

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

To
Cabinet
On

19th September 2017

Report prepared by: Mark Sheppard

**Adoption of Essex and Southend-on-Sea Waste Local Plan
Place Scrutiny Committee
Executive Councillor: Councillor Flewitt
*A Part 1 Public Agenda Item***

1. Purpose of Report

- 1.1 To recommend the adoption of the Essex and Southend-on-Sea Waste Local Plan by full Council in October 2017.
- 1.2 If adopted, the Waste Local Plan will form part of the Southend Development Plan. It will therefore provide a set of up-to-date local planning policies for positively managing waste related development in Southend and will be used to assess development proposals across the Borough.

2. Recommendation

- 2.1 That all the recommendations of the Inspector's Report at Appendix 1 and the revised version of the Essex and Southend-on-Sea Waste Local Plan set out in Appendix 2 be agreed.
- 2.2 That Cabinet recommends that full Council adopts the Essex and Southend-on-Sea Waste Local Plan as set out in Appendix 2, in accordance with Planning Regulations.
- 2.3 Note that the Essex and Southend-on-Sea Waste Local Plan Proposed Submission version, approved by Council for publication and submission in February 2016, has been amended as per:
 - a) the main modifications recommended by the Inspector in her report and agreed for consultation under delegated authority in 2016 (attached at Appendix 1);
 - b) The minor modifications agreed for consultation under delegated authority in 2016 (attached at Appendix 3); and
 - c) The further minor modification (attached at Appendix 4).

3. Background

The Essex and Southend-on-Sea Waste Local Plan

- 3.1 The Essex and Southend-on-Sea Waste Local Plan (WLP) will replace the existing Essex and Southend Waste Local Plan 2001. Once adopted, the WLP will provide the Council with up-to-date planning policies to be used to guide, appraise and determine waste related planning applications within the administrative boundaries of Essex and Southend-on-Sea (referred subsequently as the Plan area).
- 3.2 The Plan addresses not only Local Authority Collected Waste, which forms a relatively small portion of the overall waste volumes generated in Essex and Southend, but also Commercial and Industrial Waste, Construction and Demolition Waste, Hazardous and radioactive waste. The aim is to prioritise waste prevention, re-use and recycling ahead of other types of recovery, and finally disposal.
- 3.3 In summary the WLP seeks to:
- Ensure that opportunities for waste to be re-used, recycled and recovered are maximised; and
 - Provide policies and a supply of sites to meet net self-sufficiency to ensure growth in Essex and Southend-on-Sea, but which have the least harming effects on the environment and social infrastructure.
- 3.4 No sites are proposed to be allocated within the administrative area of Southend-on-Sea. However, the WLP includes locational criteria policies, i.e. development management policies and 'Areas of Search', to afford greater flexibility for the delivery of waste management facilities over the plan period. Areas of Search comprise existing employment areas considered to be suitable, in principle, for a waste management use. Four Areas of Search have been identified within and near to Southend-on-Sea, including:
- Stock Road (Southend)
 - Temple Farm (Southend)
 - Rochford Business Park – west side Aviation Way (Rochford)
 - Michelins Farm (Rochford)
- 3.5 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'. The WLP also provides support for proposals on existing permitted waste sites, subject to meeting other policies in the WLP.

Examination in Public

- 3.6 In February 2016, both Southend Borough Council and Essex County Council approved the Proposed Submission version of the WLP for public consultation and subsequent submission to the Secretary of State for Examination.
- 3.7 In June 2016, the Plan was submitted to the Secretary of State who appointed a Planning Inspector to undertake the formal examination process. The Inspector conducted hearing sessions over a two week period in September and October 2016.
- 3.8 During the hearing sessions the Inspector identified a number of modifications were needed to ensure the Plan was sound, legally compliant and suitable for adoption by the Councils.
- 3.9 In December 2016, the main modifications identified by the Inspector along with a number of minor modifications were agreed under delegated authority by the Deputy Chief Executive (place) and Executive Councillor for Housing, Planning and Public Protection Services (now Executive Councillor for Housing, Planning and Sustainability), and authorised a period of public consultation on the proposed modifications, which took place between 5 January and 16 February 2017.
- 3.10 The public consultation on the modifications received a total of 553 responses from 372 separate organisations/individuals. The Inspector requested that all responses be submitted to her for consideration. Two documents (Appendix 5 and 6 of this report) were supplied to the Inspector on 20 March 2017.

Inspector's Recommendations

- 3.11 The Inspector has considered the WLP, all comments submitted prior to and during the examination process, including the consultation on the modifications, and issued her final report (Appendix 1). The final Report concludes that the Plan is legally compliant and is sound if it is adopted with main modifications, and provides an appropriate basis for waste planning within Essex and Southend-on-Sea. These modifications are included as Appendix 1 and 2 of the Inspectors' Report.
- 3.12 Three of the modifications that were consulted upon have been subject to additional change by the Inspector, in response to the public consultation. These include changes to MM21 – Sunnymead, Elmstead and Heath Farm and MM23 – Dollyman's Farm site allocation, which are not located within Southend-on-Sea; and MM13 – Policy 10 Development Management Criteria. The additional change to MM13 – Policy 10 is as follows:
 - MM13- Policy 10: As a result of comments from Natural England received during the public consultation in Jan- Feb 2017, the Inspector has recommended that Policy 10 criterion b) is further reworded to clarify the

relevant considerations with respect of water quantity and quality in relation to planning applications for waste management. The Inspector considered that the further modification is necessary to satisfy the adequate protection of water resources in terms of quantity as well as quality.

Policy 10 criterion b (amended wording as subject to public consultation in January 2017)	Policy 10 criterion b (as recommended by Inspector's Report)
<p>b) the quality of water within water bodies, with particular regard to:</p> <ul style="list-style-type: none"> • preventing the deterioration of their existing status; or • failure to achieve the objective of 'good status', and • the quantity of water for resource purposes within water bodies' 	<p>b) water resources, with particular regard to:</p> <ul style="list-style-type: none"> - the quality of water within water bodies: <ul style="list-style-type: none"> • preventing the deterioration of their existing status; or • failure to achieve the objective of 'good status', and - the quantity of water for resource purposes within water bodies

3.13 In addition to the main modifications proposed by the Inspector a number of minor modifications are proposed to address minor matters of consistency, typographical errors and updates to supporting text. These were also subject to public consultation in Jan- Feb 2017.

3.14 The consultation responses are set out in Appendix 5 and the Council's response to those responses are set out in Appendix 6. With the exception of the representation from Magnox/Nuclear Decommissioning Authority, no changes to these minor modifications are proposed as a result of any public comments.

3.15 Magnox/NDA responded to the public consultation in early 2017 to confirm their support for the modifications as a whole but requested that references to Radioactive Waste in the Plan be updated to refer to the latest published UK Strategies covering such waste as published in 2016. The current references are based on older Strategies and the update proposed by Magnox would ensure the Plan is up to date and includes up to date information. The further minor modifications proposed are set out in Appendix 4.

3.16 All of these modifications have been incorporated into a final version of the WLP (Appendix 2), which is recommended for adoption.

4. Other Options

4.1 Cabinet could choose not to do anything - work on the WLP would cease and the joint planning authorities would be forced to rely on national planning

policy and guidance in making planning decisions in future. This option also risks penalties for the Councils levied by the Government for the absence of an up to date Waste Local Plan. This option would not lead to the adoption of a locally derived Waste Local Plan, which is at a very advanced stage of production.

- 4.2 Cabinet could choose not to support the conclusions of the Inspector's Report and recommend to full Council not to adopt the Plan. The Council would then need to decide on an alternative approach to preparing a Waste Local Plan, revisiting existing evidence and undertaking potentially significant additional public consultation. Such a process would likely result in a delay measured in years. This option also risks penalties for the Councils levied by the Government for the absence of an up to date Waste Local Plan.

5. Reason for Recommendation

- 5.1 This report recommends that Cabinet supports the conclusions of the Inspector's Report, and recommend to full Council that the Plan be adopted. It is clearly advantageous for SBC to have a new Waste Local Plan in place as soon as possible. This would avoid the risk of new planning applications for waste related development being considered without an up to date Plan – one of the consequences being a lack of certainty regarding where new waste development will take place in the future, and whether such development is indeed required in the Plan area.

- 5.2 Essex County Council resolved to adopt the WLP on 11 July 2017.

6. Corporate Implications

- 6.1 Contributions to the 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 WLP, once adopted, will assist in reducing the amount of waste going to landfill. The WLP 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. The WLP will assist in 'Creating a better Southend' and contribute to the 'Clean' and 'Prosperous' corporate priorities.

- 6.2 Financial Implications

- 6.2.1 The main costs have already been met for the previous rounds of consultation and the examination. There will be a minor cost associated with adoption of the WLP, which will be met from existing agreed budgets.

- 6.3 Legal Implications

- 6.3.1 The adoption of the WLP necessitates compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012, a process which will be duly followed.

6.3.2 As with any decision made by the Council there is also the potential for judicial review following the adoption of the document in the future at Full Council. The Council must therefore ensure that the correct procedures are followed to reduce the potential risk of such a challenge.

6.4 People Implications

6.4.1 Staff resources from the Council's Strategic Planning team have been required in order to produce the WLP, particularly during document preparation, consultation stages and examination. Further staff resources will be required to take the document to adoption stage and have been allocated.

6.5 Property Implications

6.5.1 The WLP 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).

6.6 Consultation

6.6.1 The requisite statutory consultation process has been followed through the preparation of the WLP.

6.7 Equalities and Diversity Implications

6.7.1 An Equalities Impact Assessment was completed as part of the WLP process (Appendix 7).

6.8 Risk Assessment

6.8.1 If the WLP is not adopted, decisions on waste related planning proposals will be made in accordance with the national policy and guidance, which includes the risk that decisions may not take into account the particular needs and requirements of Southend.

6.9 Value for Money

6.9.1 There have been significant beneficial impacts on value for money by working in partnership with Essex County Council. Costs have been apportioned between the Authorities in the ratio of ECC 90%: 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 WLP will contain a number of locational criteria and development management policies to ensure that, when adopted, future identified waste development is managed to limit and avoid any adverse impacts. The environmental regulatory framework, including pollution prevention and control and waste management licensing, administered by the Environment Agency, still applies to defined waste development proposals.

6.11 Environmental Impact

6.11.1 *Sustainability Appraisal*

6.11.2 Sustainability Appraisal (SA) is an important part of the plan making process. It assesses the environmental, economic and social implications of policies and options in the production of plans. The SA forms part of the evidence base for the development of the WLP and has been used, alongside other evidence, to aid decision-making.

6.11.3 The SA of the WLP that was submitted for examination found that the spatial strategy will have significant positive impacts on the sustainable management of waste, the sustainable transportation of waste, and economic growth. Furthermore, the plans policies were concluded to have significant positive impacts on all of the Sustainability Objectives.

6.11.4 Overall, the SA recommendations relating to how to improve sustainability in the WLP policies have been taken into account. A copy of the SA is attached at Appendix 8.

6.11.5 An addendum to the SA (Appendix 9) was produced that considered the impact of the proposed modifications and concluded that none of the Plan's proposed minor modifications will give rise to any significant sustainability effects. When main modifications were identified as having sustainability effects, further appraisal has been undertaken and consideration given to reasonable alternatives, concluding that there are a number of significant positive impacts associated with minimising environmental effects and in the sustainable management of waste.

6.11.6 *Habitats' Regulations Screening Report*

6.11.7 Southend-on-Sea and other districts in Essex County have 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 has been assessed for

any significant impacts on European sites within or outside Southend-on-Sea and Essex.

6.11.8 The Habitats Regulations Screening Report (HRA) for the WLP considered that the WLP provides an adequate level of flexibility and policy provision and there is a significant degree of certainty that the Plan can be achieved within the requirements of the Conservation of Habitats and Species Regulations 2010.

7. Background Papers

7.1 The Town and Country Planning (Local Development) (England) Regulations 2012

7.2 Planning and Compulsory Purchase Act 2004

7.3 Southend on Sea Local Development Scheme timetable 2017

7.4 Southend on Sea Statement of Community Involvement 2013

7.5 Essex and Southend Waste Local Plan 2001

7.6 Southend-on-Sea Cabinet Report: Essex and Southend-on-Sea Replacement Waste Local Plan – Proposed Submission Document 2016

8. Appendices

Appendix 1: Inspectors Report on the Essex and Southend-on-Sea Waste Local Plan

Appendix 2: Essex and Southend-on-Sea Waste Local Plan

Appendix 3: [Waste Local Plan Schedule of Modifications](#)

Appendix 4: Further Minor Modifications

Appendix 5: [Modifications Consultation - Schedule of all Representations](#)

Appendix 6: [Modifications Consultation – Comments of the Waste Planning Authorities](#)

Appendix 7: [Equality Impact Assessment](#)

Appendix 8: [Sustainability Appraisal Non-Technical Summary](#)

Appendix 9: [Sustainability Appraisal Addendum](#)