

Report to	<b>Planning Committee</b>
Date	<b>19 January 2012</b>
By	<b>Director of Planning</b>
Title of Report	<b>Proposed Submission Waste and Minerals Plan for East Sussex, South Downs and Brighton and Hove.</b>
Purpose of Report	<b>To seek Planning Committee approval for the submission of the Waste and Minerals Plan to the Secretary of State following a statutory period for comments on soundness.</b>

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**Recommendation: That**

- 1) the analysis of the response to the consultation on the draft Waste and Minerals Plan (WMP) be noted;**
  - 2) the Proposed Submission Waste and Minerals Plan (PSWMP) for East Sussex, South Downs and Brighton and Hove be approved for publication; consultation on its soundness and subsequent submission to the Secretary of State in accordance with Regulations 27 – 30 of the Town and Country Planning (Local Development) (Amendment) Regulations 2008; and**
  - 3) the Director of Planning, in consultation with the Chair of the Planning Committee, be authorised to agree any further minor changes to the text of the PSWMP with East Sussex County Council (ESCC) and Brighton & Hove City Council (BHCC).**
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**1. Introduction and Summary**

- 1.1 At the South Downs National Park Authority meeting held on 25 October 2011 the Authority approved the draft Waste and Minerals Plan for East Sussex, South Downs and Brighton and Hove for informal consultation.
- 1.2 This report summarises the consultation responses received with particular reference to those relating to areas within the South Downs National Park and set out the next steps.
- 1.3 87 responses were received with broad support for the Plan's approach. Concerns were raised by two neighbouring counties about the reliance on landfill sites outside the Plan area. Industry raised concerns about the lack of definition of major development in Policy WMP1 (South Downs National Park). The Plan sets out a strategy for future development and therefore does not allocate any sites (although some existing Waste Local Plan allocations will be saved).
- 1.4 The authority to approve the PSWMP for publication, consultation on its soundness and subsequent submission to the Secretary of State was delegated to the Planning Committee at the South Downs National Park Authority meeting held on 13 December 2011. This was in order to ensure that the production of the Plan continued in accordance with the approved timetable.

**2. Background**

- 2.1 The WMP, when adopted, will provide spatial planning policy for the management of all wastes and the production of minerals in East Sussex, the part of the South Downs National Park within East Sussex, and Brighton & Hove to 2026.
- 2.2 The WMP will replace much of the ESCC and BHCC adopted Waste Local Plan and Minerals Local Plan. This will enable the minerals and waste planning authorities to ensure

appropriate development in the right place at the right time. In addition to the WMP, which sets out the strategic policy decisions, a waste sites document and a mineral sites document will be produced at a later date in order to identify suitable sites. The WMP is being prepared in accordance with the timetable in the approved Minerals and Waste Scheme. This indicated a consultation on a draft WMP in the Autumn, and the next stages were seeking representations on soundness in February / March 2012, a Public Examination in October 2012 and Adoption in early 2013.

2.3 The revised approach of the draft WMP comprised:

- Reducing the amount of waste produced;
- making provision for increased treatment (e.g. recycling or recovery) of waste including planning for additional capacity for recycling/recovery facilities equivalent to the likely exports of waste for landfill;
- identifying an area of focus for later searches for suitable locations for waste treatment facilities (through the production of the Waste Sites document);
- saving allocations for recycling/recovery facilities until the subsequent Sites document has been adopted;
- recognising that the declining amounts of waste still requiring land disposal should utilise existing planning permissions outside the Plan area and therefore the Plan would not include any Areas of Search for landraise or landfill reflecting the County Council's policy steer to "Minimise the amount of the county's waste sent to landfill or landraise";
- safeguarding existing landfill capacity at Pebsham;
- resisting the disposal of residual waste from London in the Plan Area;
- meeting the apportionment for aggregates advised by Government.

### 3. Summary of responses

3.1 87 responses (containing 170 comments) to the draft WMP were received, which is in marked contrast to the nearly 3,000 comments received to an earlier draft 'Preferred Strategy' document (most of these were concerned with future land disposal in the Plan Area). The responses generally support the broad thrust of the approaches set out in the draft WMP, with some respondents requesting a strengthening of policy protection in certain areas. Some concerns were raised about the Plan's approach of relying on other areas for the management of waste by land disposal. A summary of the consultation process and analysis of the comments received is set out in **Appendix 1**. All submissions will be available on the web-based Consultation Portal.

3.2 Officer comments from Kent County Council included requesting greater certainty regarding the destination of non-inert and hazardous wastes requiring landfill. Surrey County Council raised a concern that landfill capacity in their area would not last as long as they had forecast if waste was imported and were not convinced that Ashdown Brickworks would not be developed for landfill. West Sussex County Council noted that there was declining land disposal capacity in their area and it was likely that sites further afield would have to be utilised. With regard to these comments, it is commercial and industrial waste which is likely to be exported - over which the Authorities do not have direct control and which responds to market conditions. Additional provision is being made for this waste to be treated within the Plan area. It is therefore proposed not to make any significant changes to the Plan's approach to land disposal although additional evidence to further support the position is being gathered.

3.3 Several respondents raised concern with the saving of Waste Local Plan (WLP) policy allocating land at Pebsham and North Quay Newhaven as suitable for waste management activity. No changes to the Plan are proposed in light of these comments as the proposed position reflects that which is already existing and the matter of deciding on specific sites for future waste development will be properly and thoroughly dealt with as part of the development of the Sites document. This process will involve a call for sites and thorough assessment of all possible opportunities taking into account constraints and consultation responses at that time. It should also be noted that the PSWMP does not propose any extension to landfilling at Pebsham.

- 3.4 In relation to the South Downs National Park policy (WMP1), concerns were raised about the lack of definition of 'major' - as some minerals and waste proposals can be small scale and ancillary to existing operations. Additional text has been added to Policy WMP1 to explain when a proposal is likely to be considered major.

#### **4. Proposed Submission Waste and Minerals Plan**

- 4.1 In light of the comments received on the draft WMP no major changes in approach are proposed although the proposed text of the PSWMP has been strengthened (see **Appendix 2: draft shortened version – full version is available at <http://www.southdowns.gov.uk/about-us/committees/planning-committee/2012-meetings/19-jan-2012>** Based on evidence, assessments and consultation responses it is considered that the PSWMP represents a 'sound' document. ESCC and BHCC will consider this matter on 7 February and 26 January respectively. Following approval by the three Authorities, it is proposed that a statutory six weeks period seeking representations on soundness takes place between 21 February 2012 and 3 April 2012. Considerations of 'soundness' relate to whether the Plan is effective, justifiable and in conformity with national policy (further information is included in **Appendix 3**).
- 4.2 Sustainability appraisal of the policies in the PSWMP has been undertaken. Other studies and assessments have been undertaken to underpin the Plan and a list of these is set out in **Appendix 4**. These documents will also be published.

#### **5. Conclusion and recommendation**

- 5.1 Consultation on the draft Waste and Minerals Plan suggests that the majority of individuals and stakeholders are satisfied with the broad thrust of the Authorities approach to future waste management and minerals production in the Plan Area. In accordance with legislation, a Proposed Submission Waste and Minerals Plan has been prepared which takes account of evidence, comments received and Sustainability Appraisal.
- 5.2 It is considered that this document amounts to a 'sound' Plan and it is recommended that the Plan be submitted to the Secretary of State for testing following a statutory six weeks period for representations on its soundness commencing on 21 February 2012.

#### **6. Resources**

- 6.1 Any financial costs incurred by the consultation, publication and publicity of the PSWMP will be met from the planning budget. The cost of this stage in the process for the SDNPA in 2011/12 will be approximately £14,000 (£4,000 towards printing and advertising costs and £10,000 towards the evidence base studies which support the PSWMP). Total costs for the Examination in Public (which is required to produce a 'sound' plan) in 2012/13 are estimated to be approximately £320,000 shared between the three authorities (estimated £41,600 share for the SDNPA). The cost of the Examination in Public will reduce if it is shorter than estimated. There will also be a requirement for input from the SDNPA Communications Team amounting to approximately £150.

#### **7. Risk management**

- 7.1 Risk: Without a comprehensive, sound and robust planning policy framework for the National Park underpinned by up-to-date evidence the Authority risks losing control over inappropriate new development, which may be allowed on appeal, and losing opportunities to guide and facilitate appropriate new development. This will become more important when the draft National Planning Policy Framework (NPPF) is finalised as the NPPF will be the 'default' planning policy in the absence of an up-to-date plan.

Mitigation: These risks are significantly reduced by the timely preparation of a sound joint Waste and Minerals Plan and associated Development Plan Documents for the South Downs National Park.

7.2 Risk: Additional evidence to support the position on land disposal outside the Plan area and additional treatment is not forthcoming. This increases the risk of neighbouring counties continuing to object to the strategy.

Mitigation: Additional evidence has been gathered to support the position on land disposal beyond the Plan Area. With regard to additional treatment, not a large amount is required and the Plan includes a broad area of focus and criteria based policies giving guidance to developers, in addition to existing allocations in the Waste Local Plan which will be saved. Continued co-operation with the neighbouring counties will also reduce the risk but may not succeed.

## **8. Human Rights, Equalities, Health and Safety**

8.1 There are not considered to be any extraordinary human rights, equalities, or health and safety issues arising from this report.

## **9. External Consultees**

9.1 There are no external consultees

### **TIM SLANEY Director of Planning**

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Appendices	Appendix 1: Summary of the consultation process and analysis of the comments received Appendix 2: Shortened version of the Proposed Submission Waste and Minerals Plan Appendix 3: Tests of soundness Appendix 4: Evidence base list
SDNPA Consultees	Director of Corporate Services, Monitoring Officer, Deputy Chief Financial Officer, Solicitor
Background Documents	<ul style="list-style-type: none"><li>• Planning Committee Report (13/06/11) - Joint Working Protocols</li><li>• South Downs National Park Authority Report (25/10/11) – Approval of draft Waste and Minerals Plan</li><li>• South Downs National Park Authority Report (13/12/11) – Delegation of authority to approve Proposed Submission WMP to Planning Committee.</li><li>• East Sussex Minerals and Waste Development Scheme</li><li>• Draft WMP – Full Version</li><li>• ESCC/ BHCC Waste and Minerals Local Plans</li></ul>

**Appendix 1 - Summary and analysis of the consultation process and the comments received on the draft Waste and Minerals Plan**

<b>Key Comment</b>	<b>Proposed Response</b>
Support for the move away from landraise.	Noted. No change proposed to Plan.
Support for reducing reliance on Ashdown Brickworks.	Noted. No change proposed to Plan.
Support for approach to waste management in alignment with the waste hierarchy.	Noted. No change proposed to Plan.
Support for approach to address concerns of local or host communities and requests that this is expanded throughout the Plan.	Noted. Some amendment to policy to strengthen policy protection for local and host communities
Concern about approach to projecting future waste arisings and impact on forecasting capacity gaps and potential impact on capacity in neighbouring areas.	Projections are considered robust and properly allow for likely low and high growth scenarios. No change proposed to Plan.
Plan is not aspirational enough in terms of reducing the level of waste produced or the use of technology.	Plan is based on what is considered realistic and likely to happen.
Requests from environmental bodies that policies are strengthened to increase protection for the natural environment in terms of biodiversity, soils and water quality.	Polices strengthened where appropriate to take comments into account.
Clarification sought around implications for other forms of development by continued safeguarding of wharves, balanced by concerns from operators for more explicit safeguarding approach.	Plan considered to be adequately clear. Minerals wharves need protection from development to ensure future import of marine dredged aggregate is not jeopardised.
Some concern that Ashdown Brickworks is not totally removed from consideration.	Ashdown Brickworks is a clay void and has been allocated as a site for landfilling of waste. However, due to existing circumstances it is considered that this site is not deliverable and the need for large scale landfill capacity declines rapidly during the life of this Plan. No change proposed to Plan.
Concern regarding implications for Pebsham and Pebsham Countryside Park by saving of WLP policy and inclusion in Area of Focus.	The Plan does not include any proposal to extend landfilling at Pebsham. The proposed position on the saved waste management site in Freshfields reflects that which already exists. Decisions on specific sites for future waste development will be properly and thoroughly dealt with as part of the development of the Sites document. This process will involve a call for sites and thorough assessment of all possible opportunities taking into account constraints and consultation responses at that time. No change proposed to Plan.
Concern about additional waste uses proposed at North Quay, Newhaven.	The proposed position reflects that which already exists. Decisions on specific sites for future waste development will be properly and thoroughly dealt with as part of the development of the Sites document. This process will involve a call for sites and thorough assessment of all possible opportunities taking into account constraints and consultation responses at that time. No change proposed to Plan.

Restriction of waste uses within the SDNPA.	The SDNPA has the highest status of protection in terms of landscape and scenic beauty which means that development of significant waste management capacity in the Park is inappropriate. No change proposed to Plan.
Definition of 'major' development in relation to the SDNPA.	Additional explanatory text inserted in WMP1.

## Consultation Period

1.1 The consultation ran for six weeks, between 27 October and 8 December 2011.

## How people were notified

1.2 Notification was given by letter and email, with documents made available on the consultation portal and in local libraries or council offices.

- A factsheet was circulated to 20,000 residents in the Low Weald and in Bexhill. Factsheets were also sent to those who had responded to the Preferred Strategy consultation in 2009/2010.
- Notification letters were sent to Parish Councils, District and Borough Councils in the Plan Area, neighbouring County Councils and adjacent authorities.
- All consultees registered on the Objective database were notified by email, one week before the consultation began, as well as on the day the consultation started.
- Neighbouring districts and parish councils were notified by email, as were key members of industry.
- A reminder email was sent to everyone with an email address on the database (approx 1300 people) to let them know there was one week left to comment on the draft Plan.
- Documents were made available at local libraries and District or Borough Council Offices, as well as through the East Sussex County Council website and at <http://consult.eastsussex.gov.uk>.

## Meetings

1.3 Meetings with stakeholders took place as follows:

- Key stakeholders were invited to a workshop held at County Hall on 17<sup>th</sup> November 2011. This was attended by 15 representatives from neighbouring counties, parish councils, local interest groups and the waste industry.
- Letters to the Parish and Town Councils and Interest Groups included an offer to meet with them. Officers attended meetings with Newhaven Town Council, Peacehaven Town Council, Polegate Town Council and a joint meeting of Lewes District Council and Lewes Town Council.
- PAAL (Piltdown Action Against Landraise) requested a meeting, and this was held at County Hall.

## Summary of respondents:

### County Councils

Kent, Surrey, West Sussex.

**Districts and Borough Councils**

Rother, Wealden, Lewes, Eastbourne, Adur, Ashford, Mid Sussex.

**Parish and Town Councils**

Brightling, Chalvington with Ripe, Chiddingly, Rotherfield, Newick, Ninfield, Arlington, Ripe, South Heighton, Laughton, Rottingdean, Ickelsham and Winchelsea, Plumpton, Cuckmere Valley, Telscombe, Polegate, Newhaven.

**Statutory Consultees**

Natural England, Environment Agency, Health and Safety Executive, Coal Authority

**Industry and Business**

Sovereign Harbour, Mineral Products Association, Ibstock, Southern Water, Dudman Group, Positive Energy Sussex, Brett Group, Deanland Wood Park Ltd, Cemex, KTI, Magpie, Grovebridge Farm, Light Bros, Rabbits, Firle Estate.

**Interest Groups**

Wealden Local Strategic Partnership, Brighton and Hove Waste Advisory Group, Friends of the Earth Brighton, Friends of the Earth Lewes, South Downs Society, CPRE Sussex, Bexhill Against Landfill and Incineration (BALI), Residents of East Sussex Against Landraise (REAL), Pebsham Countryside Park Management Board.

**Individuals (30)**

Residents of the Low Weald, Pebsham and Bexhill.

**Appendix 2 – Draft text of Proposed Submission Waste and Minerals Plan (shortened version) (pdf)**

**\*\*\*\*\*is provided as a separate document\*\*\*\*\***

### **Appendix 3 – Tests of Soundness**

The Government's Planning Policy Statement 12, 'Local Spatial Planning' defines 'soundness' in relation to core strategies as follows:

"To be "sound" a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

- "Justified" means that the document must be:
- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

"Effective" means that the document must be:

- deliverable
- flexible
- able to be monitored"

## Appendix 4 - Evidence Base Documents

### Information Papers:

- 1. The Future Need for Waste Management
- 2. The Future Need for Minerals Production and Management
- 3. Sustainable Waste Management
- 4. Waste Management Methods and Technologies
- 5. Land Disposal
- 6. Spatial Portrait of East Sussex, Brighton & Hove and the South Downs
- 7. Hazardous and Radioactive Waste
- 8. Transportation of Waste and Minerals
- 9. Climate Change and Waste and Minerals
- 10. Waste Water and Sewage Sludge

### Studies and Assessments:

- Sustainability Appraisal
- Waste Minimisation Study
- Waste and Minerals Sustainable Transport Feasibility Study
- Road Transport Implications of Strategic Locations for Waste Facilities, JMP
- Landfill, Landraise and Surcharging in East Sussex, South Downs and Brighton & Hove (Full Version)
- Landfill, Landraise and Surcharging in East Sussex, South Downs and Brighton & Hove (Shortened Version)
- Sustainable Locations for Waste Development – Update of Evidence
- Sites Identification Study, Scott Wilson, 2009
- Review of Future Waste Management Capacity Requirements, AEA
- Assessing the Potential for Heat Capture from Energy From Waste Facilities in East Sussex and Brighton & Hove, Beyond Waste
- Climate Change Study, Eunomia
- Residual Waste from London Study: Draft Report, Scott Wilson
- Low Level Radioactive Waste - Review of The Future Management Needs, URS/Scott Wilson
- Hazardous Waste - Review of The Future Management Needs, URS/Scott Wilson
- Defining Strategic Waste Management Facilities – report
- Equalities Impact Assessment
- Appropriate Assessment, URS/Scott Wilson

### Other Documents:

- Responses to the Consultation on the Preferred Strategy document
- Responses to Draft Waste and Minerals Plan