

**Southend-on-Sea Borough Council**  
**Report of Corporate Director for Place**  
**to**  
**Cabinet**  
**on**  
**5<sup>th</sup> January 2016**

Report prepared by:  
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**Essex and Southend-on-Sea Replacement Waste Local Plan – Proposed Submission Document**

**Place Scrutiny Committee - Executive Councillor: Councillor D Norman**  
***A Part 1 Public Agenda Item***

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**1. Purpose of Report**

- 1.1 To seek Cabinet endorsement of the Essex and Southend-on-Sea Replacement Waste Local Plan Proposed Submission Document (RWLP), prior to consideration at Full Council on 25<sup>th</sup> February 2016.

**2. Recommendations**

- 2.1 **Approve the RWLP (Appendix 1) to be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 2.2 **Approve the RWLP to be submitted to the Secretary of State, prior to Examination in Public, under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 2.3 **That the Corporate Director for Place in consultation with the Executive Councillor for Housing, Planning and Regulatory Services is authorised to:**
- a) **approve amendments to the RWLP that may result from *inter alia* analysis of the representations made following public consultation, recommendations of the Sustainability Appraisal and any additional evidence considered, and then consult on these changes, if required, before they are submitted to the Secretary of State; and**
  - b) **agree and approve amendments that may be proposed by the Inspector during the Examination in Public process and to any further consultation that may be required as a result of this; and**
  - c) **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; and**

**2.4 Note the consultation summary regarding previous version of the RWLP (Appendix 2).**

**3. Background**

3.1 The RWLP will replace the existing Essex and Southend Waste Local Plan 2001. The Plan will provide planning policies to guide and enable waste and related developments until 2032 within the administrative boundaries of Essex and Southend-on-Sea (referred subsequently as the Plan area).

3.2 The Borough Council has been working in partnership with Essex County Council to prepare a new RWLP since 2009.

3.3 As this is a Joint Waste Plan with Essex County Council, both Councils will need to agree to the contents of the Waste Local Plan at their respective Full Councils. Officers and the relevant Portfolio holders at Essex and Southend-on-Sea Borough Council have been involved in preparing the Waste Local Plan through on going Joint Briefing Panel sessions.

3.4 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; and
- Construction, Demolition and Excavation Waste (CD&E);

Other types of waste to be managed include:

- Hazardous;
- Clinical;
- Radioactive; and
- Waste water.

3.5 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 recently opened mechanical biological treatment facility at Tovi Eco Park. These facilities will be 'safeguarded' under the RWLP to help meet existing and future need.

3.6 The Plan must address not only LACW, which forms a relatively small portion of the overall waste volumes generated in Essex, 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.

3.7 In summary the RWLP 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 harmful effects on the environment and social infrastructure.

3.8 In order to meet the future needs of the Plan area (which in accordance with national guidance includes a small portion from London), 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 1.53 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 113,000 tonnes per annum for the disposal of stable non-reactive hazardous waste.

3.9 To meet the 'capacity gap', a number of sites are considered to be suitable for multiple waste facilities, resulting in the allocation of 18 sites for 22 waste management uses. **No sites are proposed to be allocated within the administrative area of Southend-on-Sea.**

3.10 The previous version of the RWLP had proposed to allocate the Eastern Avenue site, located in Southend, along with 5 other sites situated in Essex as Waste Transfer Stations (WTS). However, these WTS have not been taken forward as 'site allocations' within this version of the RWLP as additional evidence on the waste capacity gap has revealed that they are not required to meet future additional arisings from waste. Nevertheless, Eastern Avenue and other WTS will remain strategically important waste facilities and this is acknowledged in the RWLP. As such, it is proposed instead to 'safeguard' the existing WTS within the RWLP to ensure that their current use and status is protected.

3.11 The RWLP also provides support for proposals on existing permitted waste sites, subject to meeting other policies in the RWLP. Furthermore, the Eastern Avenue WTS is also located within an 'Area of Search' (Stock Road), which affords support for the provision of waste management facilities in this area. Areas of Search comprise existing employment areas considered to be suitable, in principle, for a waste management use.

3.12 The RWLP, in addition to site allocations, also has 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. 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. As mentioned above, Areas of Search comprise existing employment areas considered to be suitable, in principle, for a waste management use. In the RWLP, 32 areas have been considered as suitable for designation; and of these, 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)

3.13 The RWLP Proposed Submission Document is being prepared as the final stage of public consultation, prior to submission to the Secretary of State, scheduled for May/June 2016.

- 3.14 Representations received at this stage of consultation on the RWLP will be submitted to the Secretary of State, who will then arrange for an Examination in Public. The Examination will be undertaken by the Planning Inspectorate on behalf of the Secretary of State. Those parties who have made representations may be invited by the inspector to appear.
- 3.15 The Examination will comprise a number of roundtable hearing sessions to discuss, in more detail, matters which the Planning Inspectorate considers necessary to make a decision on whether the RWLP may be found 'sound'. The planning inspector will issue an Inspector's Report on the soundness and legal compliance of the RWLP, and make recommendations, which under current legislation are not binding on Councils. The outcome of the examination may require the Councils to consult on modifications to the RWLP to address outstanding matters which the inspector considers can be resolved.
- 3.16 Following this and subject to the plan being sound, the RWLP may be put before Full Council for adoption. The document, when adopted, will form part of the Development Plan for each of the two authorities. From previous experience, it is likely that the time from submission to adoption could take between 6 and 9 months, therefore, the date for adoption of the RWLP (including Council approvals) is anticipated to be December 2016.

#### **4 Other Options**

- 4.1 An alternative option would be for the Borough Council not to produce a RWLP and rely solely on national planning policy to assess waste management planning applications. However, it is considered that the RWLP, once adopted, will be a significant and up to date planning tool to manage Southend-on-Sea's built environment.
- 4.2 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 this could potentially be to the detriment of the environment of Southend and Essex.
- 4.3 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; and
  - An increase in service costs for Southend and Essex if they need to respond to waste development appeals or public inquires over the plan period.

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

- 5.1 To ensure the expeditious production of the RWLP under the terms of the recommendation, resulting in an anticipated adoption date of December 2016.

#### **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 of ECC 90%: 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 There are legal implications for the RWLP as it will form part of the Council's development plan which will have implications for the assessment of planning applications in the Plan area.

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

## **6.5 Property Implications**

6.5.1 The 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).

## **6.6 Consultation**

6.6.1 The Plan has been developed following several rounds of public consultation and engagement since 2010 with the public and with other interested parties.

6.6.2 Public consultation exercises on the RWLP (previously referred to as the Waste Development Document) have been extensive. Previous representations received through the public engagement stages have been taken into account as the Plan has progressed. These consultations are referenced 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.

#### 6.6.3 RWLP 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);
- 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.

6.6.4 It is envisaged that the RWLP will be published for consultation in March 2016. Consultation will be carried out in accordance with the Councils' Statement of Community Involvement. Unlike earlier stages of public participation, representations at this juncture can only be made on legal compliance and the soundness of the plan, as set out in planning regulations and reiterated in National Planning Policy which sets out that to be sound, a plan should be "justified, effective and consistent with national policy."

### 6.7 Equalities and Diversity Implications

6.7.1 An Equality Impact Assessment (EqIA) has been completed in respect of the effects of the proposed policies and sites on equality and diversity issues. The EqIA impacts is considered to be low.

### 6.8 Risk Assessment

6.8.1 The EU Waste Framework Directive requirement includes a national waste strategy, national waste planning policy and specific requirements for all Waste Planning Authorities to have adopted Waste Local Plans in place, which include site specific allocations and locational criteria for the development of waste management facilities.

6.8.2 Notwithstanding the requirements contained within the EU Framework Directive, it is outlined that there is a statutory requirement to keep Waste Development Plan Documents up to date. 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.

### 6.9 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 2009 sets out that costs will be 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 RWLP 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

The RWLP has been subject to Sustainability Appraisal (Appendix 3). 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.

### 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

The main background papers include:

- 7.1 The Town and Country Planning (Local Planning) (England) Regulations 2012; [http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_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 Replacement Waste Local Plan Revised Preferred Approach (June 2015); <https://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/Documents/RPA%20Main%20Doc%20with%20web%20covers.pdf>

- 7.3 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>
- 7.4 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%20%20Options%20Paper%20-%20October%202010.pdf>
- 7.5 Cabinet Report 23rd March 2015 - Progressing the Essex and Southend Replacement Waste Local Plan
- 7.6 Cabinet Report 3rd Nov 2009 – Consultation on Local Development Framework Documents;
- 7.7 Cabinet Report 17th March 2009 - Essex County Council and Southend Borough Council Joint Development of Waste Development Plan Documents: Memorandum of Understanding.

## **8. Appendices**

**Appendix 1:** Essex and Southend Replacement Waste Local Plan Proposed Submission Document

**Appendix 2:** Statement of Consultation

**Appendix 3:** Sustainability Appraisal

**Appendix 4:** Non-Technical Summary Replacement Waste Local Plan