

**West of England Partnership
Planning, Housing & Communities Board**

JOINT WASTE CORE STRATEGY

Purpose of Report

1. That the Members consider the outcomes of the consultation on 'soundness' of the Joint Waste Core Strategy Pre-Submission Document (Publication version), on the basis that the discussions and conclusions will be followed in the Joint Waste Core Strategy submitted to the Secretary of State.

Background

2. Following the Preferred Options consultation and Progress Updates on the Joint Waste Core Strategy (JWCS) in 2009, the four authorities considered the representations received. These representations informed the preparation of the Joint Waste Core Strategy Draft Submission Document considered by Council Cabinets and Councils during the Autumn of 2009. At these meetings the Councils approved the publication of the Joint Waste Core Strategy Pre-submission document (publication version).
3. Subsequently in accordance with Planning Policy Statement 12 (PPS12), the JWCS (attached at appendix A) was published for consultation on 'soundness' prior to its submission to the Secretary of State. There are three tests of soundness: whether the plan is considered to be justified, effective and consistent with national policy.
4. Representations on 'soundness' are therefore not an opportunity to comment on the general content, approach or inclusion/omission of particular sites. These have already been subject to considerable consultation. Representations must outline the particular policy or feature of the JWCS to which their comments relate and specify the grounds for any objections.

'Soundness' Consultation Process

5. The West of England Joint Waste Core Strategy Pre-Submission document was published on 4th January 2010 for representations to be made by 1st March 2010.
6. In addition to the Joint Waste Core Strategy Pre-Submission Document there are three other proposed submission documents:
 - The non technical summary of the Sustainability Appraisal.
 - The full Sustainability Appraisal report and supporting Sustainability report Annexes. In summary the Sustainability Appraisal assess the social, environmental and economic impacts and whether proposed plans and policies meet sustainable development objectives.
 - The Statement of Consultation which explains who has been consulted during the preparation of the Core Strategy, how this was carried out and how comments have been taken into account.

7. In addition to the above the four authorities have undertaken and commissioned a range of studies and assessments to provide a robust evidence base for the preparation of the Joint Waste Core Strategy. These are listed at Appendix B.
8. In accordance with Authorities Statements of Community Involvement and PPS 12, this stage of consultation has been publicised in the local press covering the whole plan area. Copies of the JWCS Pre-submission document and supporting information have been made available to view at a number of locations, and stakeholders and consultees have received information on how to make a representation.
9. When the Joint Waste Core Strategy is submitted to Secretary of State, there is a requirement for a statement to be submitted alongside that sets out; how many representations were made during the consultation of 'Soundness', and a summary of the main issues raised.

Timetable

10. Members of the Joint Scrutiny Committee received an update on the preliminary outcomes of the consultation on 'soundness' at their meeting on 5th March 2010.
11. In addition to this the representations on 'soundness' will be considered by Officers and Members of the Planning, Housing & Communities Board and the Partnership Board. The Timetable is as follows.

Consultation on Submission document	January/February 2010.
Officers consideration of outcomes from consultation	February/March 2010.
Waste Officers meeting	2 nd March 2010.
Heads of Planning	4 th March 2010.
Joint Scrutiny Committee	5 th March 2010.
Planning, Housing & Communities Board	18 th March 2010.
Partnership Board	25 th March 2010.
Submission to Secretary of State	April/May 2010.
Examination in Public	TBC- anticipated July or September 2010.

Summary of issues raised in the representations received

12. There were some 36 representations received to the Consultation (a list of respondents is at Appendix C), and a brief summary of the issues raised is given below.

Representations from Statutory Consultees and 'Conformity'.

13. The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, requires the Authorities to make a request to the Regional Planning Body for an opinion on general conformity of the development plan document to the Regional Spatial Strategy. The SW Councils have made a representation to the JWCS consultation on soundness, which is supportive of the approach taken, and confirms that the JWCS is in general conformity with the current (RPG10) and emerging RSS for the South West.
14. In particular the SW Councils support: the efforts undertaken in the West of England to increase self sufficiency and to reduce the amount of waste sent to landfill in

neighbouring authorities; criteria based policies to guide development of infrastructure for non-residual waste management facilities and; the identification of sites for residual waste management facilities.

15. The Government Office for the South West have also confirmed that they consider that the JWCS takes a flexible strategic approach to waste planning in the sub-region and can largely be considered sound. They have sought greater clarity in relation to the approach to landfill in the Spatial Strategy and an explicit statement on the spatial distribution of strategic sites for residual waste management facilities.
16. These issues will be addressed with the provision of additional overarching text at section 4.4 of the JWCS. The additional text will make the structure, content and approach of the JWCS more explicit but will not result in any changes to individual policies or policy direction. (These issues are continued at paras 18 and 23).
17. Other representations have been received from most statutory consultees including; the Environment Agency, Natural England, the Highways Agency, Utilities, Health, Disability forum and CAGE.

Spatial Strategy

18. In addition to GOSW's advice to be more explicit in explaining the Spatial Strategy and the distribution of residual waste management facilities, Natural England and the RDA consider the JWCS as 'sound' but have sought clarity on the distribution and number of residual waste management facilities across the sub-region particularly at Zone A (Avonmouth area).
19. The additional overarching text at section 4.4 (see para 16 above) and description of the Spatial Strategy will include reference to the following information.
20. The Spatial Strategy at Policy 5 identifies specific sites or strategic areas to ensure delivery of residual waste treatment infrastructure across the sub-region. The spatial strategy identifies 5 zones (A-E) across the sub-region, with indicative required capacities for residual waste treatment to ensure an appropriate distribution across the sub-region. To this end the number of sites to meet this capacity is not prescribed. However, there are more sites allocated at policy 5 than those likely to be required to ensure flexibility and deliverability of the Spatial Strategy. The implementation and monitoring section of the JWCS sets out how authorities will consider both planned and operational capacity when considering applications and that monitoring will be undertaken collectively to ensure the Spatial Strategy is delivered.
21. The sites allocated at policy 5 also have key development criteria that must be considered when assessing proposals.
22. Proposals for residual waste treatment facilities on sites that are not allocated in the JWCS but would contribute to the spatial strategy at Policy 5, could come forward under policy 7. Either way any proposals would also have to meet the operational requirements at Policy 6, and development management considerations at Policy 11 and 12.

Landfill

23. GOSW have indicated that the JWCS should clarify the sub-regions policy on Landfill. The JWCS seeks to divert as much waste away from landfill as possible

and promotes the waste hierarchy reduce, re-use, recycle. However, the JWCS also recognises that even with increased waste prevention measures and increased recycling and recovery, there will most likely be a requirement for the disposal of waste to landfill and that this should be provided in the West of England. The current practice of exporting our waste for landfill outside of the sub-region is not sustainable, and the JWCS includes the commitment for the West of England to deal with its own waste arisings. In recognition of this the JWCS promotes a criteria based policy for landfill proposals to come forward to meet the sub-regions landfill void space requirements. Specific sites have not been identified for landfill purposes. Areas that are not appropriate for Landfill are identified in the JWCS (Figure 6.2) and supporting evidence base. Additional text will be provided in the JWCS to reference the evidence base that supports the sub-region's policy on Landfill.

24. In general the development industry have been supportive of a criteria based policy approach. They have indicated that there are sites that could come forward for landfill but have not wished to disclose them because of commercial sensitivities. However a representation to the consultation on soundness has challenged the nature of the Landfill Policy (Policy 8) claiming the criteria are too stringent. The representation states that the policy as currently worded is undeliverable because there are not sites that would meet the criteria of Policy 8.
25. In addition to this concern the Environment Agency have identified that the Landfill void Space capacity requirement may have been underestimated due to some emerging evidence of loss of landfill void space on land at St Mowdens (in the Bristol City Council administrative area).
26. The Authorities will support their position on landfill; limited capacity has been recognised and the authorities have used the evidence base to draft a policy framework for landfill sites to come forward. If it can be reasonably demonstrated that necessary capacity cannot be provided through the provisions of Policy 8, then as a last option, the authorities would have to recognise the need to allow for provision of required waste infrastructure to serve the sub-regions needs.

Habitats Regulation Assessment and in-combination effects

27. The JWCS is supported by an evidence base that includes the statutory requirement of a Habitats Regulation Assessment. A landowner (Hignett Family Trust) has recently promoted an area of land for development in the emerging B&NES Core Strategy that is near one of the allocated sites at Policy 5 (Fullers Earth Works). They have raised the issue that the potential development of their land holding should be considered in-combination with any potential development of a Waste Management Facility at the Fullers Earth Works site proposed to be allocated in the JWCS.
28. The Habitats Regulation Assessment for the JWCS was prepared prior to the recent proposals from the Hignett Family Trust. The HRA did include in-combination effects as appropriate. This is being reviewed by ERM the technical consultants supporting the authorities, to ensure the in-combination effects in this area are fully covered in the evidence base. The further advice will be available at the meeting.

Site Specific Concerns -omission of sites for residual waste treatment facilities

29. New Earth Solutions have challenged the decision not to allocate the site at St Phillips, Bristol (IS4 Allmead Recycling Depot), contrary to the advice provided by ERM in the Site Assessment. The representation also challenges the transparency of the decision making process and if other options have been considered for residual waste treatment facilities at Zone D. Bristol City Council outlined their position in the document, Progress Update January 2010: Site Allocation Process, which was consulted on as part of the evidence base. Bristol City Council propose to support the conclusion they reached.
30. A representation has been received in relation to the site ' Stowey Quarry' located west of Clutton in B&NES, raising concerns that it was prematurely excluded at the 'drive by assessment' stage of the site identification process and seeking the allocation of the site as a potential location for a residual waste treatment facility. The authorities will support the conclusion they reach.

Site Specific Strategic Areas Concerns

31. Yate Town Council have challenged the allocation of the Strategic Area at Yate as a potential location for a residual waste management facility. Yate Town Council consider this to be undeliverable as the policy is too wide, does not identify a specific site and landowners would not promote a waste facility being built on their land.
32. There were no objections to the inclusion of the Strategic Area at Yate from the development industry or any other representation, and the authorities will continue to support the inclusion of the Strategic Area at Yate as an allocated site in the JWCS.
33. Representations from Gazelle Property Ltd who are promoting the inclusion of Fuller's Earth Works have raised objections to having a cap on capacity requirements for residual waste facilities and feel that there should be no indicative capacities for each zone in the Spatial Strategy at Policy 5 (Figure 6.1). They have also indicated that a larger area than that shown at the site is capable of development and that this enlarged site would be a capable of providing capacity for an area larger than that identified at Zone C. The authorities recognise that the apportionments are not broken down by zone in the emerging RSS. However, the approach has been approved as being in conformity from SW Councils and welcomed by statutory stakeholders as they consider it will ensure appropriate and adequate distribution of waste management facilities across the WofE to meet the sub-regions needs and deliver the spatial strategy. The capacities allocated to each zone are indicative only and seek to present a proportional split of the apportioned capacity across the plan area. The authorities will continue to support this approach.
34. Wessex Water have made a representation that supercedes their previous indication that they consider the JWCS sound. The second representation from them raises concerns that the JWCS does not safeguard land around the sewage treatment works at Avonmouth for future expansion to meet future growth and potential future tightening of environmental standards. Policy 10 provides principles for the development of new waste water and sewage treatment plant or extension to existing works, but does not seek to specifically safeguard or allocate any sites for this purpose.

Development Management Policy

35. Natural England have expressed a requirement for information supporting a planning application to include measures to achieve “enhancement” in Policy 12. The policy currently requires applicants to identify where appropriate, measures to mitigate and compensate for any loss to nature conservation interests. Enhancement could be added if an Inspector felt it necessary.
36. The Highways Agency have expressed concerns regarding the potential impact of traffic on the Strategic Road Network as a result of development. Any proposals would require a Traffic Impact Assessment at the time of application and would be assessed through the development management process.

Next steps

37. To assist the examination process the Authorities are required to appoint an independent Programme Officer prior to the end of the Consultation period. After agreement with Heads of Planning a Programme Officer has been appointed on the usual self-employed consultancy basis. Their role is critical to ensuring the examination runs smoothly since they liaise between the Inspector, the authorities and the public. They are required to remain impartial throughout the process and keep everybody informed of progress.
38. On the basis that no significant issues have been identified through the (soundness) consultation period that would require significant changes to the Joint Waste Core Strategy, it is proposed that the JWCS Submission document be submitted to the Secretary of State in April 2010.
39. The representations on the JWCS consultation will be considered by a Planning Inspector appointed by the Secretary of State to carry out a Public Examination of the Joint Waste Core Strategy. The Inspector will decide which issues will be discussed at Public Examination and who will be invited to take part.
40. The Public Examination usually takes place within 12 weeks of the submission date. On this basis an examination could take place in either July or September 2010, the month of August will be avoided.
41. Members and all stakeholders and consultees will be kept informed of progress, and of any Public Examination dates.

Recommendation

That Members approve the basis of responses to the outcomes of consultation on the ‘soundness’ of the Strategy, prior to their formal submission to the Secretary of State with the Strategy.

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Appendix B- Evidence Base Documentation

1	Preferred Options Document
2	Preferred Options Leaflet
3	Summary Sustainability Appraisal Report for the West of England Joint Waste Core Strategy Submission Version, September 2009.
4	Sustainability Appraisal Report for the West of England Joint Waste Core Strategy Submission Version, with Annexes, September 2009.
5	Consultation Statement, December 2009.
6	Equality Impact Assessment Report, September 2009.
7	Detailed Site Assessment Report, Final Report v3, September 2009.
8	Progress Update January 2010: Site Allocation Process
9	Appraisal of Spatial Options Report, August 2009.
10	Joint Waste Core Strategy Habitats Regulations Assessment, August 2009.
11	Strategic Flood Risk Assessment Addendum, Submission Draft, & Annexes, August 2009.
12	West of England Waste Management Capacity Needs Assessment, June 2009.
13	General Areas Report, August 2009.
14	Feasibility Study- potential for exporting non-hazardous waste to landfill June 2009.
15	Recycling, Composting & Transfer Station Briefing Paper, August 2009.
16	Inert Landfill Briefing Paper, August 2009.
17	Summary Consultation reports and schedules of representations.

Appendix C- Respondents to the Consultation on the 'soundness' of the Joint Waste Core Strategy (4th January 2010 to 1st March 2010).

Statutory Consultees.

Environment Agency
Western Power
The Coal Authority
Bristol Disability Forum
Wessex Water
Highways Agency
SW Councils
Theatres Trust
Natural England
Government Office for the South West (GOSW)
Commission of Architecture and the Built Environment (CABE)
Public Health Bristol
South West Regional Development Agency (SWRDA)
English Heritage
British Waterways
Avon Wildlife Trust

Neighbouring Authorities, Parish & Town Councils.

Gloucestershire County Council
Wiltshire Council
South Stoke Parish Council
Saltford Parish Council
Yate Town Council
Pucklechurch Parish Council
Backwell Parish Council
Cleeve Parish Council
Coombe Hay Parish Council
English Combe Parish Council

Development Industry/ Consultants on behalf of

Strategic Land Partnerships
Alder King
New Earth Solutions
The Hignett Family Trust
Gazelle Properties Ltd
SLR consulting on behalf of Virridor
CSJ Planning Consultants
Persimmon Homes
GVA Grimley

1 Individual