

**Wiltshire Council**

**Council**

**7 February 2012**

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**Subject: Wiltshire and Swindon Waste Site Allocations Development Plan Document –Submission Arrangements**

**Cabinet Member: Councillor Fleur de Rhé-Philipe – Economic Development and Strategic Planning**

### **Executive Summary**

Following extensive consultation in 2006, 2010 and 2011, the draft Wiltshire and Swindon Waste Site Allocations Development Plan Document (draft DPD) can now be submitted to the Secretary of State for Examination. This report sets out:

- A summary of the plan preparation process to date;
- The key issues that have emerged through the recent consultation undertaken June to August 2011;
- The arrangements for submitting the draft DPD;
- The implications of the Examination process; and
- Next steps.

The draft DPD, along with all other supporting documents, will then be formally submitted to the Secretary of State (for Communities and Local Government) in order to initiate the examination process by an independent Planning Inspector.

The Examination will consider matters of soundness alone. At the end of the process, the Inspector will issue the Councils with a binding report. Should this report recommend the DPD is sound; arrangements will be made for formal adoption. This is scheduled for November 2012.

### **Proposals**

That following recommendation by Cabinet at its meeting on 17 January 2012, Council:

- (i) approves the submission draft Wiltshire and Swindon Waste Site Allocations Development Plan Document and its Submission to the Secretary of State;
- (ii) delegates to the Service Director, Economy and Enterprise, in consultation with the Cabinet Member for Economic Development and Strategic Planning authorisation to make minor amendments to the draft DPD (**Appendix A**) in the interests of clarity and accuracy and to make appropriate arrangements

for submission of the documents to the Secretary of State and any consequential actions as directed by the Inspector relating to the Examination.

### **Reason for Proposals**

The need for an up-to-date, long-term plan for future waste management facilities is a statutory priority for both Wiltshire Council and Swindon Borough Council. This draft DPD presents a schedule of proposed site allocations that are considered both environmentally suitable and capable of meeting the long-term needs of the Councils and the waste management industry.

Regulatory and constitutional procedures require that the policy framework of the authority be a shared matter for Cabinet and Council<sup>[1]</sup>. Cabinet's functions set out in the constitution include proposing to Council new policies which fall within the Policy Framework as defined in paragraph 1 of Part 3 of the Constitution. In order to secure Council approval, therefore, the draft DPD has first been endorsed by Cabinet.

**Alistair Cunningham**  
**Service Director, Economy and Enterprise**

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<sup>[1]</sup> Statutory Instrument 2005 No. 929 Local Government, England; The Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005. See also Part 3A of the Council's Constitution  
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### **Purpose of Report**

1. To inform Council of the outcome of the recent consultation and revisions to the document.
2. To seek Council approval of the submission draft Wiltshire and Swindon Waste Site Allocations Development Plan Document (draft DPD) as set out in **Appendix A** as recommended by Cabinet at its meeting on 17 January 2012 (relevant extract of the draft Cabinet minutes attached as **Appendix D**)
3. To inform Council of the process herein, particularly the implications relating to submission and independent examination stages.

### **Background**

4. Cabinet on 22 March 2011 and Council on 17 May 2011 approved the Submission Draft Waste Site Allocations DPD for a final stage of consultation. This took place between 13 June and 8 August 2011.
5. The Waste Site Allocations DPD represents the final stage in the waste planning policy framework for Wiltshire and Swindon. The Councils adopted their Waste Core Strategy DPD (July 2009) and Waste Development Control Policies DPD (September 2009). These documents provide the basis upon which decisions relating to the identification of new sites to meet capacity requirements and the management of detailed proposals for new waste management facilities are made.
6. The draft DPD sets out 35 sites suitable for delivering a range of waste uses to meet the capacity requirements of Wiltshire and Swindon up to 2026<sup>2</sup>. Following extensive assessment and appraisal work the identified sites are considered to represent the best and most deliverable options for future waste management development. Once adopted, the sites will have 'preferred area' status and can be brought forward through the planning application process for the waste uses set out in the draft DPD.

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<sup>2</sup> Until reviewed, the adopted Waste Core Strategy establishes 2026 as the 'plan period' for all Wiltshire and Swindon waste DPDs.

7. The draft DPD has been the subject of informal and formal rounds of consultation in 2006, 2010 and 2011. These consultations have been undertaken to help shape the final draft DPD prior to Examination. However, the Examination will provide the final opportunity for those seeking to challenge or modify the document to be heard.
8. Cabinet on 17 January 2012 approved the submission draft DPD and resolved to recommend to Council that it be approved for the purpose of formally submitting it to the Secretary of State. The draft Minutes of the meeting accompany the Agenda to this report. The draft DPD (**Appendix A**) has been revised following Cabinet to incorporate two minor amendments that were approved at the meeting in response to questions raised.

### **Main Considerations for the Council**

9. The recent consultation undertaken between June and August this year was a formal stage of the process whereby respondents were invited to comment on matters of soundness<sup>3</sup>. The consultation generated around 1,200 comments from 540 organisations, consultees and members of the public. These comments will be considered by the Government appointed Inspector and form the basis of the forthcoming Examination.
10. A breakdown of the key points raised through the formal consultation stage can be found at **Appendix B**. Verbatim comments received and a detailed report<sup>4</sup> outlining all consultation work will be submitted as part of the Councils' submission to the Secretary of State. Copies of this report will be made available for viewing in the Members' Room and on the website.
11. The main changes to the draft DPD since the consultation relate to the removal of the following sites:
  - (i) Solstice Business Park, Amesbury
  - (ii) Sarum Business Centre, Salisbury
  - (iii) Thorney Down WTS, Winterslow
  - (iv) Salisbury Road Industrial Estate, Downton
  - (v) West Ashton Employment Allocation, Trowbridge
  - (vi) Castledown Business Park, Ludgershall
  - (vii) Nursteed Road Employment Allocation, Devizes
  - (viii) Salisbury Road Business Park, Pewsey
12. The main reason for removing these sites from the draft DPD relate principally to issues surrounding deliverability, rather than simply the weight of objection to the uses proposed. However, information was presented through the consultation that led to further investigations regarding the suitability and therefore the deliverability of certain sites.
13. The removal of these sites does not undermine the soundness of the draft DPD. In particular, consideration has been given to whether the remaining sites can meet the forecast waste management capacity requirements up to

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<sup>3</sup> Government policy, as set out in Planning Policy Statement 12 clarifies that to be sound a DPD should be justified, effective and consistent with national policy.

<sup>4</sup> The Regulation 30(1)(d)(e) Statement.

2026. An evidence based assessment shows that the remaining sites provide sufficient flexibility and opportunity to meet future demands.

14. In terms of the level of objection received, the majority of concerns related to the proposals at Ludgershall (Castledown Business Park and Pickpit Hill). The majority of these objections were generated by a community organised petition, signed by 399 people. The main issues presented were concerned with the impact of waste development on the local community and the surrounding land uses that have been developed since the site was first proposed back in 2005. In particular, concerns were raised regarding Castledown Business Park related to the proximity of Wellington Academy, scale of operation in terms of vehicle movement (road safety, congestion issues), low level of employment generated by waste uses and support for the emerging Wiltshire Core Strategy that identifies Castledown Business Park as a Principal Employment Area, where activities falling within use classes B1, B2 and B8 are promoted. This called into question the suitability of the use of this site for waste management facilities.
15. It should also be noted that, during the final round of consultation, Cabinet Capital Assets Committee on 14 June 2011 agreed that the Council purchase Castledown Business Park to help stimulate regeneration opportunities in the area accordance with Council's Corporate Plan. The Corporate Plan focuses on delivery of new jobs across Wiltshire.
16. These factors have been fully considered and as result the Castledown Business Park site has been removed from the plan.
17. Only three other sites received more than ten objections each. These were: Chitterne Waste Management Facility; Nursteed Road Employment Allocation, Devizes; and Thorney Down Waste Transfer Station, Winterslow. The main issues raised centred on a general perception that waste management facilities are a 'bad neighbour' form of development. In particular, concerns were raised about potential impacts on human health/quality of life, increases in traffic and associated reduction in road safety. The Nursteed Road and Thorney Down sites have been dropped from further consideration because of deliverability issues (the landowner's have other plans for the sites). However, the proposed allocation at Chitterne is still considered worthy of keeping within the draft DPD on the basis that the points of objection received can all be addressed through an appropriate and robust planning application process.
18. The other main challenge arising from the consultation was the view that the scale and location of the proposed sites are unbalanced. In general terms, it was felt that the definition of the terms 'local' and 'strategic' scale were unclear and that there was a contradiction in the plan. This was because facilities on sites expected to serve large geographic areas (i.e. strategic facilities) were considered to be remote from the population centres they were intended to serve. In particular, the location of three strategic sites in the Westbury community area was questioned as being disproportionate with the rest of Wiltshire and Swindon. The proposals in the Westbury area are still considered to offer the best potential for future waste management development and appropriately located in terms of the local highway network.

These sites offer a choice of location for strategic facilities in line with the adopted policy position set out within the Waste Core Strategy.

19. Similarly, other consultation comments were concerned with the cumulative effect of two strategic sites in Purton with a proposed housing development situated on the main road route to the allocated sites.
20. While these concerns are acknowledged, it is important to emphasise that the sites that have been allocated are considered to be in the right places, for the right waste uses. Over 100 potential waste sites have been appraised since 2005 and the remaining sites are those which are considered to be the best and most deliverable.
21. When taken as a whole, the adopted and emerging waste policy framework is premised upon the need to identify a flexible framework of sites<sup>5</sup> and thereby offer choice to the development industry. In this sense, the proposals set out within the draft DPD offer choice and the ability to maximise opportunities for driving waste away from landfill by capturing the resource value in waste.

### **Environmental and Climate Change Considerations**

22. The Waste Site Allocations DPD has been prepared in accordance with legislative procedures and national policy. In addition, the document is in general conformity with the adopted Waste Core Strategy and the evidence base presented to support the draft Regional Spatial Strategy for the South West.
23. In preparing and appraising the document, every site option has been considered and judged against environmental criteria through the rigorous application of Sustainability Appraisals (incorporating the requirements of the Strategic Environmental Assessment Directive) and Habitats Regulations Assessments. As such, the proposed site allocations are considered to represent the most sustainable options for delivering new waste management development.
24. Matters in relation to the environmental impact of bringing forward new waste management development have been fully considered. The document sets out clear guidelines to be considered when applications are being prepared. Such matters include, *inter alia* - pollution control measures, flood risk assessment and mitigation for landscape impact. Where necessary, a number of site profiles have been amended to reflect information presented by consultees (e.g. The Environment Agency, English Heritage) through previous consultation work.
25. As a whole, the waste policy framework for Wiltshire and Swindon is technology neutral. However, where deemed appropriate, the document seeks to provide opportunity for renewable energy schemes to be delivered on certain proposed sites to meet the demands of national and local policy. As set out in Planning Policy Statement 10<sup>6</sup>, treating waste as a valuable

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<sup>5</sup> In accordance with the provisions of national policy and European legislation (eg the Waste Framework Directive).

<sup>6</sup> Planning Policy Statement 10 – Planning for Sustainable Waste Management (March 2011)  
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resource (eg for alternative fuel) rather than a product for disposal will ensure that the Councils continue to meet European and National landfill diversion targets and wider commitments to reduce CO<sub>2</sub> emissions.

### **Equalities Impact of the Proposal**

26. The Waste Site Allocations DPD has been prepared to ensure that impacts on the various strands of equality have been addressed. As with all DPDs, a full Equalities Impact Assessment will be included with the documents and evidence submitted to the Secretary of State to support the Examination process.

### **Risk Assessment**

27. Risks associated with procedural compliance matters have been addressed throughout the plan preparation process. These matters will be considered in more detail by the Inspector through the early stages of the Examination process.
28. The principal risk associated with the submission and examination stage relates to soundness. In presenting the Waste Site Allocations DPD to the Secretary of State, the Councils are of the opinion that the proposals in *[the document]* contains are sound. This opinion will be tested by the Inspector through the Examination of all submitted matters (ie the primary documents and all consultation materials).
29. The Inspector will ultimately determine whether the evidence presented justifies the document being found sound.

### **Financial Implications**

30. The process of preparing the Waste Site Allocations DPD has been planned financially and the Examination costs can be met by existing budget allocations. A proportion of these costs will fall into next financial year and this has been addressed in budget planning.
31. There is potential for further financial costs at the end of the Examination process. If the document is found to be sound and subsequently adopted by the Councils, there follows a six week period of legal challenge. Such actions are rare but must be considered, these costs would be met from the Economy and Enterprise budget.

### **Legal Implications**

32. The legal issues associated with the Examination process are broadly set out above.
33. The Waste Site Allocations DPD has been prepared in accordance with legislative procedures<sup>7</sup> and national policy<sup>8</sup>. It represents the culmination of

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<sup>7</sup> The Town and Country Planning (Local Development)(England)(Amendment) Regulations 2009. CM09336/F

several stages of drafting, appraising and consultation and, as such, constitutes the Councils' 'preferred areas' for future waste management development.

### **Options Considered**

34. A significant level of work has been invested in identifying sites for future waste management development. Submission of the draft Waste Site Allocations DPD will enable the policy framework relating to such matters to be completed and address Wiltshire and Swindon's overall waste management requirements over the period to 2026.

### **Conclusions**

35. The publication and submission of the Waste Site Allocations DPD represent the final preparatory stage of the plan making process.
36. The next steps will result in duly made comments being considered by a Government appointed, independent Planning Inspector. Based upon the evidence submitted by respondents (relating to the soundness of the documents), weighed against the evidence of the Councils, the Inspector will make a decision as to whether the document is sound and hence able to be adopted.

### **ALISTAIR CUNNINGHAM**

Service Director, Economy and Enterprise

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### **The following unpublished documents have been relied on in the preparation of this Report:**

None

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<sup>8</sup> Planning Policy Statement 12 – Local Spatial Planning (June 2008); Planning Policy Statement 10 – Planning for Sustainable Waste Management (March 2011). Note: PPS10 remains in force despite the publication of the draft National Planning Policy Framework.  
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**Appendices:**

**Appendix A:** Wiltshire and Swindon Waste Site Allocations DPD –  
Submission Draft

**Appendix B:** Summary of key issues raised during the pre-submission  
consultation and verbatim comments

**Appendix C:** Checklist of documents to be submitted for examination

**Appendix D:** Relevant extract of draft Cabinet minutes dated 17 January  
2012 (attached)

Appendices A – C above are enclosed separately for members of the Council. A reasonable number of copies will be made available at the meeting and available for public inspection by contacting Democratic Services on 01225 713018. All documents are available on the Council's website on the following link:

<http://cms.wiltshire.gov.uk/mgAi.aspx?ID=16284#mgDocuments>