

# LOCAL PLAN COMMITTEE

12 APRIL 2016

## REPORT OF THE HEAD OF PLANNING

### **A.3 ESSEX COUNTY COUNCIL AND SOUTHEND-ON-SEA BOROUGH COUNCIL'S JOINT REPLACEMENT WASTE LOCAL PLAN PRE-SUBMISSION DOCUMENT- CONSULTATION RESPONSE** (Report prepared by Simon Meecham)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To update the Local Plan Committee:

- 1) on the Essex County Council and Southend-on-Sea Joint Replacement Waste Local Plan Pre-Submission (RWLP) consultation document; and
- 2) to provide a consultation response from Tendring District Council.

##### **EXECUTIVE SUMMARY**

On 3 March 2016, Essex County Council and Southend-On-Sea Borough Council published their Replacement Waste Local Plan (RWLP) for six weeks public consultation and has invited Tendring District Council (TDC) to respond to its soundness and legal compliance.

The RWLP consultation provides the final opportunity for TDC to respond to the Waste Local Plan and supporting documents before it is submitted to the government for an Examination in Public.

The Publication of this RWLP follows the previous -Preferred Options consultation in June 2015. At the Local Plan Committee meeting held on 14 July, 2015, members and officers were broadly supportive of the Preferred Options document. However, it was felt that, the Municipal waste site at Ardleigh off the A120 would be a poor location and would require appropriate transport access.

For our District, the RWLP will progress three out of the five waste sites proposed at the Preferred Options Stage. These are as follows:

- Sunnymead, Elmstead & Heath Farms - Inert landfilling ( A landfill use for non-biodegradable waste e.g sand and concrete)
- Slough Farm, Ardleigh -Area 1- Inert waste recycling and inert landfilling (Inert waste recycling is recycling of waste materials arising mainly from construction, demolition and excavation activities).
- Morses Lane, Brightlingsea - Inert waste recycling

The following two sites have been discounted in the RWLP:

- Ardleigh off the A120-Municipal waste
- Wellwick, Martins Farm, St Osyth-Inert waste recycling

Officers note that the Morses Lane site may have issues with regards to its proximity to residential properties. However, it is considered that the site would be suitable for waste development in other respects. All other sites in Tendring passed the assessment criteria and officers therefore consider them acceptable for allocation in the RWLP.

The RWLP also includes an 'Area of Search' which looks at employment sites throughout Essex to consider if they can be used for waste facilities. For Tendring, two sites have progressed to the RWLP. These are:

- Martell's Industrial Area, and
- Oakwood - Crusader Business Park

Officers are broadly in support of the identification of Martell's employment site as having potential to include enclosed waste uses. Officers consider that the employment site at Oakwood - Crusader would not be acceptable as it would conflict with housing allocations.

In general, officers recommend that for RWLP to be sound and legally compliant it should exclude the northern part of the Oakwood - Crusader Business Park site.

The period in which to make comments ends at 5.00pm on Thursday 14<sup>th</sup> April 2016.

## RECOMMENDATIONS

- a) That the Local Plan Committee considers and agrees the recommended responses as set out in the main body of this report.**
- b) That the Planning and Regulation Manager be authorised to submit the attached response to Essex County Council before the end of the consultation period at 5.00pm on Thursday 14<sup>th</sup> April, 2016.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

**Achieving affordable excellence:** Cooperation between Tendring District Council, Essex County Council and Southend-on-Sea Borough Council allows for development to take place throughout the District that would provide benefits for residents in Tendring including new homes, new job opportunities and investment in infrastructure.

**Improving public perception and reputation:** Constructive cooperation between Tendring District Council and Essex County Council/ Southend-on-Sea Borough Council will, in turn, ensure a mutually constructive relationship with our neighbouring and county-wide Local Authority partners. This relationship will assist the Council in delivering a new Local Plan when the delivery of new and improved infrastructure will be key. This will benefit our residents throughout the District.

**Helping children and young people to achieve their full potential:** No direct implications.

**Addressing deprivation:** Supporting the approach set out in Essex County Council and Southend-on-Sea Borough Council's RWLP has the potential to create and support existing employment within Tendring District.

**Local housing for local people:** Whilst not directly delivering new housing in the District, the collaborative approach detailed below will allow for the waste infrastructure to support housing delivery within the District.

**Coastal opportunities and protection:** No direct implications.

## RESOURCES AND RISK

**Resources:** RWLP will be prepared by Essex County Council and Southend-On-Sea Borough Council's Minerals and Waste Planning Team utilising its own budget.

**Risks:** Should the Council choose not to respond to the consultation documents, we would have no formal input into the delivery of waste provision within our District.

## LEGAL

### Legislation:

#### European Legislation

The revised Waste Framework Directive (2008/98/EC) came into force in 2010. The Directive lays down basic waste management principles requiring that waste be managed without endangering human health, harming the environment, causing nuisance through noise or odours and without adversely affecting the countryside or places of special interest.

The Waste Management Hierarchy is the key principle of the Directive and prioritises waste prevention, re-use and recycling before other types of recovery and finally disposal. The aim is for the majority of waste to be re-used and recycled and the least amount of residual waste being sent to landfill.

## National Policy and Strategy

### National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. The Framework does not contain specific policies for waste as national waste planning policy is set out in the National Planning Policy for Waste. However, local authorities should have regard to relevant policies in the Framework when preparing waste plans.

### National Planning Policy for Waste (NPPW)

This document sets out detailed waste planning policies to be considered when preparing waste management proposals for Local Plans. The NPPW states that planning strategies should drive waste management up the Waste Hierarchy, emphasising the need to minimise the amount of waste produced and make the best use of waste through recycling, re-use and recovery. The NPPW also sets out considerations for new waste management facilities to be considered when determining waste planning applications and during planning policy development processes. These include ensuring facilities are well designed, considering impacts on the local environment and ensuring sufficient infrastructure to support the sustainable movement of waste.

### National Waste Management Plan for England (NWMPE)

The NWMPE 2013 supersedes the 2007 Waste Strategy for England and provides an overview of the waste management situation in England. The core aim is to bring current waste management policies under the umbrella of one plan and covers four primary types of waste; municipal waste – household waste and commercial waste similar to household waste; industrial (including agricultural) and commercial waste; construction and demolition waste; hazardous waste.

### Anaerobic Digestion Strategy and Action Plan (2011)

This strategy outlines the important role Anaerobic Digestion (AD) can play in working towards a 'zero waste' economy by dealing with organic waste and avoiding, by more efficient capture and treatment, the greenhouse gas emissions that are associated to landfill. This technology is already well established in Europe and the strategy, through information and guidance, provides knowledge to break down both practical and financial obstacles faced by AD technology. The third and final Annual Report for this strategy was published in February 2015.

## Local Policy & Strategy

Municipal Waste Management Strategy for Essex (2007-2032) This Strategy was developed by the 13 waste authorities in Essex, comprising Essex County Council as the Waste Disposal Authority (WDA) and the twelve District and Borough Councils as the Waste Collection Authorities (WCAs) in Essex. It constitutes a 25 year plan for the future of waste management in Essex. The Borough of Southend-on-Sea's own Strategy runs from 2004-2020. The key objectives of both Strategies are

broadly similar and include encouraging: waste minimisation; increased household recycling; composting technologies such as Anaerobic Digestion and, exploring innovative solutions for dealing with residual waste.

#### **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

**Crime and Disorder / Equality and Diversity / Health Inequalities /Area or Ward affected / Consultation/Public Engagement.**

**Crime and Disorder:** N/A

**Health Inequalities:** Throughout the reports the impacts on health are considered. As waste development can be potentially hazardous, this is covered at some length within the RWLP.

**Equality and Diversity:** Not applicable

**Area or Ward affected:** All

**Consultation/Public Engagement:** The document is out for public consultation until 5.00pm on Thursday 14<sup>th</sup> April 2016. Members of the public are welcome to submit consultation responses.

### **PART 3 – SUPPORTING INFORMATION**

#### **WHAT IS THE REPLACEMENT WASTE LOCAL PLAN PRE SUBMISSION DRAFT (RWLP)?**

The Replacement Waste Local Plan: Pre Submission Draft (RWLP) is the version of the Plan proposed to be submitted to the Secretary of State later in 2016. It includes a vision, objectives and spatial strategy to enable the delivery of sustainable waste development, site allocations and policies to manage waste development. The area covered by the Plan is the administrative area of Essex County Council and Southend-on-Sea Borough Council.

The RWLP will ensure that the provision of essential new waste infrastructure, to support planned sustainable economic growth and ensure protection of the environment across the County.

The RWLP is accompanied by Sustainability Appraisal Environmental Report and extensive evidence base. All these documents are available to view on the County Council website at the following link:

<http://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning->

The RWLP engagement period provides the opportunity to consider the soundness of the Plan ahead of submission for independent examination by a Planning Inspector later in 2016. The focus of this engagement is different to past consultations; at this stage the responses received will be forwarded to the Planning Inspector upon submission of the Plan. The Planning Inspector is only able by law to consider responses on matters of soundness and legally compliance. When adopted, the RWLP will have a plan period up to 2032.

A **sound** document will be :

1. **Positively** prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development;
2. **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
3. **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
4. **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the (Minerals and Waste Development) Framework.

In addition, the Plan must be **legally compliant**, meaning that it has been prepared in line with the plan making regulations set out by Government.

The RWLP consultation will seek views on whether we believe the Waste Local Plan meets the above mentioned criteria.

## APPENDIX 1: RESPONSE FORM



### **Replacement Waste Local Plan Pre-Submission Draft - March 2016 Response Form**

**Essex County Council and Southend-on-Sea Borough Council  
Joint engagement  
3 March 2016 – 14 April 2016**

***Please read carefully before completing this form***

We want as many people as possible to submit comments on the Replacement Waste Local Plan – Pre-Submission Draft (March 2016).

Responding online at <http://consult.essexcc.gov.uk> is the simplest, quickest and most cost effective way to comment. If you haven't used an online consultation system before, don't worry – online help is available, and responses can be drafted at several sittings, enabling you to work through the form at your own pace.

If you do not have access to a computer, or prefer to submit your responses in an alternative way then this form can be photocopied or further copies requested via our Helpline on 03330 139 808. You can also download the Word version of this form and a PDF of the engagement documents from [www.essex.gov.uk/WLP](http://www.essex.gov.uk/WLP)

Comments submitted on this form will be added to our online consultation portal by our team. Originals will be available for the public to view on request under the terms of the Freedom of Information Act. All information will be handled in accordance with the requirements of the Data Protection Act 1998.

**Guidance Note** - Only comments made by 5.00pm on 3 March 2016 on the Replacement Waste Local Plan – Pre Submission Draft will be considered to be duly made. All duly made representations will be considered by an independent Planning Inspector at an Examination in Public later this year. The Inspector is only able by law to consider representations on matters of soundness and legal compliance; further information on this can be found on our website at [www.essex.gov.uk/WLP](http://www.essex.gov.uk/WLP). You will need to make a separate response for each

matter on which you are making a representation. This enables the Inspector to find comments on a particular policy or paragraph quickly. Please provide the specific paragraph or policy number on which you want to comment. It is very important that the County Council understands the issue you are commenting on, being specific in terms of policy or paragraph ensures this.



**Paper copies to:**

Minerals and Waste Planning (RWLP)  
 Planning and Environment  
 Essex County Council  
 Freepost CL3636  
 E3 County Hall  
 Chelmsford CM1 1XZ

**Emails to:**

mineralsandwastepolicy@essex.gov.uk

<b>Surname:</b> Meecham	<b>Initials:</b> S	Mr
<b>Organisation: Tendring District Council</b> <i>(if applicable)</i>		
<b>Address:</b> <b>Planning Policy Team</b> <b>Thorpe Road</b> <b>Weeley</b> <b>Essex</b>	<b>Email:</b> SMeecham@tendringdc.gov.uk	
<b>Postcode:</b> CO16 9AJ	<b>Daytime Tel:</b> 01255686115	

<b>Monitoring Information</b>
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This information is not intended to intrude upon your privacy in any way, but will help us to monitor whether we are reaching all sectors of the community in our consultations. Please do not fill in this section if you are completing the representation on behalf of a group.

**Gender:** Male/ Female (*Please delete as appropriate*) NA

**Age:** Under 15 16-19 20-29 30-39 40-49 50-59 60-69 70-79 80+

**Ethnicity:** (*please tick*)

**White:** British  
 Irish  
 Other White

**Black or Black British:** Caribbean  
 African  
 Other

**Mixed:** White & Black Caribbean  
 White & Black African  
 White & Asian  
 Other

**Chinese:**  
**Other Ethic Group:**

**Asian or Asian British:** Indian  
 Pakistani  
 Bangladeshi  
 Other

**Do you consider that you have a disability?** Yes/ No  
*(Please delete as appropriate)*

## Response Form

1. To which part of the Replacement Waste Local Plan Pre-Submission Draft document does your representation relate? (please enter the Policy Number, Paragraph, Map, Table, or Figure Number against which you want to comment e.g. 3.124 or Policy 9)

Policy No.3,4	4	Para. No.		Map No.5		Table No.4		Figure No.	
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2. The County Council considers this plan to be legally and procedurally compliant and sound; do you consider the document to be: (please tick)

Legally Compliant	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

3. To which area(s) of soundness does your representation relate? (tick if applies)

**Positively Prepared** - based on an assessment of the development and infrastructure required over the plan period consistent with achieving sustainable development

**Justified** - based on proportionate evidence and the most appropriate strategy when considered against reasonable alternatives

**Effective** - the plan should be deliverable over its period and based on effective joint working

**Consistent with National Policy** - enable the delivery of sustainable development in line with the National Planning Policy Framework

4. If you consider the document is NOT legally and procedurally compliant or sound please provide details (Please be as precise as possible)

## **Overview: Replacement Waste Local Plan Pre-Submission Draft (RWLP)**

Tendring District Council (TDC) recognises that Essex County Council and Southend-on-Sea Borough Council wish to adopt the Waste Local Plan to provide key principles and policies to guide the future management of waste in the Plan area up until 2032. The Council also welcomes the Plan's recognition of the strategies of neighbouring authorities and Tendring is committed to working in collaboration with the County to ensure comprehensive consideration of strategic and cross-boundary issues.

TDC is concerned that the Waste Local Plan could be found unsound by the planning inspector as published. It also considers that there is the need to address issues relating to local area search before the plan is progressed to the Submission stage. The areas of particular concern are detailed below:

### **Deliverability of the Waste Local Plan**

Tendring District Council's comments relate to Policy 4 or table 4 ('Area of Search') section of the RWLP. 'Areas of Search' which according to the RWLP comprise existing employment areas considered to be suitable, in principle, for a waste management use.

Under the Policy 4 (Area of Search), Oakwood and Crusader Business Park (OCBP) has been designated as waste management development site within the Tendring district where development will be permitted. Part of the northern area of the Oakwood and Crusader Business Park as shown on Map 51 (RWLP) has been granted an outline permission to deliver 250 dwellings.

The designation of the Oakwood and Crusader Business Park as an 'Areas of Search' for waste management development would undermine the deliverability of sustainable housing for Tendring. This brings to question the deliverability of the site and the soundness of the RWLP on this matter.

The National Planning Policy Framework (NPPF) and the Planning Policy Guidance (PPG) require Local Plans to be deliverable. Paragraph 182 of the NPPF adds that the Local Plan should be 'positively prepared' to the tests of soundness. This means that the RWLP should be based on a strategy, which seeks to meet objectively assessed development, consistent with achieving sustainable development.

Furthermore, the PPG requires the RWLP to identify a future supply of land for waste which is suitable, available and achievable over the plan period.

Paragraph 8.8 of the RWLP stated that the 'Area of Search' has not been promoted by landowners for a particular waste management use, unlike site allocation. This means that the land owners and other key stakeholders have not been properly involved in the site selection process. This does not meet the duty-co-operate with Tendring District Council ;and has not been shown to be available for this use by the landowner – the policy therefore is not sound.

*(Continue on a separate sheet if necessary)*

5. Please give details of what change(s) you consider necessary to resolve the issue raised above. You will need to explain why the proposed change(s) will make the document 'legally and procedurally compliant' and/or 'sound'. (Please be as precise as possible)

**Soundness test**

For the Waste Local Plan to be acceptable and sound, it should discount the Oakwood and Crusader Business Park site especially the northern part as an Area of Search for waste management.

Tendring District Council also recommends that the land owners should be involved in the waste local plan process to ensure its deliverability.

*(Continue on a separate sheet if necessary)*

6. Did you raise the matter that is the subject of your representation earlier in the plan preparation process? (i.e. before this 'Pre- Submission' stage) please tick those which apply:

- Yes (at the Issues and Options stage) – October 2010
- Yes (at the Preferred Approach stage) – December 2011
- Yes (at the Revised Preferred Approach stage) – June 2015
- Yes (at the Additional Site - Newport Quarry stage) – October 2015
- No

7. If 'No' can you briefly explain why you did not do so:

*(Continue on a separate sheet if necessary)*

8. If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence? (Please tick ONE box only)

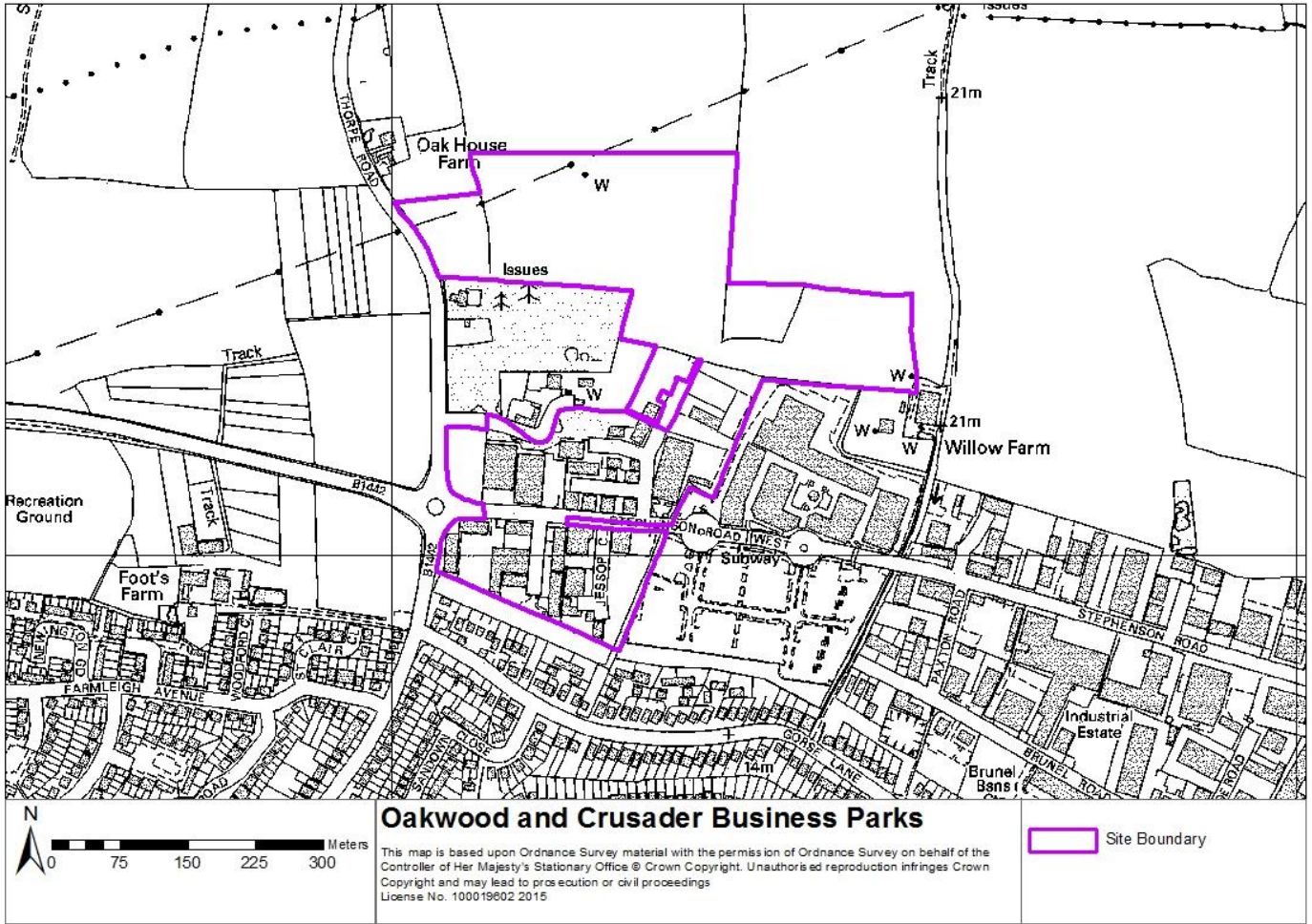
- I am happy to deal with this matter in writing  
 I wish to give evidence at a public examination

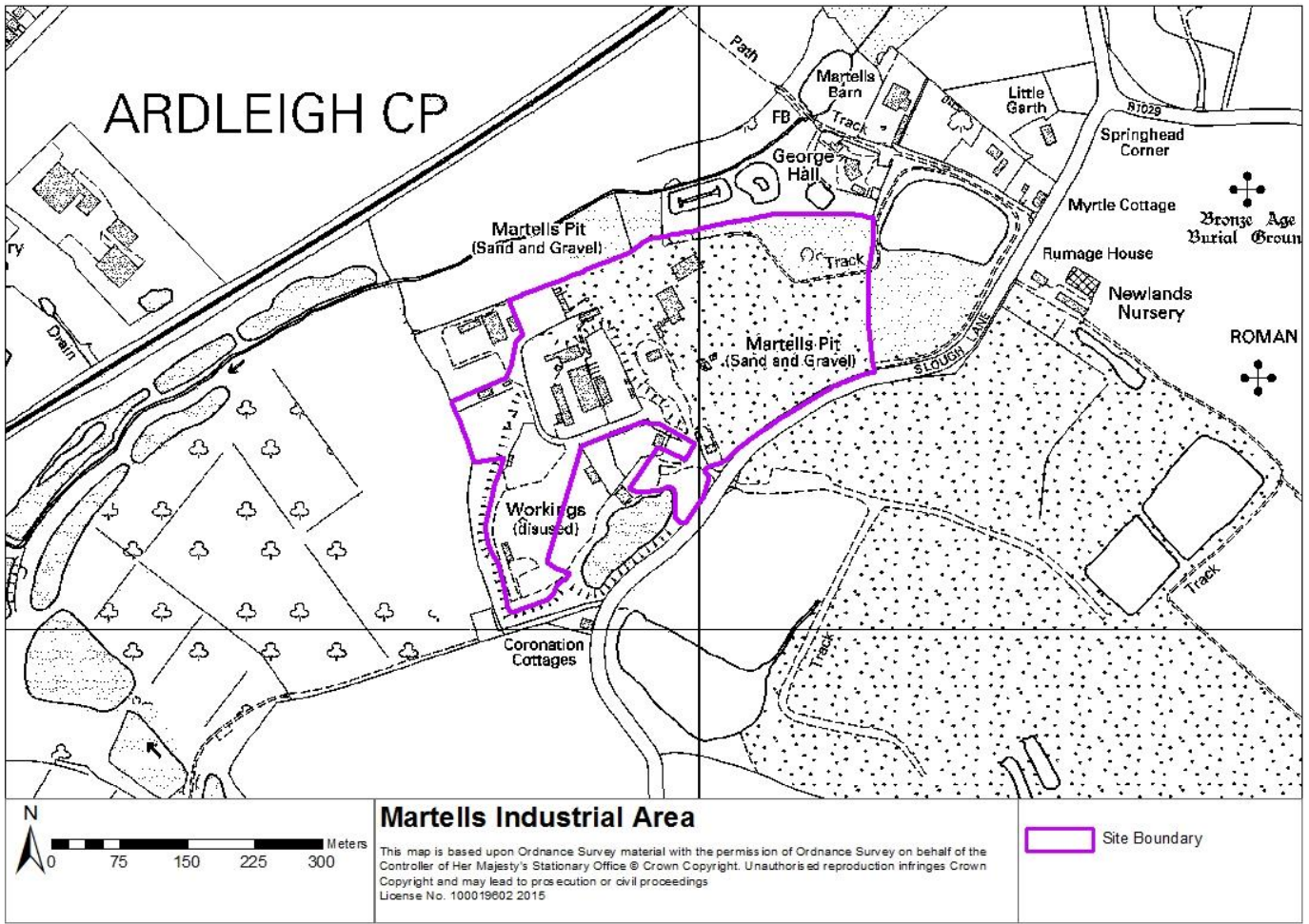
9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?

N/A

*(Continue on a separate sheet if necessary)*

## APPENDIX 2: 'AREA OF SEARCH' AND SITE ALLOCATION





ARDLEIGH CP

Martells Pit  
(Sand and Gravel)

Martells Pit  
(Sand and Gravel)

Workings  
(disused)

Coronation  
Cottages

Martells  
Barn

Little  
Garth

Springhead  
Corner

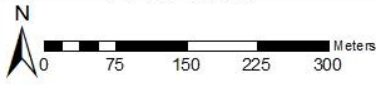
Myrtle Cottage

Bronze Age  
Burial Ground

Ramage House

Newlands  
Nursery

ROMAN



**Martells Industrial Area**

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Site Boundary

