	Fingringhoe Quarry and Ballast Quay (two sites)	Colchester	Inert landfill / Transhipment
10.	Slough Farm, Martells	Colchester	Inert waste recycling and landfill
11.	Wivenhoe Quarry Plant area	Colchester	Inert waste recycling
12.	Morses Lane, Brightlingsea	Tendring	Inert waste recycling
13.	Sunnymead, Elmstead & Heath Farms, Alresford	Tendring	Inert landfill
14, 15 & 16.	Crumps Farm and Little Bullocks Farm (3 sites), Great and Little Canfield	Uttlesford	Inert waste recycling and landfill. Stable non-reactive landfill.
17.	Elsenham	Uttlesford	Inert waste recycling
18.	Newport Quarry	Uttlesford	Inert waste recycling and landfill

3.15. In addition to site allocations, the Plan also has locational criteria policies and areas of search for sites which are not proposed for allocations but which could be suitable for waste uses. This allows greater flexibility in potentially allowing development in other locations, but sets out which areas are more suited for waste management development.

3.16. Locational criteria policies identify where waste management development may also be appropriately located within the Plan area when proposals are brought forward on non-allocated sites or outside of an Area of Search. They will provide guidance on the following types of waste management facilities:

- Open Waste Management Facilities;
- Enclosed Waste Management Facilities;
- Intermediate Low and Very Low Level Radioactive Waste (from nuclear and non-nuclear sources); and
- Landfill.

3.17. Areas of Search comprise existing employment areas considered to be suitable, in principle, for a waste management use. They encompass a particular area within which a suitable waste management facility could be delivered, as opposed to a site allocation that represents the exact outline of where a facility is considered to be suitable. The number of areas considered to be suitable for designation is 32 as follows in Table 2:

Table 2: RWLP Designated Areas of Search

District	Name of Associated Industrial Estate
Basildon	1) Burnt Mills Central
	2) Festival Business Park
	3) Pipp's Hill
	4) Southfield Business Park
Braintree	1) Bluebridge Industrial Estate
	2) Earls Colne Airfield
	3) Eastways – Crittal Road, Waterside Park
	4) Freebournes Industrial Estate
	5) Skyline 120, Braintree
	6) Springwood Industrial Estate
	7) Sturmer Industrial Area 1
Brentwood	1) Childerditch Industrial Estate, Childerditch Hall Drive
	2) West Horndon
Chelmsford	1) Drovers Way
	2) Dukes Industrial Park
	3) Springfield Business Park
	4) Westways
	5) Widford Industrial Estate
Colchester	1) Land off Axial Way, Myland
	2) Severalls Industry Park
	3) Tollgate, Stanway
	4) Whitehall Road Industrial Estate
Epping Forest	1) Langston Road/Oakwood Hill, Loughton
Harlow	1) Pinnacles and Roydonbury Industrial Estates
	2) Temple Fields
Rochford	1) Rochford Business Park
	2) Michelins Farm
Southend-on-Sea	1) Stock Road
	2) Temple Farm
Tendring	1) Martell's Industrial Area
	2) Oakwood and Crusader Business Park
Uttlesford	1) Start Hill, Great Hallingbury

3.18. Development proposed on strategic site allocations and Areas of Search will still require a full planning application containing precise details of the proposed operations. The Plan includes consideration of waste development management issues, through the inclusion of a number of policies. The policies will aim to ensure that there would be no unacceptable harm to amenity, character and the environment or to other material considerations from waste development proposals.

3.19. Management policies covering the following are included in the Plan

- General considerations;
- Mitigating and Adapting to Climate Change;
- Transportation of Waste;
- Landraising; and
- Landfill mining and Reclamation.

3.20. The next stage in the Plan making process is, following Cabinet approval and subsequent Council endorsement of the Plan, the required formal publication of the plan (intended to take place in March and April 2016). The following timetable indicates the proposed next stages.

Table 3: RWLP Timetable

1.	Publish Waste Local Plan (Proposed Submission version)	Commencing in March 2016 for 6 weeks
2.	Consider Representations and, if necessary, prepare a list of proposed amendments to the draft plan and then to formally Submit the RWLP Plan to the Secretary of State (Planning Inspectorate) as approved by Council	June 2016
3.	Independent Examination in Public (EiP)	September 2016
4.	Main Modifications (if required)	October / November 2016
5.	Inspector's Report	November 2016
6.	Adoption of the RWLP by Full Council	December 2016

3.21. The EiP will be conducted by an independent inspector, appointed by the Secretary of State. The EiP will assess the Replacement Waste Local Plan: Pre-Submission Draft against the following:

- the four tests of soundness as identified in the National Planning Policy Framework (NPPF);
- legal requirements for the production of a local plan. These include showing that the Plan has been prepared in accordance with the Local Development Scheme and in accordance with the Statement of Community Involvement. It must also have been subject to a Sustainability Appraisal, Strategic Flood Risk Assessment and Habitats Regulations Assessment;

- the Duty to Co-operate, and
- the policies contained in the NPPW and NPPF.

3.22 For clarity, the tests of soundness are that the Plan should be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.23 ECC will be seeking to demonstrate to the Inspector that the Waste Local Plan meets these requirements.

3.24 Officers at the EiP would need to make day-to-day decisions on proposed non-consequential amendments to the Plan both post-Cabinet and Council decisions and throughout the examination process so as to enable the Plan to progress. Officers will need to have powers delegated to agree such changes. Any main modifications to enable the Plan to progress (which are typically requested by Inspectors on Local Plan hearings - EiPs) would need to be referred back to the Cabinet Member for decision.

3.25 The Council has to have a Mineral and Waste Development Scheme which sets out which plans are to be produced with an indicative timetable. The Scheme has to be kept up to date. The Council's scheme is now out of date with respect to the timetable for the production of the WLP. The Cabinet are asked to agree to amend the M&W Development Scheme to reflect the timetable set out in Table 3 (refer to para. 3.20 above).

4. Policy context and Outcomes Framework

- 4.1 The planning system is considered by European and national government to be pivotal to the adequate and timely provision of these new waste management facilities that are needed to help drive the management of waste up the waste hierarchy. The main national policy statements / guidance are:
- National Planning Policy Framework March 2012 (NPPF);
 - National Waste Management Plan for England December 2013 (NWMPE);
 - Waste Planning Practice Guidance (published Oct 2014);
 - National Planning Policy for Waste (NPPW) 2014.
- 4.2 The National Planning Policy for Waste requires waste planning authorities to prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams.
- 4.3 The RWLP also supports ECC priorities set out in different corporate documents including:
- A Vision for Essex 2013-2017 sets out the Cabinet's vision and priorities to:
- increase educational achievement and enhance skills
 - develop and maintain the infrastructure that enables our residents to travel and our businesses to grow
 - support employment and entrepreneurship across our economy
 - improve public health and wellbeing across Essex
 - safeguard vulnerable people of all ages
 - keep our communities safe and build community resilience and
 - respect Essex's environment.
- 4.4 The vision for Essex is based on the following principles
- We will spend taxpayers' money wisely
 - Our focus will be on what works best, not who does it
 - We will put residents at the heart of the decisions we make
 - We will empower communities to help themselves
 - We will reduce dependency
 - We will work in partnership and
 - We will continue to be open and transparent.
- 4.5 The approach to moving the Replacement Waste Local Plan forward as outlined in this report is consistent with the above principles. By working in partnership, it enables the development of key infrastructure to deliver the best outcomes for service uses while respecting the environment.

4.6 Council's Outcomes Framework for Essex was adopted in February 2014 - a statement of seven outcomes that set out its ambition based on its Vision for Essex 2013-17 (outlined above). The Commissioning Strategies provide a focus for the Council and partners in targeting resources and shaping service delivery.

4.7 The relevant outcome from the framework is, 'People in Essex experience a high quality and sustainable environment'.

ECC is focusing on a number of strategic actions,

- Residual waste volumes
- Preventable flooding incidents
- Level of pollution
- Access to valuable open spaces
- Condition of roads and footpaths
- Perception of the quality of the environment in Essex's cities, towns and villages.

4.8 The approach to moving the Replacement Waste Local Plan forward as outlined in this report is consistent with the above principles. It is seeking to move waste up the waste hierarchy through the development of new and improved waste management facilities while protecting the environmental aspects referred to above.

4.9 Essex Commissioning Strategies (CS) 2014 – 2021 were adopted in 2014. In the Sustainable Economic Growth for Essex Communities and Businesses CS it is stated that growth will be focused in key growth areas (Haven Gateway, Thames Gateway, A12 / Great Eastern Mainline and West Essex). Low carbon technologies are also been identified as a growth sector. The RWLP will focus on these areas for new waste development. It also promotes low carbon technologies coming forward where suitable.

4.10 In 'the People in Essex experience a high quality and sustainable environment' CS, the focus is on LACW. This includes a desire for a zero-waste economy while acknowledging that if growth levels of the magnitude experienced in 2013/14 are sustained there will be significant operational and financial implications. This accords with the vision and Strategic Objective SO2 of the RWLP (whilst acknowledging that SO2 is targeted at all waste streams). The potential for future changes sought by the EU around the circular economy¹ is noted. Similarly the approach of piloting the 'Waste Busters' for instance accords with Objective SO1 while the investigation of the viability of district heating schemes accords with locational criteria within the Plan.

1 The circular economy (being an alternative to a traditional linear economy of make, use and dispose) is one in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.

- 4.11 The Economic Plan for Essex (2014) is based on the collective ambitions of all local authorities in Essex. It identifies the steps that local partners will take together, alongside the private sector and HM Government to accelerate local growth over a seven year period (2014-2021) and lays the foundation for long-term sustainable growth in the years to follow.
- 4.12 The WLP is consistent with delivering growth-enabling infrastructure (including utilities) within key growth corridors. It seeks that the transportation of waste within the Plan area be as sustainable as possible. It also supports the promotion of low carbon waste technologies.
- 4.13 The Essex Transport Strategy, the Local Transport Plan for Essex (June 2011) notes that while Essex is fortunate to have good transport connections by road, rail and sea demand for travel (and associated congestion) is high. It aims (as part of the five challenges – Table 2.1) to provide connectivity for communities, reduce carbon dioxide emissions, improve safety on the network and secure and maintain all transport assets to an appropriate standard. Land-use planning will be used to secure new development at the most appropriate and sustainable locations. Policy 15 of the WLP embodies a hierarchical preference for waste transportation that supports this intent. There is also recognition of the benefits of promoting sustainable design and construction practices, including the minimisation of construction waste and recycled highway materials within the strategy which accord with the WLP.

5. Financial Implications

- 5.1 The Waste Local Plan is a statutory requirement. The Plan provides the framework for ECC to determine planning applications for waste development from private developers and local authorities within the plan area, as such, there are no direct financial implications for ECC.
- 5.2 There is currently adequate budgetary provision for the whole project of producing and taking through to adoption the new Waste Local Plan.

6. Legal Implications

- 6.1 An out of date Waste Local Plan is likely to increasingly impact on the Council's ability to resist planning applications for waste related development and may make it harder for the Council to discharge its separate duty as waste disposal authority because it may be more difficult to obtain any planning permission needed.
- 6.2 This decision commences the final stages of the adoption of a new WLP. The changes proposed provide a reasonable response to the issues raised by respondents to consultation. The delegations sought will enable timely consideration of any necessary further amendments to ensure that the document put forward for EiP is as fit for purpose as it can be.

7. Staffing and other resource implications

- 7.1 Adequate provision has been made for staffing and resourcing for the Plan making process. There are no implications for additional workload or costs to the Council in implementing the Waste Local Plan as it would be a business as usual activity.

8. Equality and Diversity implications

- 8.1 An Equality Impact Assessment (EqIA) has been completed (Appendix 5) in respect of the effects of the proposed policies and sites on equality and diversity issues. A separate EqIA has been prepared in respect of the consultation processes to be followed for the continuation of the Plan making process and this is regulated by the Statement of Community Involvement (SCI) adopted September 2015.
- 8.2 In respect of the proposed policies and sites, any impacts of waste sites are addressed through development management policies. These aim to ensure that there would be no unacceptable harm to persons with protected characteristics.
- 8.3 Policies and preferred sites within the Plan have been subjected to sustainability appraisal, which has been undertaken in parallel with plan preparation and forms part of the local plan evidence base.
- 8.4 A statutory Minerals and Waste Annual Monitoring Report (AMR) is produced by the Council every financial year. Its purpose, amongst other things, is to assess the effectiveness of the WLP policies and would flag up if there are any equality and diversity issues arising by the operation of the policies. This report also monitors the Statement of Community Involvement (SCI) and other aspects of community involvement.
- 8.5 An Equality Impact Assessment was undertaken and approved for the Pre-Submission Replacement Waste Local Plan on 15th December 2015. The assessment indicates that the electronic availability of the consultation documents could have a disproportionately adverse impact on three characteristic groups; age, disability and race. The EqIA also found that both cross cutting themes (socio-economic and environmental) could also be adversely impacted by the document.
- 8.6 Mitigating measures are already in place and would ensure that the groups affected could gain access to the document via several other means.
- 8.7 No further actions have been identified as part of this EqIA. However, any comments received which relate to disadvantaged groups will be assessed and implemented into the EqIA action plan.

9. List of Appendices

(available at www.essex.gov.uk if not circulated with this report)

Appendices:

- Appendix 1: Waste Local Plan Proposed Submission Document;
- Appendix 2: Statement of Consultation;
- Appendix 3: WLP Submission Document – Summary;
- Appendix 4: SA/SEA - Sustainability Appraisal / Strategic Environmental Assessment Report (*report to follow*)
- Appendix 5: Equalities Impact Assessment.