

**Southend-on-Sea Borough Council**  
**Report of Corporate Director for Place**  
**to**  
**Cabinet**  
**on**  
**23<sup>rd</sup> March 2015**

Report prepared by:  
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**Progressing the Essex and Southend Replacement Waste Local Plan**  
**Place Scrutiny Committee - Executive Councillor: Councillor M Assenheim**  
***A Part 1 Public Agenda Item***

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**1. Purpose of Report**

- 1.1 To endorse the approach set out by the published Preferred Approach version of the Essex and Southend Replacement Waste Local Plan (RWLP) (**Appendix 1**), which was consulted upon in November 2011, and to agree delegated authority for the Corporate Director for Place in consultation with the Portfolio Holder for Regulatory Services to make alterations to the emerging RWLP to ensure it reflects up to date evidence and is in conformity with national planning policy. Furthermore, to obtain Members agreement to undertake consultation upon the updated RWLP in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**2. Recommendations**

- 2.1 **To endorse the approach set out by the published Preferred Approach version of the RWLP (2011) (Appendix 1), which was consulted upon in December 2011.**
- 2.2 **That the Corporate Director for Place in consultation with the Executive Councillor for Regulatory Services is authorised to:**
- a. **make alterations to the Preferred Approach version of the RWLP (2011) (Appendix 1) and agree the Essex and Southend Replacement Waste Local Plan Revised Preferred Approach for public consultation under Regulation 18; and,**
  - b. **undertake public consultation under Regulation 18 on the Essex and Southend Replacement Waste Local Plan Revised Preferred Approach.**

**3. Background**

- 3.1 Southend-on-Sea Borough Council (SBC) and Essex County Council (ECC) are in the process of producing a Joint Replacement Waste Local Plan (RWLP), as

required under the Planning and Compulsory Purchase Act (2004), to meet their obligations as Waste Planning Authorities.

- 3.2 The RWLP will be a planning policy document, containing site allocations, covering the administrative areas of both Essex and Southend. Once adopted all waste related planning applications (including Commercial, Industrial and Municipal Waste) will be determined in accordance with RWLP. It will replace the existing Essex and Southend Waste Local Plan (adopted September 2001). Fundamentally, the RWLP will enable SBC to determine waste management related planning applications using an up to date, locally derived, planning policy document.
- 3.3 Both SBC and ECC agreed a Memorandum of Understanding on 17 March 2009 that established the joint working governance arrangements to deliver a Waste Local Plan. Since then, two preparatory consultations have been conducted that were agreed using a previously agreed delegated authority:
- Issues and Options Consultation 2010; and
  - Preferred Approach Consultation 2011.
- 3.4 Since the Preferred Approach consultation in 2011 production of the Waste Plan was held in abeyance whilst ECC concentrated on completing its Minerals Plan. Due to this delay and fundamental changes to national planning policy another preparatory consultation is required, a Revised Preferred Approach, to ensure the RWLP is legally compliant.
- 3.5 It is proposed that the previous version of the RWLP, the Preferred Approach (2011), will be updated to reflect new evidence and changes to national planning policy and legislation. In terms of the joint plan area (administrative areas of SBC and ECC) this is likely to result in additional sites being allocated for waste management purposes. However, the emerging evidence base suggests that no new sites should be required within Southend in addition to the municipal waste transfer station already proposed at Eastern Avenue by the Preferred Approach version of the RWLP (2011).
- 3.6 The four safeguarded waste management sites within Southend, including the long standing planned reconfigured municipal waste transfer station at Eastern Avenue, proposed in the Preferred Approach version (2011) of the RWLP, are to remain the same.
- 3.7 It should be noted that following this next preparatory consultation stage, the Revised Preferred Approach (Regulation 18), which will be conducted under delegated authority (if this Cabinet Report is agreed), a Submission Version of the RWLP will be put before Full Council before it is published and subsequently submitted to the Planning Inspectorate for examination.
- 3.8 An indicative timetable for the preparation of the RWLP is as follows:
- Revised Preferred Approach Consultation (May 2015)
  - Proposed Submission Publication (Nov 2015)
  - Submission(Feb 2016)

- Examination (May 2016)
- Adoption (Dec 2016)

#### **4 Other Options**

- 4.1 An alternative option would be for the Council not to agree delegated authority to allow for the publication of the RWLP for Regulation 18 consultation to be approved by the Corporate Director for Place in consultation with the Executive Councillor for Regulatory Services. However, this is undesirable as it would result in a delay to the Regulation 18 consultation and thus delay the production of the RWLP and its anticipated adoption date. It would also generate additional difficulties in terms of aligning timetables for approval between SBC and ECC.

#### **5 Reasons for Recommendation**

- 5.1 To ensure the expeditious production of the RWLP resulting in an anticipated adoption date of December 2016. The delegated authority also assists with aligning approvals processes between SBC and ECC for preparatory consultations.

#### **6 Corporate Implications**

##### **6.1 Contribution to Council's Vision & Corporate Priorities**

- 6.1.1 By placing the waste hierarchy (including waste prevention and recycling) at the core of the document, the RWLP, once adopted, will assist in reducing the amount of waste going to landfill. The RWLP will ensure that future waste provision within Southend and Essex is appropriately met, situated in the right locations, and has a minimal impact on the environment.

##### **6.2 Financial Implications**

- 6.2.1 There are financial implications at all stages in the preparation of the RWLP. The MOU 2009, sets out that costs will be apportioned between the Authorities in the ratio ECC 90% and SBC 10%, which broadly reflects the ratio of population. Costs associated with this consultation will be met from existing agreed budgets.

##### **6.3 Legal Implications**

- 6.3.1 Whilst the RWLP is at a consultative stage there is no need for detailed consideration of the proposals from a legal perspective.
- 6.3.2 It is noted that through this consultative document the Council is discharging its duty under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

##### **6.4 People Implications**

- 6.4.1 Staff resources from the Strategic Planning team will be required to produce the RWLP working in partnership with officers from Essex County Council. Support from the Department for Place Business Support Unit will also be required particularly with regards to the public consultation.

## **6.5 Property Implications**

6.5.1 The Revised Preferred Approach RWLP will seek to safeguard the following existing Waste Management sites within Southend:

- Waste Transfer Station at the Central Cleansing Depot Eastern Avenue (Council owned);
- Waste Transfer Station at Hadleigh Salvage, Plot 9 Stock Road;
- Recycling Centres for Household Waste at Leigh Marshes (Council owned); and
- Recycling Centres for Household Waste at Stock Road (Council owned).

6.5.2 The Waste Transfer Station at the Central Cleansing Depot at Eastern Avenue will also remain allocated as a preferred site for municipal waste transfer owing to the potential further development new collection arrangements, which may require planning permission.

6.5.3 It should be noted that a submission version of the RWLP will be put before Full Council before the document is published and subsequently submitted to the Planning Inspectorate for examination. The relevant allocations and safeguarding of sites, as referred to above, will be confirmed within this version of the RWLP.

## **6.6 Consultation**

6.6.1 The RWLP has been subject to two statutory consultations:

- Issues and Options Consultation 2010, which contained no sites (96 respondents);
- Preferred Approach Consultation 2011, which contained proposed sites (1,112 respondents).

6.6.2 The delegated authority used to permit previous preparatory consultations undertaken for the RWLP is now 6 years old, and refers to superseded national legislation, as such it is considered necessary and appropriate to renew it.

6.6.3 An additional consultation on a Revised Preferred Approach version of the RWLP is required. This will be a 6 week consultation that is anticipated to be undertaken in May 2015.

6.6.4 Consultation will be implemented in line with the Council's Statement of Community Involvement.

6.6.5 There will be an opportunity for other service areas within Southend Borough Council to respond to the consultation.

## **6.7 Equalities and Diversity Implications**

6.7.1 It is not considered that there are any equality issues with regard to the RWLP, as these are tackled effectively by the Council's Statement of Community Involvement.

## 6.8 Risk Assessment

6.8.1 The last Plan for Southend and Essex was adopted in 2001. There have been revisions to national planning policy and to the quantity of waste arising within the Plan area since this time.

6.8.2 In the absence of an up to date planning framework there will be no overall direction or control to ensure planning applications come forward in the right location with the least environmental harm, and could potentially lead to the detriment of the environment of Southend and Essex. The absence of a robust plan and the resulting 'planning by appeal' scenario could result in the:

- Inability to control waste development in Southend and Essex;
- Increase in service costs for Southend and Essex if they need to respond to waste development appeals or public inquires over the plan period.

## 6.9 Value for Money

6.9.1 It is considered that there will be significant beneficial impacts on value for money by working in partnership with Essex County Council. The MOU of 2009 sets out that costs will be apportioned between the Authorities in the ratio ECC 90% and SBC 10%, which broadly reflects the ratio of population. This also allows the expertise of the Planning teams of SBC and ECC to be utilised.

## 6.10 Community Safety Implications

6.10.1 The RWLP will contain a number of development management policies to ensure that, when adopted, future identified waste development is managed to limit and avoid any adverse impacts.

## 6.11 Environmental Impact

### 6.11.1 Sustainability Appraisal

The previous Issues and Options version and Preferred Approach version of the RWLP (consultation 2010 and 2011 respectively) were subject to Sustainability Appraisal. A Sustainability Appraisal is an assessment of the potential significant social, environmental and economic impacts of development and forms an integral part of the plan-making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. These appraisals have been used to assist with the identification of the most sustainable policies to take forward.

All policies in future iterations of the RWLP will also be subject to Sustainability Appraisal.

### 6.11.2 Habitats Regulations Screening Report

Southend-on-Sea and Essex are home to a number of important designated sites for nature conservation. Habitats screening is an assessment of the potential significant effects of a policy on European Sites designated for their nature conservation importance. These include Special Areas of Conservation,

Special Protection Areas, and international Ramsar sites. A policy should only be approved after determining that it will not adversely affect the integrity of such sites. Each policy will be assessed for any significant impacts on European sites within the plan area.

## **7. Background Papers**

- 7.1 The Town and Country Planning (Local Planning) (England) Regulations 2012;  
[http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf)
- 7.2 National Planning Policy Framework 2012;  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)
- 7.3 National Planning Policy for Waste 2014;  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364759/141015\\_National\\_Planning\\_Policy\\_for\\_Waste.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf)
- 7.2 Waste Development Document Preferred Approach (Nov 2011);  
<https://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/WDD%20preferred%20Approach.pdf>
- 7.3 Waste Development Document Issues and Options Paper (Oct 2010);  
<https://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/WDD%20Issues%20Options%20Paper%20-%20October%202010.pdf>
- 7.4 Cabinet Report 3rd Nov 2009 – Consultation on Local Development Framework Documents;
- 7.5 Cabinet Report 17th March 2009 - Essex County Council and Southend Borough Council Joint Development of Waste Development Plan Documents: Memorandum of Understanding.

## **8. Appendices**

- 8.1 Waste Development Document Preferred Approach (Nov 2011) – consulted upon 24.11.2011 – 19.01.2012

<https://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/WDD%20preferred%20Approach.pdf>

*(Note, Preferred Approach 3 (pg. 43) sets out the Proposed Overall Spatial Strategy for the Preferred Approach RWLP 2011)*