

West of England Partnership
Planning, Housing & Communities Board
Partnership Board
13 July 2010

Joint Waste Core Strategy

Recommendations

1. That the Boards:
 - i. Give their views on the draft officer responses to the representations received on the revised landfill policy during the public consultation in May-June (Appendix A).
 - ii. Note that, subject to their views at (i) above that the Joint Waste Core Strategy is submitted to the Secretary of State in July 2010, with an examination likely in October/November 2010, and that adoption is anticipated by March 2011, subject to Council Cabinet timetables.

Background

2. The Joint Waste Core Strategy Pre-submission document was published for consultation during January –March 2010. At the Planning, Housing & Communities Board (PH&CB) and Partnership Board meetings on 18 and 25 March, it was reported that amongst the representations received, issues had arisen in relation to the:
 - clarification of the structure of the JWCS and the Spatial Strategy (Policy 5)
 - approach to considering multiple applications for residual waste facilities,
 - Landfill Policy 8.
3. The Boards authorised the Chief Executive of the Partnership and Heads of Planning, in conjunction with Planning Directors, to consider further possible responses and to reach conclusions on any further action required.
4. On 22nd April the Planning, Housing & Communities Board (PH&CB) endorsed the proposed approach to these issues as the basis for further public consultation in May-June.

Matters subject to consultation May-June 2010.

5. Further work undertaken to strengthen the evidence base; which underpins the revised landfill policy presented to the PH&CB on 22nd April, was published for public consultation between 17th May-28th June, namely:
 - Landfill Section (6.10-6.11) of the Joint Waste Core Strategy, including revisions to Landfill Policy 8
 - Landfill Review Paper
 - Habitats regulation Assessment Addendum in relation to Landfill
 - Sustainability Appraisal Addendum in relation to Landfill

6. The revised Landfill Policy 8 made explicit that priority would be given to brownfield land when considering proposals for landfill/landraise schemes. The revised policy wording also makes provision for schemes to come forward on greenfield land where necessary to meet the sub-regions needs. The landfill review paper supports this clarification of the policy. It acknowledges that although the priority is brownfield land, limited opportunities have been identified so far and therefore it is likely, given the estimated requirement of 5.9-6.5 cubic million metres of non-hazardous landfill, that the use of greenfield land may be required.

Representations to the May-June 2010 consultation on Landfill section of the Joint Waste Core Strategy

7. The consultation on the landfill section of the JWCS was carried out in conformity with the Authorities Statements of Community Involvement. As with previous stages of consultation this involved: direct mailing to Consultees and Stakeholders; advertisements in the local press covering the plan area; and, publication on the Partnership website. 14 representations were received. The main issues are highlighted below with the suggested officer response.

Consultation representations with draft officer responses

8. With some exceptions, the representations received were broadly supportive of the approach to the use of criteria based policy (8 and 9) to assess landfill proposals.
9. However, **Gloucestershire County Council** considered that whilst Policy 8 would be suitable for determining applications that may come forward for landfill, the JWCS still does not clearly identify how provision is going to be made for landfill. In particular the Council raise concerns that the West of England has a significant shortfall in landfill capacity and that the policy or any other part of the JWCS does not identify specific sites or areas of search which would meet this need.
10. In response to this concern, in accordance with the waste hierarchy, the Authorities, have made clear their commitment to divert as much waste away from landfill as possible. The Authorities have also been very explicit in the JWCS in their commitment to meet the needs of the sub-region and acknowledge that current practices of exporting waste to landfill is not a long-term solution.
11. The requirement of the JWCS is to provide the framework within which the right opportunities for landfill can be brought forward; it is not obligatory to identify specific sites for landfill. The JWCS clearly sets out a positive policy framework with a criteria based approach to landfill. The policy has been informed by the supporting evidence base, in particular the 'Landfill Review Paper'.
12. Given the complexities of identifying landfill sites, the authorities have undertaken a review of the existing capacity, and further potential opportunities; they have also considered the environmental and other policy constraints. It is recognised that the potential siting of a landfill facility could occur anywhere within the West of England, subject to areas of constraint identified in the policy and those that do not meet normal development management criteria. To identify sites of strategic importance for landfill would require a significant study of the whole area, which is not obligatory and is impractical. The officers therefore consider the approach taken is appropriate.

13. **SITA** have also expressed concern that the revised wording of Policy 8 adds additional layers of constraint on the location of landfill/landraise schemes and that this would make the policy unsound. In particular SITA consider that the revised wording “is duplicating the safeguards contained in statutory legislation and that the policy is seeking higher safeguards and more stringent criteria than existing statute”.
14. The reasons for the wording used are as follows. When proposing this revised policy 8 wording officers were informed by the outcomes of the Habitats Regulation Assessment Addendum note and advice received from Natural England. The JWCS identifies areas of the sub-region subject to policy constraints, and has applied a buffer zone around those constraints in accordance with Environment Agency guidance and advice.
15. **Natural England** specifically advised that any potential ecological constraints which may have a likely significant effect on European sites need to be considered, in order to comply with the Habitats Regulations. Given that the JWCS does not allocate specific sites, there was a need to consider, for example, both air quality and disturbance impacts at a high level. For this reason JWCS figure 6.2 uses buffer zones to illustrate these potential areas of constraint.
16. A further representation was received from **Strategic Land Partnerships**. They had previously indicated that they considered the criteria would not ensure an adequate supply of landfill sites. They have commented further that the criteria are still too restrictive, in particular, they do not allow for landraise schemes on greenfield land to come forward.
17. The authorities have clarified Policy 8 to make clear that whilst brownfield land would be given priority for the potential siting of landfill/landraise schemes, greenfield opportunities required to meet the sub-region’s needs may also come forward for consideration.
18. A representation from **SITA** has expressed concern that the wording of Policy 8 may inadvertently prevent hazardous waste landfill development within the sub-region. In response to this concern, the JWCS has acknowledged that hazardous waste facilities are a matter of regional and national significance and that no need has been identified within the West of England. However, should proposals come forward Policy 8 and figure 6.2 of the JWCS would be applied to assess hazardous waste proposals.

Next steps and timetable

19. The representations from the recent May-June consultation with draft officer responses are attached for the Board’s consideration (Appendix A) and the earlier representations to the January-March consultation are attached as background (Appendix B).
20. All representations received at each stage of the JWCS preparation will be considered by the Inspector, alongside the Joint Waste Core Strategy and its supporting evidence base. The Inspector will then decide the matters to discuss at the Examination, and the representatives to be invited to give evidence.
21. The recent announcements on the abolition of the Regional Spatial Strategy (RSS) may have implications for emerging Core Strategies and more announcements are expected from government to clarify the position. In the case of the JWCS, it is not envisaged that the absence of the RSS will be an obstacle to concluding the strategy. The JWCS evidence base included a further independent Capacity Needs Assessment that

confirmed the capacity apportioned in the RSS. This confirms the strategy is planning for the right amount of waste management infrastructure to support the sub-region's needs. In any event the waste policy is underpinned by the EU Waste Directive and National policy and in this context does not rely upon the RSS.

Appendices

Appendix A: For consideration, the Joint Waste Core Strategy Consultation Responses to the revised Landfill Policy, 18th May to 28th June 2010

Appendix B: For information, the Joint Waste Core Strategy earlier Consultation Responses 4th January to 1st March 2010.

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