

Wiltshire Council

Cabinet

22 March 2011

Subject: Submission Draft Waste Site Allocations Development Plan Document (DPD): Publication for formal consultation followed by submission to Secretary of State for Independent Examination

Cabinet Member: Councillor John Brady -Economic Development, Planning and Housing

Key Decision: Yes

Executive Summary

In 2009 Wiltshire Council and Swindon Borough Council (the Councils) adopted their Waste Core Strategy Development Plan Document (DPD) and Waste Development Control Policies DPD.

There are currently no sites allocated for waste uses in the development plan. It is therefore essential to update Wiltshire Council's policy framework accordingly to ensure that future proposals for waste development in Wiltshire and Swindon are for the right types of waste management facilities in the right locations.

The Council originally consulted on the Issues and Options for potential waste site allocations in March 2006. Due to the time that has elapsed since that report was published (during this period resources were concentrated on the production of the Waste Core Strategy and Waste Development Control Policies DPDs), it was necessary to undertake an additional round of informal consultation and further evidence gathering.

A significant amount of evidence has now been developed to fully support the content of what is considered to be a sound submission draft Waste Site Allocations DPD. The key purpose of this Cabinet report is to seek approval to publish a draft Waste Site Allocations DPD for formal eight week public consultation, followed by submission to the Secretary of State for Independent Examination. The consultation will be aligned with the forthcoming Submission Draft Wiltshire Core Strategy in May/June 2011, subject to Cabinet approval.

Proposals

To request that Cabinet:

- (i) Approves the Submission Draft Waste Site Allocations DPD for publication for an eight week formal consultation to commence in May/June.
- (ii) Endorses the Waste Site Allocations Proposed Submission Draft and recommends that Full Council approves the document for the purpose of submission to the Secretary of State, subject to there being no representations which, in the opinion of the Director for Economy and Enterprise in consultation with the Cabinet Member, raise fundamental issues on the soundness of the Strategy.
- (iii) Authorises the Director for Economy and Enterprise, in consultation with the Cabinet Member, to make any necessary amendments to the Core Strategy in the interests of clarity and accuracy before it is published, and to make the arrangements for consultation.

Reason for Proposal

To ensure that an up-to-date waste policy framework is in place for Wiltshire in line with the requirements set out in the Council's Local Development Scheme.

MARK BODEN

Corporate Director
Department for Neighbourhood and Planning

Wiltshire Council

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Cabinet Member: **Councillor John Brady -Economic Development, Planning and Housing**

Key Decision: **Yes**

Purpose of Report

1. The purpose of this report is to:
 - (i) Approve the Submission Draft Waste Site Allocations DPD for publication for an eight week formal consultation to commence in May/June.
 - (ii) Endorse the Waste Site Allocations Proposed Submission Draft and recommend that Full Council approves the document for the purpose of submission to the Secretary of State, subject to there being no representations which, in the opinion of the Director for Economy and Enterprise in consultation with the Cabinet Member, raise fundamental issues on the soundness of the Strategy.
 - (iii) Set out the key arrangements for consultation.

Background

2. As part of the transitional arrangements to the current planning system, the policies relating to site allocations in the adopted Waste Local Plan were not saved. It is therefore essential to update Wiltshire Council's policy framework accordingly to ensure that future proposals for waste development in Wiltshire and Swindon are for the right waste management facilities in the right locations.
3. Wiltshire County Council and Swindon Borough Council jointly prepared and consulted on Issues and Options for potential waste site allocations in March 2006. Based on advice from the Government Office for the South West, further work on the preparation of the draft Waste Site Allocations DPD was put on hold, whilst resources were concentrated on the production and subsequent examination and adoption of the Waste Core Strategy and Waste Development Control Policies DPDs.

4. Due to the time that has elapsed since the publication of the Issues and Options report it was necessary to undertake an additional round of informal consultation in 2009 and update the evidence base.
5. To ensure that the evidence base is robust and credible, external consultants were asked to undertake detailed assessments on the key issues that may impact upon the deliverability of the potential sites for waste uses. The recommendations of the external consultants were used to select which sites should be included in the draft Waste Site Allocations DPD. These recommendations form a significant part of the evidence base justifying the inclusion of the sites contained within the DPD.
6. The Localism Bill, in its current form, does not propose to amend the role of waste planning authorities or have any significant implications for the continuation of this DPD.

Main Considerations for the Council

7. The recommendation to publish the draft Waste Site Allocations DPD for formal consultation is based on the view that sufficient evidence gathering and consultation has been undertaken to ensure that the DPD can be considered sound. The evidence base to be published alongside the DPD will comprise:
 - (i) A Waste Site Allocations Site Survey Report, May 2010, undertaken by external consultants (Atkins).
 - (ii) An Ecological Assessment Report (incorporating HRA¹ requirements) undertaken by the Council's Ecologist.
 - (iii) Initial site appraisal matrices completed by officers to highlight the issues used to inform (i).
 - (iv) Waste Capacity Report (updating the evidence used to estimate the need for waste management facilities in Wiltshire and Swindon).
 - (v) Consultation output report (detailing the consultation and evidence gathering work undertaken since 2006).
 - (vi) A Sustainability Appraisal Report.
8. The publication of the draft Waste Site Allocations DPD is a key decision as it will eventually lead to a change to the Council's policy framework. All issues raised during the recent consultation have been addressed and the evidence base to support the draft DPD has been fully updated.
9. By endorsing the draft DPD for publication and subsequent submission to the Secretary of State, the Council considers that the document is sound and should not be subject to further amendment prior to submission to the Secretary of State. Once submitted to the Secretary of State, the process of Independent Examination by a government appointed Inspector will commence. Upon finding the DPD sound, the Inspector can only recommend in their report that changes of a minor nature should be made to the DPD before it is adopted by the Council.

¹ Habitat Regulations Assessment as required by European legislation.
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Consultation Strategy

10. Once Cabinet has approved the draft Waste Site Allocations DPD for publication, preparations will be made to publish the draft DPD and supporting documents for a period of eight weeks². The consultation will be aligned with consultation on the forthcoming Submission Draft Wiltshire Core Strategy and will comply with the requirements of the Council's Statement of Community Involvement. It will involve:
- (i) Letter or email to consultees on the Spatial Planning consultation database.
 - (ii) Publication of an advert in local newspapers throughout Wiltshire and Swindon.
 - (iii) Chairman's announcements for Community Area Boards. Preparations have been made to ensure that Community Area Boards will be notified in advance of the commencement of consultation to ensure that the consultation period overlaps with the relevant Area Board meetings. The majority of sites are located in existing industrial areas or current waste management facilities. However, where a site or sites are likely to prove controversial, such as the Hills Resource Recovery Facility at Lower Compton or the LaFarge site at Westbury, officers will attend the relevant Area Board Meeting. Where Area Board Meetings do not coincide with an appropriate point in relation to the consultation, officers will attend a special meeting hosted by the Area Board to discuss the matter.
 - (iv) Item being published in Parish Newsletter prior to commencement of consultation.
 - (v) Documents being made available for viewing at Council offices and all libraries in Wiltshire and Swindon.
 - (vi) Online publication on the Council's consultation portal.

Environmental and Climate Change Considerations

11. The consultation document contains the sites within Wiltshire and Swindon that have been identified as being suitable to accommodate future waste management facilities, in accordance with driving waste up the waste hierarchy. The environmental impact of developing each site has been assessed through the waste site appraisals undertaken by officers and independent consultants, including Sustainability Appraisal. No significant adverse impacts of the sites contained within the draft Waste Site Allocations DPD have been identified.

Equalities Impact of the Proposal

12. There are considered to be no equality impacts arising as a result of the proposals in this report. An Equalities Impact Assessment (EIA) is not required at this stage of the plan making process, but will be completed once the final document is submitted to government.

² The statutory minimum for this stage is 6 weeks consultation.
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Risk Assessment

13. There are risks that the document may be considered unsound by the Inspector. However, the evidence base to support this DPD is extremely thorough and has the benefit of being preceded by a Waste Core Strategy DPD and a Waste Development Control Policies DPD. The Draft Waste Site Allocations DPD is fully in accordance with both of these DPDs and the wider policy framework.

Financial Implications

14. The cost of publishing the DPD and subsequent Independent Examination will be met by existing and planned budget commitments. Savings will be made through combining publication of the submission draft Waste Site Allocations DPD with the forthcoming publication of the Submission Draft Wiltshire Core Strategy.

Legal Implications

15. The steps undertaken to date and those next steps proposed within this report are fully compliant with regulatory requirements³.

Options Considered

16. The site options considered in the previous consultation in 2009 have been fully appraised. Only those site options considered suitable in social, environmental and economic terms have been included in the draft DPD. Those options that are considered unsuitable have been excluded. The Draft DPD therefore represents the most suitable options having considered all reasonable alternatives.

Conclusions

17. In order to provide an up-to-date policy framework for Wiltshire it is necessary to proceed with the publication of what is considered to be a sound submission draft Waste Site Allocations DPD, followed by submission to the Secretary of State for Independent Examination.

MARK BODEN

Corporate Director
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The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

Appendix 1 – Draft Waste Site Allocations DPD

³ Regulation 27 of the Town and Country Planning (Development) (England) Regulations 2004 (as amended)
CM09256/F