

29 May 2012

Draft West Sussex Waste Local Plan (Regulation 18 stage)

Report by Strategic Planning Manager

Executive Summary

Following a decision made by County Council on 13 May 2011 to begin work, in partnership with the South Downs National Park Authority (SDNPA), on the West Sussex Waste Local Plan, informal public consultation on preferred strategies and a shortlist of preferred strategic waste sites was undertaken until November 2011. Following consideration of the responses received and the results of further technical work, a draft Waste Local Plan has been prepared for informal public consultation under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

The draft Plan (attached as Appendix A) contains the background to the Plan, draft strategies and policies (but no supporting text), and the proposed strategic waste site allocations (supported by development principles). The draft Plan will be published for public comment from 30 May to 27 July 2012.

The results of the informal consultation will inform the preparation of the final draft of the Plan, that is, the Proposed Submission Draft, which will be scrutinised by both the Planning Committee and the Environmental and Community Services Select Committee in September before it is presented to County Council in October.

Following approval by both authorities, the Proposed Submission Draft will be subject to formal public consultation in November/December 2012 under Regulation 19 before it is submitted for independent examination. It is due to be adopted in autumn 2013.

When approved by both authorities later this year, the Proposed Submission Draft will start to be used for development management purposes. The amount of weight to be given to policies will depend upon the stage of plan preparation that has been reached and the extent to which there are any unresolved objections to individual policies. Upon adoption, the Waste Local plan will become part of the statutory 'development plan' for West Sussex.

Recommendation

That the Committee consider the draft West Sussex Waste Local Plan (attached as Appendix A) and inform the Deputy Leader and portfolio for Communities, Environment and Enterprise about its views on its contents before the Proposed Submission Draft is prepared for approval later this year.

1. Introduction

- 1.1 On 13 May 2011, the County Council agreed to prepare separate Minerals and Waste Local Plans jointly with the South Downs National Park Authority (SDNPA) for the area of National Park within West Sussex. Priority was given to the preparation of a 'Waste Local Plan' with a separate 'Minerals Plan' to be prepared at a later date.
- 1.2 Following that decision, informal public consultation on preferred strategies and a shortlist of preferred strategic waste sites was undertaken until November 2011. Following consideration of the responses received and the results of further technical work, a draft Waste Local Plan has been prepared.
- 1.3 Following approval by the Deputy Leader (and the SDNPA), the Draft Plan will be published for informal public comment from 30 May to 27 July 2012 under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

2. Consultation on Preferred Strategies and Shortlist of Sites

- 2.1 Following approval at County Council in May 2011, informal public consultation was undertaken until 14 November 2011 on the preferred strategy approaches, built waste site allocation strategy, and the shortlist of preferred sites. This involved discussion about the sites at the relevant county local committees (CLC) as well as discussions with the district and borough councils, the parish councils, landowners, developers, and resident and community groups.
- 2.2 The key themes from the public consultation were as follows:
 - Many comments were received from members of the public opposed to waste site provision in their area, and these were predominantly focused on four sites. Sites at Hickstead and Goddards Green, near Burgess Hill received the most comments, in particular as a result of publicity by a local campaign group about the two sites. The site at 'The Vinery', near Poling included a response opposed to the proposal on behalf of 150 residents of Poling, whilst the site at Nowhurst Business Park, Strood Green included a response with a petition signed by 93 individuals.
 - There were comments received that were critical of the approach to consultation about the shortlist of waste sites, and there was a feeling that there had been a lack of transparency in the process followed.
 - Comments were opposed to the use of greenfield sites, particularly at Hickstead and Goddards Green. There was a general belief that the need for waste sites had not been made clear and that inadequate effort had been made to seek sites on previously-developed land (i.e. brownfield sites).
 - The most frequent concerns raised were in relation to transport issues at each site, including congestion, traffic and pedestrian safety, concerns about increases in heavy goods vehicles and traffic noise and pollution.
 - There were also many concerns raised about landscape and nature conservation impacts, especially at Hickstead and Goddards Green.

- Concerns were raised about impacts on the quality of life for local residents, especially for those in close proximity to the sites, as well as the health impacts with regard to any incinerator proposals.
- There were also a series of technical responses, including from the waste industry requesting the inclusion of alternative sites in the shortlist.

2.3 Paragraph 4.11 of this report outlines how consideration of the shortlisted sites has been taken forward.

3. Technical Work

3.1 In addition to consideration of the responses to the public consultation, further technical work has been undertaken to inform the preparation of the draft Waste Local Plan and the selection of sites. The Waste Forecasts have been rolled-forward and extended to cover the period to 2031. The Forecasts estimate how much waste will need to be managed in the future and what the capacity gap is likely to be taking account of current and permitted capacity for transfer, recycling, treatment, and disposal. A further update will be undertaken this spring to inform the contents of the final (Submission Draft) Plan.

3.2 Landscape and transport assessments of the shortlisted sites have also been undertaken to identify key issues that need to be addressed and, where appropriate, mitigated. A stage 1 Habitats Regulation Assessment of the sites has also been undertaken in accordance with the European Union Directive and national legislation. A sustainability appraisal of the sites has been undertaken and will be updated, as necessary, in the light of the technical assessments and the comments received during the consultation.

4. Draft Waste Local Plan

4.1 The preparation of the Draft Plan has been the subject of scrutiny by a Strategic Environmental Services Select Committee Task Force. The Task Force will make a formal report to the Committee in the autumn when the Proposed Submission Draft is presented for scrutiny.

Purpose

4.2 As the draft Waste Local Plan has been prepared for informal public consultation purposes, it is not a fully-drafted document and its purpose is to direct focus on the key background to the Plan, the vision and strategic objectives, the strategies and policies (but not the supporting text), and the proposed strategic waste site allocations (and accompanying development principles). The Proposed Submission Draft will include the supporting text to the policies, as well as implementation and monitoring information.

4.3 The Draft Plan (attached as Appendix A) does not have any formal status in development management terms as its purpose is only to provide the opportunity for public comment on its contents before the Plan is finalised.

Contents

- 4.4 In the Draft Plan, the County Council and SDNPA (the 'Authorities') have sought to address the points raised following the consultation on the Preferred Option draft of the Minerals and Waste Core Strategy that was published in 2007 and points raised in engagement with consultees and others since then.
- 4.5 Given that the Draft Plan covers part of the South Downs National Park, the Authorities have sought to ensure that it is consistent with the Plans being prepared by the SDNPA jointly with Hampshire and with East Sussex (and Brighton and Hove) and which cover the other parts of the National Park.
- 4.6 Section 110 of the Localism Act deals with the need for authorities to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. In support of this 'duty to cooperate', the National Planning Policy Framework refers to planning authorities demonstrating evidence of having effectively cooperated in planning for strategic cross boundary issues. A new 'test of soundness' has been introduced, partly to assess whether there has been cooperation in the preparation of local plans.
- 4.7 Accordingly, the Authorities are continuing to engage with adjoining waste planning authorities and those elsewhere to ensure that planned provision of waste management is co-ordinated, as far as is possible, whilst recognising that provision by waste industry is based on commercial considerations. In particular, the Draft Plan recognises the need for a consistent approach to be taken by the Authorities and their neighbours to the management of the residual waste that has traditionally been landfilled but which can no longer be managed in that way.

Draft Strategies

- 4.8 The following strategies have been finalised taking account of technical work and discussions with the waste industry, consultees, and resident and community groups and the results of the public consultation:
- **Transfer** (collection, sorting, storage, and onward movement of waste) – allocation of strategic sites that could be used in part for new private facilities together with criteria-based policy to allow proposals to come forward.
 - **Open-windrow composting** - no allocation of new sites but use of a criteria-based policy to allow proposals to come forward.
 - **In vessel composting/anaerobic digestion** - allocation of strategic sites that could be used in part for new private facilities together with criteria-based policy to allow proposals to come forward.
 - **Inert recycling** - mobile plants likely to provide a significant proportion of new capacity. Allocation of strategic sites that could also be used in part for new private facilities together with criteria-based policy to allow proposals to come forward.
 - **Other recovery (including treatment)** - allocation of strategic sites that could be used in part for new private facilities together with criteria-based policy to allow proposals to come forward. Separate criteria-based policy for wastewater treatment works.

- **Inert landfill** - no allocation of sites but use of a criteria-based policy to allow proposals to come forward.
- **Non-inert landfill** - a 'managed retreat' from the disposal of waste to land taking into account the closure of the Horton site in 2011 and the scheduled closure of the Lidsey site in 2016/17. No new sites to be allocated, only the allocation of an extension to the existing site at Brookhurst Wood. A criteria-based policy to judge any applications that come forward.

Strategic Waste Site Allocations

4.9 The three key elements of the spatial strategy that have been used to guide the identification of the preferred waste sites are as follows:

- **First element** - the new sites to be well-related to where the waste arises, i.e. sites along the coast close to the main urban areas and sites in the north and north-east of the County close to the main towns. These new sites will supplement the existing pattern of waste sites in those broad areas.
- **Second element** - no sites allocated within the South Downs National Park or within the Areas of Outstanding Natural Beauty. Small-scale local facilities can still come forward in those areas under a criteria-based policy approach.
- **Third element** - the new sites to have good access to the Advisory Lorry Route (ALR). The sites to be located within the 3km corridor either side of the roads that form the ALR. Access from the site to the ALR to be acceptable 'in principle', that is, there should not be any technical issues, with regard to highway capacity and road safety, that cannot be overcome.

4.10 The Waste Forecasts suggest that the Authorities need to plan for a total increase in transfer, recycling, and treatment capacity of approximately 0.77 million tonnes per annum to 2031 (allowing for a degree of contingency). Therefore, the allocated sites must be both distributed in accordance with the spatial strategy and be suitable to accommodate facilities that can make a substantial contribution to delivering the required quantum of additional waste management capacity.

4.11 Table 1 outlines how consideration of the shortlisted sites has been taken forward in the Draft Plan taking into account discussions with landowners and developers, technical work, and the results of the informal public consultation. Account has also been taken of the plans being prepared by the District and Borough Councils to ensure that they are compatible:

Table 1: Shortlist of Waste Sites			
Site	District	Use	Proposed Action
Site adjacent to Sewage Works, Ford (W/AR/2A)	Arun	Built waste facility, inert recycling	Retain – review area and suggested capacity.
Hobbs Barn near Climping (W/AR/3)	Arun	Built waste facility, inert	Retain – review area and suggested capacity.

		recycling	
The Vinery near Poling (W/AR/4)	Arun	Built waste facility, inert recycling	Remove – no longer deliverable following discussion with landowner.
Fuel Depot, Bognor Road (W/CH/1C)	Chichester	Built waste facility, inert recycling	Retain – review area and suggested capacity. Continue to explore site deliverability with new landowner.
Brookhurst Wood (W/HO/3A)	Horsham	Non-inert landfill extension	Retain.
Brookhurst Wood (W/HO/3C)	Horsham	Built waste facility, inert recycling	Retain - extend to include area to south with extant planning permission and review capacity.
Nowhurst Business Centre (W/HO/2)	Horsham	Built waste facility, inert recycling	Remove – need to be met through enlarged site at Brookhurst Wood.
Land adjacent to Goddards Green WWTW (W/MS/5A)	Mid Sussex	Built waste facility, inert recycling	Retain - review area and suggested capacity, and seek to align with emerging District Plan.
Land at Hickstead (W/MS/3B)	Mid Sussex	Built waste facility, inert recycling	Remove – no longer deliverable following discussion with landowner.
Decoy Farm (W/WO/1)	Worthing	Built waste facility, inert recycling	Retain - review area and suggested capacity.

4.12 The retained sites are allocated in Policy WP10 of the Draft Plan although, as outlined above, further technical work and discussion is required in certain cases. It is considered that their allocation is technically sound and that their inclusion in the Plan demonstrates that the Authorities are committed to planning positively to address existing waste management capacity shortfalls such that the County Council's aspiration of 'zero waste to landfill' by 2031 can be achieved (as agreed at its meeting in May 2011). It should be noted, however, that private sector businesses (and, therefore, commercial considerations) will determine whether facilities will actually be built and what types of technology will be used.

4.13 In support of Policy WP10, development principles have been established (see Chapter 7 of the Draft Plan) that identify specific issues that will need to be addressed at the planning application stage, as and when proposals come forward for the allocated sites.

5. Timetable

5.1 The Draft Plan will be taken to the relevant CLCs during the consultation period and discussed with the relevant district and borough councils, the parish councils, landowners, developers, and resident and community groups.

5.2 The results of the informal consultation and further technical work will inform the preparation of the Proposed Submission Draft of the Plan which will be considered by both authorities later this year. Following approval, the Submission Draft will be subject to formal public consultation in November/December 2012 under Regulation 19 before it is submitted for independent examination.

5.3 Table 2 outlines the timetable for preparing the Waste Local Plan:

Table 2: Waste Local Plan Timetable	
Key stages and milestones	Date
Draft Plan to WSCC Environmental and Community Services Select Committee	20 April 2012
Draft Plan to SDNPA Planning Committee for approval	10 May 2012
Draft Plan to WSCC Planning Committee (subject to confirmation)	29 May 2012
Informal public and stakeholder consultation (Regulation 18 stage) on Draft Plan	30 May – 27 July 2012
Proposed Submission Draft to SDNPA Planning Committee	13 September 2012
Proposed Submission Draft to SDNPA Full Authority for approval	18 September 2012
Proposed Submission Draft to WSCC Planning Committee	18 September 2012
Proposed Submission Draft to WSCC Environmental and Community Services Select Committee	27 September 2012
Proposed Submission Draft to County Council for approval	19 October 2012
Formal public and stakeholder consultation (Regulation 19 stage) on Proposed Submission Draft (eight weeks)	November–December 2012
Submission to Secretary of State	February 2013
Independent Examination	July 2013
Receive Planning Inspector's report	September 2013
Adoption by WSCC and SDNPA	October 2013

5.4 When approved by both authorities later this year, the Proposed Submission Draft will start to be used for development management purposes. The amount of weight to be given to policies will depend upon the stage of plan preparation that has been reached and the extent to which there are any unresolved objections to individual policies.

5.5 Upon adoption, the Waste Local plan will become part of the statutory 'development plan' for West Sussex.

6. Conclusion and Recommendation

6.1 The draft Waste Local Plan has been prepared for informal public consultation purposes to provide the opportunity for comment on its contents before the Plan is finalised. The results of the informal consultation will inform the

preparation of the Proposed Submission Draft. Although the Planning Committee will scrutinise the Proposed Submission Draft at its meeting in September before it is presented to County Council in October, the Committee has the opportunity at this stage to influence the contents of the Proposed Submission Draft.

- 6.2 It is **recommended**, therefore, that the Committee consider the Draft Plan (attached as Appendix A) and inform the Deputy Leader about its views on its contents before the Proposed Submission Draft is prepared for approval later this year.

7. Crime and Disorder Act Implications

There are no identifiable Crime and Disorder Act implications.

8. Human Rights Act Implications

The High Court decided that Article 6(1) of the Convention which requires a fair hearing by an impartial tribunal does not apply to the Local Plan making process as no determination of civil rights is involved.

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Appendix

[A – Draft Waste Local Plan](#)

Background Papers

None

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