

Report to	South Downs National Park Authority
Date	18 September 2012
By	Director of Planning
Title of Report	Proposed Submission Draft Waste Local Plan for West Sussex & South Downs National Park
Purpose of Report	To seek South Downs National Park Authority approval for the publication; consultation on its soundness; and subsequent submission to the Secretary of State of the Proposed Submission Draft West Sussex Waste Local Plan

Recommendation: This report was considered by the South Downs National Park Authority (SDNPA) Planning Committee on 13 September 2012. At the Planning Committee meeting it was recommended to the South Downs National Park Authority that:

- 1) the analysis of the responses to the consultation on the draft Waste Local Plan be noted;**
- 2) the Proposed Submission Draft Waste Local Plan for West Sussex and the part of the South Downs National Park (SDNP) in West Sussex be approved for publication; consultation on its soundness and subsequent submission to the Secretary of State in accordance with Regulations 19-21 of The Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 3) the Director of Planning, in consultation with the Chair of Planning Committee, be authorised to agree any further changes to the Waste Local Plan, with West Sussex County Council, necessary to make it sound for consideration by the Inspector and subsequent public comment subject to any major changes of significance to the SDNP being subject of a decision of the SDNPA (with comments being sought from the Planning Committee).**

1. Introduction and Summary

- 1.1 On the 10 May 2012 the Planning Committee approved the draft Waste Local Plan for publication and informal consultation. The period of informal public consultation took place between the 30 May and 13 August 2012. During this period a total of 330 representations were received.
- 1.2 This report summarises the consultation responses received with particular reference to those relating to areas within the South Downs National Park (SDNP), and sets out the next steps.

2. Background

- 2.1 When adopted, the Waste Local Plan will be the most up-to-date statement of land-use planning policy for waste in the plan area. It will provide the basis for making consistent land-use planning decisions about planning applications for waste management facilities in West Sussex and the part of the SDNP in West Sussex to 2031.
- 2.2 The Waste Local Plan is being prepared in accordance with the approved West Sussex Minerals and Waste Development Scheme.

2.3 The comments received on the draft Waste Local Plan have been summarised and have been taken into consideration in the preparation of the Proposed Submission Draft Waste Local Plan. Further technical work has also been carried out to help inform the Plan.

3. Summary of informal consultation responses

3.1 244 responses were received via the various online survey, email and hard copy form responses, whilst an additional 86 separate emails and letters were received. The majority of responses were from members of the public concerning site allocations, the remaining responses were from statutory stakeholders, local planning authorities, local societies, and the waste industry, land owners and their representatives.

3.2 The consultation on the draft Waste Local Plan asked questions relating to three main elements of the Waste Plan: Question 1: The vision and strategic objectives; Question 2: Waste site allocations; and Question 3: 'Use specific' and 'development management' policies. The most significant responses of relevance to the National Park related to Policy W13 (Protected Landscapes) and Shoreham Cement Works.

3.3 Question 1 asked for comments on the vision and strategic objectives of the Waste Local Plan. This section considered waste strategies from European, National regional and local levels and it includes reference to the emerging South Downs Management Plan. Of the responses to the survey, 181 were in support of the vision and 27 did not support it, whilst 174 responses supported the strategic objectives and 33 did not support them.

3.4 There were 179 responses to Question 2 (waste site allocations). Of these, some comments related to the omission of Shoreham Cement Works, which is within the SDNP, as a waste site allocation. Horsham District Council noted the omission of Shoreham Cement Works in accommodating waste facilities and referenced Policy AL13 of the Horsham Site Specific Allocations of Land Document which allows for the inclusion of built waste facilities as part of a mixed-use scheme. Adur District Council also commented on the omission of the site, and requested the addition of supporting text to recognise the sites potential for some form of waste use, and for the economic and regeneration benefits that would arise from this.

3.5 Enviropower & Dudman Group, and D.K. Symes Associates, both objected to the omission of the Shoreham Cement Works site as a strategic waste site allocation. Their comments supported the inclusion of the site as an allocated waste site in the Waste Local Plan on the basis that although it is understood that major development should not be located in protected landscapes, Shoreham Cement Works could be an exception and should be included under Policy W10 (Strategic Waste Site Allocations).

3.6 In response to the comments on Shoreham Cement Works, additional text has been added at paragraph 8.4.6 to explain that because the site is a major brownfield site within the SDNP, the future of the site will be addressed through the SDNPA Local Plan.

3.7 One objection requested that the Strategic Allocations be extended to include sites for inert waste recovery and disposal, to include the site at Slindon Bottom Gravel Pit (which is within the SDNP).

3.8 Of the survey respondents, 80 specific comments were provided to Question 3 (use-specific and development management policies), whilst comments on these policies were also received through other correspondence. English Heritage suggested minor changes to the wording of Policy W15 (Historic Environment) and W20 (Restoration and Aftercare). The wording of the policy W15 and W20 has been amended accordingly.

3.9 Southern Water suggested amendments to Policy W13 (Protected Landscapes), pointing out a conflict between bullet point (a) and (c) and suggesting wording to resolve the conflict. W13 has been amended with the addition of clause (iv) *'the proposal is for major waste development that accords with part (c) of this Policy'*.

3.10 One waste operator commented on Policy W13 and suggested the addition of *'where possible, enhancement of the special landscape, natural and historic environment and recreational opportunities'* to clause (c). This wording has not been added as it would repeat the SDNP

purposes, which are set out in the supporting text to Policy W13. One respondent commented that the area of search for waste facilities should include the protected landscapes, however, it is not considered that this is appropriate.

- 3.11 One operator suggested that the intention of Policy W23 (Waste Management in other Developments) could be clarified – particularly in relation to the Site Waste Management Plan Regulations and the scale of development to which the policy would apply. The supporting text to the policy now clarifies that the type and scale of development proposed will determine the extent to which the policy is relevant.
- 3.12 An additional 20 responses were received via email. The South Downs Society commend the draft Plan, commenting that *“the draft plan properly respects the confirmation of the South Downs National Park and the significance to be afforded to that designation in the National Planning Policy Framework. The vision, objectives, generic policies and proposed site allocations in the plan all reflect the existence of the National Park”*. They and other respondents also raised concerns about the impact of some of the proposed site allocations, particularly in relation to views from the SDNP. Concerns about views from the SDNP are covered in the Development Principles for sites close to the boundary, which require a Landscape and Visual Impact Assessment to be carried out.
- 3.13 Natural England welcomed the intention of Policy W13 to direct waste away from designated landscapes but recommended re-wording of clause (a)(iii) to *“reflect that inert waste tipping may assist in providing beneficial ‘after-uses’ in the longer term rather than beneficial ‘restoration’. This is because lower level restoration will generally provide appropriate restoration of mineral development and it is a potential after use that needs to be balanced against landfill within the designated landscape”*. They also suggested minor amendments to Policy W14 (Biodiversity and Geodiversity) and W20 (Restoration and Aftercare). Amendments have been made to Policy W14 to reflect the relative importance of nature conservation designations.
- 3.14 The Environment Agency supported the vision and objectives and provided detailed comments in relation to groundwater protection, water efficiency, protecting and enhancing water quality and flood risk. Amendments have been made to Policy W12 (High Quality Development) to add references to water efficiency, and W17 (Flooding) has been amended to clarify the approach to flooding.
- 3.15 Surrey County Council raised concerns about the lack of provision to meet the needs of adjoining authorities, particularly for the landfilling of waste, leading to additional pressure on remaining landfill sites in Surrey. East Sussex County Council has also raised concerns about the lack of provision for landfill. Waste operators also commented about the lack of provision for landfill in the Plan area and the lack of recognition of the fact that West Sussex is an importer of waste to landfill at present. The Duty to Co-operate section below addresses these issues.
- 3.16 **Appendix I** summarises the strategies that 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 informal public consultation. It also summarises the spatial strategy and waste site allocations. There are no site allocations proposed within the SDNP.

4. Proposed Submission Waste Local Plan

- 4.1 In addition to taking account of representations, further technical work has been undertaken to inform the preparation of the Proposed Submission Draft Waste Local Plan and the selection of sites. The Waste Forecasts have been rolled forward to cover the period 2012 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.
- 4.2 Further transport assessment of some of the proposed allocations has been undertaken to assess their impact on highway capacity and road safety. A stage I Habitats Regulation Assessment of the policies has also been undertaken in accordance with the European Union Directive and national legislation.

4.3 A sustainability appraisal of the sites has been undertaken and the results taken into account in the Proposed Submission Draft Waste Local Plan. The draft sustainability appraisal report is currently the subject of consultation which is taking place for a period of six weeks (15 August to 26 September 2012).

4.4 In light of the comments received on the draft Plan and the technical work carried out, no major changes in approach are proposed and it is considered that the Proposed Submission Plan represents a 'sound' document. Following approval by the authorities, it is proposed that a consultation period seeking representations on soundness takes place in November 2012 – January 2013. Considerations of soundness relate to whether the plan is effective, justifiable and in conformity with national policy. For a full version of the Plan, see www.westsussex.gov.uk/mwdf, a hard copy is available to view in the Member Services room and on request.

5. Duty to cooperate

5.1 Given that the Waste Local 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 partners) and with East Sussex (and Brighton & Hove) and which cover the other parts of the National Park.

5.2 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.

5.3 Accordingly, both authorities are continuing to engage with adjoining waste planning authorities and others in the region 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 Waste Local Plan recognises the need for a consistent approach to be taken by the authorities and others to the management of the residual waste that has traditionally been landfilled but which can no longer be managed in that way.

6. Next steps

6.1 Following consideration of the representations received on the Plan, it will be amended if necessary (minor changes only) and formally submitted to the Secretary of State (programmed for February 2013)

6.2 If substantive changes to the Plan are required following consideration of the representations, the Plan would be redrafted and reconsidered by the authorities and then subject to a new period for representations to be made about whether legal requirements have been met and about its 'soundness'.

6.3 An independent Inspector appointed by the Government will consider the representations made on the Proposed Submission Waste Local Plan and examine matters relating to legal compliance and 'soundness'. The Public Examination is scheduled for July 2013.

6.4 Under the provisions of the new Localism Act 2011, the process is now that the Inspector can indicate that changes are needed and the local planning authorities can then recommend modifications to the Inspector to make the Plan sound and suitable for adoption. This process means that the timeline to adoption is longer, as the modifications need to be made available for public comment.

6.5 Following Examination the Inspector will report whether the Plan is 'sound'. If the Plan is found to be 'sound', the WSCC and SDNPA will decide whether to adopt the Plan in October 2013. If adopted it will become part of the statutory 'development plan' for West Sussex and the part of the South Downs National Park in West Sussex.

7. Conclusion and recommendation

7.1 The Proposed Submission Waste Local Plan is based on a robust evidence base and

thorough consultation and provides a logical set of policies which will provide a comprehensive planning policy framework for waste development within the part of the National Park falling in West Sussex.

7.2 In order to ensure that there is an up-to-date policy framework in place for waste development in the part of the South Downs National Park falling within West Sussex, it is recommended that:

- the analysis of the responses to the consultation on the draft Waste Local Plan be noted;
- the Proposed Submission Waste Local Plan for West Sussex and the part of the South Downs National Park in West Sussex be approved for publication; consultation on its soundness and subsequent submission to the Secretary of State in accordance with Regulations 19-21 of The Town and Country Planning (Local Planning) (England) Regulations 2012;
- The Director of Planning, in consultation with the Chair of Planning Committee, be authorised to agree any further changes to the Waste Local Plan, with West Sussex County Council, necessary to make it sound for consideration by the Inspector and subsequent public comment, subject to any major changes of significance to the SDNP being subject of a decision of the NPA (with comments being sought from the Planning Committee).

8. Resources

8.1 The SDNPA contribution towards the Waste Local Plan of £4,600 for 2012/13 included updating the evidence base, and includes the costs of consultation on the Proposed Submission Waste Local Plan and submission. The SDNPA contribution for 2013/14 (£13,600) includes the anticipated cost of the Examination in Public and associated costs. The cost can be met from the planning budget for 2012/13 and 2013/14.

9. Risk management

9.1 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. As a result development may be allowed on appeal and the opportunity to guide and facilitate new development would be reduced. The National Planning Policy Framework (NPPF) has now been finalised and the NPPF is the default planning policy in the absence of an up-to-date Waste Local Plan.

9.2 Mitigation – avoiding any further delay to the Plan production, through approving the Proposed Submission Draft Waste Plan for consultation would ensure that the Authority continues to move closer to having an adopted Waste Local Plan for this part of the National Park.

9.3 Risk – there is a risk of slippage to timetable.

9.4 Mitigation – good project management and regular meetings involving both partners will help to keep to timetable, ensure sufficient resources are available to complete the work and alert SDNPA of any potential slippage. Early Member involvement through the WSCC Task Force and SDNPA workshops has helped to reduce the potential for delays in approving each stage of Waste Local Plan progression.

10. Crime and Disorder Implication

10.1 It is considered that the proposal does not raise any crime and disorder implications.

11. Human Rights Implications

11.1 There are no implications arising from this report.

12. Equalities Act 2010

12.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

13. External Consultees

13.1 None.

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Appendices	Appendix 1: Summary of strategies and strategic sites
SDNPA Consultees	Chief Executive Officer, Director of Corporate Services, Director of Planning, Director of Strategy and Partnerships, Head of Operations, Chief Finance Officer, Deputy Chief Finance Officer, Monitoring Officer & Legal Services
Background Documents	Planning Committee Report (Report PC 38/12) 10/05/12: Joint West Sussex Waste Plan