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<b>Report to:</b>	Planning Committee Overview & Scrutiny (Regeneration and Environmental Services Cabinet Council	<b>Date of Meeting:</b>	24 August 2011 20 September 2011  13 October 2011 27 October 2011
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**Subject:** Joint Merseyside and Halton Waste Development Plan Document: Council Approval of Publication Waste DPD

**Report of:** Director Built Environment **Wards Affected:** Linacre, Derby, Netherton and Orrell, Norwood

**Is this a Key Decision?** Yes

**Is it included in the Forward Plan?**  
Yes

**Exempt/Confidential**

No

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### **Purpose/Summary**

- (i) For Members to note the results of public consultation on the Merseyside and Halton Joint Waste Development Plan Document Preferred Options 2 (New Sites Consultation) Report which was undertaken between May and June 2011.
- (ii) To seek District approval of the Publication Waste Development Plan Document and a final 6-week consultation at the end of 2011.
- (iii) To also seek approval to move to Submission Stage early in 2012.
- (iv) To set out the final steps to adopt the Waste DPD.

### **Recommendation(s)**

- 1) To note the results of consultation on the Waste Development Plan Document Preferred Options 2 (New Sites Consultation) Report.
- 2) That Council be recommended to approve the Publication Document for the final six-week public consultation commencing late in 2011 followed by Submission to the Secretary of State.
- 3) That Council be recommended to grant delegated authority to District officers within the Waste DPD Steering Group to make the necessary typographical changes to the Publication Document prior to submission of the Waste DPD and for any more substantial changes to be reported to Members through the appropriate scheme of delegation prior to Submission.
- 4) That Council be recommended to approve the spatial distribution of one sub-regional site per district.

**How does the decision contribute to the Council’s Corporate Objectives?**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability		✓	
4	Health and Well-Being		✓	
5	Children and Young People		✓	
6	Creating Safe Communities		✓	
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy		✓	

**Reasons for the Recommendation:**

To authorise publication of the Waste DPD for a six week consultation and submission of the Waste DPD to the Secretary of State. This matter is reserved for determination by the Council in accordance with Section 4 of the Constitution.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

Budgetary provision for completion of the Waste DPD has been identified from within the Planning Service budgets during 2011/12 and 2012/13 to cover the following cost elements:

- Examination in Public (£25,000)
- Implementation and Monitoring of the Plan – (£3,500 per annum from April 2013)

**(B) Capital Costs**

None

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b> - The legal implications are contained within the body of the report.	
<b>Human Resources</b> None	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery:**

None

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance (FD905) and Head of Corporate Legal Services (LD 265/11) have been consulted and any comments have been incorporated into the report.

**Are there any other options available for consideration?**

No. As a Waste Planning Authority Sefton has a statutory duty to produce a Waste DPD.

**Implementation Date for the Decision**

Following the expiry of the “call-in” period for the Minutes of the Council

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**Background Papers:**

There are no background papers available for inspection.

## **1. Introduction/Background**

- 1.1 Government planning policy, the National Waste Strategy and Regional Spatial Strategy all require Development Plan Documents to address sustainable waste management. Through Planning Policy Statement 10 (Planning for Sustainable Waste Management) the Merseyside Districts are required to put in place a planning framework that identifies the locations for new waste management infrastructure to meet the identified needs of that Council or a group of Councils.
- 1.2 In 2005, Leaders agreed that the waste planning matters for the sub-region would most effectively be addressed through formal collaboration in preparing a Joint Waste Development Plan Document (Waste DPD). Consequently, the six Merseyside Authorities of Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral have entered into a joint arrangement to prepare the Waste DPD. It is the sub-region's first joint statutory land use plan and will guide future development of waste management and treatment facilities across Merseyside and Halton.
- 1.3 The Waste DPD is primarily focused on (i) providing new capacity and new sites for waste management uses and (ii) delivering a robust policy framework to control waste development.
- 1.4 The scope of the Waste DPD is to deal with all controlled waste including commercial and industrial, hazardous, construction, demolition, excavation and municipal waste. Waste management requirements include reception, recycling, treatment and transfer activity all designed to minimise amount of the waste requiring final disposal. This amounts to between approximately 4.5 million tonnes of material each year. Of that approximately 800,000 tonnes arises from local authority collected waste. The recycling, treatment and disposal of local authority collected waste is the responsibility of the Merseyside Waste Disposal Authority and Halton Council.
- 1.5 The Waste DPD aims to deliver significant improvements in waste management across the sub-region whilst also diverting waste from landfill. Specifically, the Waste DPD will provide Districts with a high degree of control through its land allocations and policies to direct the waste sector to the most appropriate locations primarily on allocated sites. It therefore will provide industry with much greater certainty to bring forward proposals that are more likely to be acceptable to the Districts.
- 1.6 The Publication Document is the final consultative stage in Plan preparation and follows completion of the Preferred Options 2 consultation.

## **2. Preferred Options 2 (New Sites Consultation)**

- 2.1 A 6-week Preferred Options 2 consultation was completed on 20<sup>th</sup> June 2011. The scope of the consultation was limited to only four new sites proposed to be allocated for waste management uses. Large sub-regional sites were consulted upon in Halton, Liverpool and St. Helens and a smaller local site in Sefton. All sites consulted upon were identified as replacement sites to ones that had previously been deleted as a consequence of public consultation at the previous Preferred Options stage or subsequent Member decisions.

2.2 A total of 2930 consultation responses were received as well as 1 petition with 4259 signatures. The responses received across the sub-region are summarised below. A more detailed analysis, including originating postcodes etc is available in the Results of Consultation Report (see Appendix One)

<b>District Site</b>	<b>Support Strongly</b>	<b>Support</b>	<b>Oppose</b>	<b>Oppose Strongly</b>
Atlantic Park, Bootle, Sefton	76	62	13	37
Widnes Waterfront, Halton	130	52	12	38
Sandwash Close, Rainford, St. Helens	5	7	26	2604
Garston, Liverpool	78	71	9	42

2.3 No significant issues arose from the proposed allocations in Halton, Liverpool and Sefton. Consultation responses were received from waste operators and landowners including two statements expressing specific concerns as to the soundness of the Plan. The grounds provided for challenging the soundness of the Plan are not considered to be strong.

2.4 A very considerable degree of local community and business opposition was experienced for the replacement sub-regional site in St. Helens with an estimated 2573 consultation responses from the immediate locality, with 2569 (99%) being opposed or strongly opposed to the proposed allocation. The Waste DPD team, along with colleagues from St. Helens, have analysed and considered all the responses received. As part of this process and to demonstrate a continuing high degree of transparency, all reasonable planning matters and consultee concerns have been thoroughly re-examined.

2.5 No significant planning, procedural or deliverability issues have come to light as a consequence of this re-assessment, nor as a result of the consultation responses received which make this sub-regional site unacceptable or require that a new site be selected. Consequently there is no technical case to remove this proposed sub-regional allocation.

2.6 The results of consultation report which will be found at <http://merseysideeas-consult.limehouse.co.uk>.

2.7 All four new sites which were the subject of Preferred Options 2 consultation will therefore be included within the Publication Waste DPD alongside those moving forward from Preferred Options 1. This gives a total of 6 sub-regional sites (1 per District, >4.5 hectares in area) and 13 local sites proposed as allocations (see table 2 in section 4.2 of this report) for built facilities (see Recommendation 1).

### **3. Publication and Submission of the Waste DPD**

- 3.1 The Publication Stage of the Waste DPD is the final 6-week consultation stage whereby the consultees can submit comments. Comments can only be submitted on the basis of “soundness matters” and can relate to technical content or procedural matters (i.e. the process by which the Waste DPD has been prepared).

**Copies of the Publication version of the Waste DPD are available to download at <http://merseysideeas-consult.limehouse.co.uk> or please contact 0151 934 3558 for a paper copy. Copies will also be made available at each committee meeting.**

- 3.2 At Publication Stage the 6 Districts are required to formally approve the Waste DPD as a Council document and part of their Local Development Framework. The proposed timetable for the 6-week Publication consultation starts at the beginning of November. All consultation processes are carried out in accordance with each Council’s Statement of Community Involvement.
- 3.3 A report is due to be taken to Liverpool City Regional Chief Executives and Cabinet during the approvals process as this is a joint undertaking.
- 3.4 Submission of the Waste DPD to the Secretary of State follows shortly after the consultation has closed on the Publication document once the representations received have been considered and collated. At this stage the Waste DPD team and Districts are able to set out how it intends to respond to any soundness issues raised. Upon Submission to the Secretary of State, the formal examination of the Waste DPD starts with the appointment of an independent Planning Inspector. This is not a consultative process but one of rigorous examination of any soundness matters raised at Publication stage or that the Planning Inspector chooses.
- 3.5 Members should note that given timescale pressures it is normal at this stage to seek Full Council approval of Submission in tandem with Publication (see Recommendation 2). Delegated authority is also sought for officers from the Waste DPD Steering Group to make typographical changes and, for more substantial changes to be addressed through the appropriate scheme of delegation for each District (see Recommendation 3).

### **4. Contents of the Publication Waste DPD**

- 4.1 Members are reminded that the content and issues to be addressed within the Waste DPD are governed by the requirements of national planning policy and waste strategy, particularly Planning Policy Statements 10 and 12. The Waste DPD is also supported by a large evidence base of technical assessments and reports ranging from Equality Impact Assessments to Sustainability Appraisals. Appendix 3 provides a list of the technical appendices that are publicly available within the web site (<http://merseysideeas-consult.limehouse.co.uk>) as downloadable resources. Alternatively paper copies can be made available for inspection.
- 4.2 The Waste DPD lists all relevant existing operational licensed waste management and disposal facilities within Merseyside and Halton. The Waste DPD site

allocations proposed in Table 3 are additional to these existing sites.

- 4.3 The Vision and Strategic Objectives of the Waste DPD were established at the Spatial Strategy and Sites and Preferred Options 1 consultation stages. These are being taken forward virtually unaltered and are set out in Section 3.2 of the Publication Document.
- 4.4 Chapter 2 summarises the evidence base whereby current and projected waste management capacity needs are identified over a 15 year period to 2027 taking into account changes in waste arisings, progress with new waste infrastructure and the effects of policy and legislative change. The Waste DPD then forecasts what waste management capacity and sites are needed to divert, minimise, recycle, treat, reprocess and finally dispose of the waste arisings on Merseyside and Halton.
- 4.5 Government policy and independent planning advice make it clear that it is necessary for the Waste DPD to have sufficient flexibility to take account of changes in waste management needs and also is able to accommodate some loss of allocated sites to other uses during the Plan period. The level of need and how it is expressed in proposed allocations has already been agreed by Members at Preferred Options stage. The proposed allocations set out in Table 2 are the minimum level of allocations necessary to meet identified needs and policy requirements.
- 4.6 Both the Vision and Strategic Objectives strive for Merseyside and Halton to become self-sufficient in waste management over the plan period.

### **Site Allocations**

- 4.7 Chapter 4 sets out the approach to site prioritisation and identifies the site allocations. Identification of sites for waste management use is an essential and challenging part of the Waste DPD. Therefore, a policy (WM1) has specifically been inserted to ensure that the waste management industry is directed towards site allocations and sets out a series of rigorous tests that need to be met by potential developers. The policies relating specifically to sites are shown in Table 1.

Table 1: Site-related Policies in the Waste DPD

Policy Number	Purpose & content
WM1	Guide to Site Prioritisation – primarily guides developers to allocated sites before considering other areas of search or unallocated sites.
WM2	Sub-regional Site Allocations – identifies the sub-regional site allocations.
WM3	District Site Allocations – identifies the district site allocations
WM4	Allocations for Inert Landfill – identifies the inert landfill allocations
WM5	Areas of Search for Small-scale Waste Management Operations and Re-processing Sites – identifies favoured areas of search for other small-scale waste management operations.

WM6	Additional HWRC Requirements – defines criteria for identifying further HWRC facilities within the City of Liverpool.
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- 4.8 The site allocations included within the Waste DPD Publication document are set out in table 2. All of the sites have already been formally approved by Members at Preferred Options stages and subject to at least one public consultation process. All site allocations are supported by a technical assessment.
- 4.9 A good spatial spread of sites has been achieved such that there is one sub-regional site per district, with a variable number of smaller district-level sites per District. This pattern of site distribution has evolved over the course of several public consultations and cycles of Council approvals. Members are asked to formally endorse the approach of one sub regional site per District at Publication stage (see Recommendation 4 and site listings in Table 2).
- 4.10 All sites identified are either vacant land suitable for new facilities or have the potential for significant modernisation and/or intensification of use to meet identified waste management need. All sites included as allocations have the support of the landowner / operator.

Table 2: Site Allocations in the Waste DPD

District	Site Reference & Name	Site Area (ha)
Halton	H1 Widnes Waterfront <b>Sub-regional Allocation</b>	7.8
	H2 Eco-cycle, 3 Johnsons Lane, Widnes	2.0
	H3, Runcorn WWTW	1.2
Knowsley	K1 Butler’s Farm, Knowsley Industrial Park <b>Sub-regional Allocation</b>	8.0
	K2 Image Business Park, Acornfield Road, Knowsley Industrial Park	2.8
	K3 Brickfields, Ellis Ashton Street, Huyton Business Park	2.3
	K4 Former Pilkington Glass Works, Ellis Ashton Street, Huyton Business Park	1.3
	K5 Cronton Claypit	22.3
Liverpool	L1 Land off Stalbridge Road, Garston <b>Sub-regional Allocation</b>	5.4
	L2 Site off Regent Road/ Bankfield Street	1.4
	L3 Waste treatment plant, Lower Bank View	0.7
Sefton	F1 Alexandra Dock, metal recycling site <b>Sub-regional Allocation</b>	9.8
	F2 55 Crowland Street, Southport	3.6
	F3 Site North of Farriers Way, Atlantic Business Park	1.7
	F4 1-2 Acorn way, Bootle	0.6
St Helens	S1 Land SW of Sandwash Close, Rainford Industrial Estate <b>Sub-regional Allocation</b>	6.1
	S2 Land North of TAC, Abbotsfield Industrial Estate	1.3
	S3 Bold Heath Quarry	40.3



District	Site Reference & Name	Site Area (ha)
Wirral	W1 Car Parking/ Storage Area, former Shipyard, Campbelltown Road <b>Sub-regional Allocation</b>	5.9
	W2 Bidston MRF/ HWRC, Wallasey Bridge Road	3.7
	W3 Former goods yard, adjacent to Bidston MRF/ HWRC, Wallasey Bridge Road	2.8

- 4.11 A site profile including a map and the information shown in Table 2 is included in the Publication Document and is supported by technical assessments as part of the evidence base. These assessments include amongst other matters sustainability and effects on European nature conservation designations.
- 4.12 In relation to the site at 55 Crowland Street, Southport, the site profile clarifies that any increased capacity of waste management use, over and above that already granted consent, should be assessed carefully by Sefton Council's Highways Department, in relation to the potential implications on the local road network. Any highways assessment would in particular need to address the Butts Lane/Norwood Road junction; congestion on the local road network particularly Norwood Road; rat-running of HGVs along residential roads; and on-street parking in Crowland Street. A Transport Statement may be required.
- 4.13 In all cases a full planning application will be required which will set out details such as type of use, site access and operational hours. A planning application for a waste use on any site identified above will be subject to a further local public consultation and any decision as to suitability or otherwise will be determined by Sefton's Planning Committee.

### **Landfill**

- 4.14 The opportunity for final disposal of non-inert waste to landfill within Merseyside and Halton is extremely limited due to land use constraints alongside geological and hydrogeological limitations. Detailed technical assessment has concluded that there are no opportunities within Merseyside and Halton for non-inert landfill disposal, and therefore there are no allocations for this purpose. Over time as behaviour changes in terms of the quantities and types of waste produced and as new treatment facilities become operational the reliance that Merseyside and Halton have on exporting non-inert waste to landfill will decrease. The Waste DPD therefore will be based on a continuing but decreasing export of non-inert landfill to existing operational sites outside of the area throughout the Plan period.
- 4.15 Merseyside and Halton do however have the potential to provide final disposal sites for inert waste. Two sites, both of which are existing active minerals operations are proposed as inert landfill allocations to meet the continuing, but decreasing, quantities of inert waste at Cronton Clay Pit (K5) and Bold Heath Quarry (S3). As fiscal and waste diversion pressures continue to impact on this waste stream, it is expected that relatively modest quantities of inert waste will be deposited at these sites over time, as most inert waste can be recycled and reprocessed into new recycled products and raw materials.

## **Policies**

4.16 Chapter 5 sets out the policy framework intended to provide industry with a high degree of certainty and some flexibility in coming forward with proposals for new waste management infrastructure. The policies also set the bar high in terms of the very tight control that the Local Authorities will exercise over waste management activities and these policies strongly direct the waste management industry towards allocated sites. Table 3 summarises the key Waste DPD policies.

Table 3: Development Management Policies in the Waste DPD

<b>Policy &amp; Page number</b>	<b>Purpose and content</b>
WM7	Protection of Existing Waste Management Capacity – to ensure that the existing essential waste management capacity is maintained to serve the needs of Merseyside and Halton.
WM8	Waste Prevention and Resource Management – to promote the prevention of waste and make efficient use of waste for all developments.
WM9	Design and Layout for New Development – for all new non-waste developments to enable the easy and efficient storage and collection of waste.
WM10	Design and Operation of New Waste Management Development – to ensure high quality design and operation of new waste management facilities to minimise impact of local communities.
WM11	Sustainable Waste Transport – to minimise and mitigate the impacts of waste transport on local communities.
WM12	Criteria for Waste Management Development – sets out the criteria against which all waste management proposals will be assessed.
WM13	Waste Management Applications on Unallocated Sites – sets out the criteria that must be addressed for sites brought forward on unallocated sites.
WM14	Energy from Waste – states that no large EfW facilities are needed but makes provision for small-scale EfW that serves an identified local need for energy or heat.
WM15	Landfill on Unallocated Sites - sets out the criteria that must be addressed for landfill proposals brought forward on unallocated sites.
WM16	Restoration and Aftercare of Landfill sites –sets out the information requirements for planning restoration and aftercare of landfill sites.

4.17 The Waste DPD policies are designed to work with and not duplicate the District specific policies in their Core Strategy and other Development Plan Documents.

## **Implementation and Monitoring**

4.18 The Waste DPD is required by planning policy (PPS12) to include an implementation plan and monitoring arrangements and these are set out in Chapter

6 of the Publication document. Responsibility for implementation principally lies with the Local Planning Authority with support from Merseyside EAS, Waste Collection Authorities, MWDA, landowners and the waste industry.

## **5. Next Steps**

### **Examination in Public:**

- 5.1 The Public Examination is a formal part of the plan making process, and starts upon Submission of the Waste DPD to the Secretary of State. A Planning Inspector is appointed by the Planning Inspectorate and the Waste DPD team will need to provide a secretariat for the Examination Hearing process including resources, a Programme Officer and a venue for the Inspector and their team and the formal hearing.
- 5.2 On the basis of the current work programme, the Examination Hearing is planned for May 2012. We expect to receive the Inspectors' Report 13 weeks after the completion of the Examination.

### **Adoption:**

- 5.3 The Waste DPD will need to be formally adopted, like all other statutory planning documents, by each of the Merseyside Districts as part of the adopted statutory development plan. Adoption is likely to take place in November 2012.

## **6. Financial Implications**

- 6.1 The Head of Corporate Finance and ICT comments that the financial implications of this report on the Council are that the final costs for the preparation of the Waste DPD have already been agreed with the Districts and appropriate budgetary provision have been made including the Examination In Public (see above). Currently no additional preparation costs are anticipated.

## Appendices

Appendix 1 : Results of Consultation Report for Preferred Options 2 (New Sites Consultation) – Not attached. Available to download at <http://merseysideeas-consult.limehouse.co.uk> or please contact 0151 934 3558 for a paper copy. Copies will also be made available at each committee meeting.

Appendix 2 : Waste DPD Draft Publication Document which is also available electronically as a PDF document – Not attached. Available to download at <http://merseysideeas-consult.limehouse.co.uk> or please contact 0151 934 3558 for a paper copy. Copies will also be made available at each committee meeting.

Appendix 3 : List of Supporting Materials for the Waste DPD Publication Document

Document Filename	Description
Agricultural Waste Survey findings.pdf	Agricultural Waste Survey
All Sites Scored.xls	Built Facilities sites long list prepared for Spatial Strategy & Sites report
All sites to be assessed for Landfill.xls	Landfill sites : short list
Broad Site Search Final Report.pdf	Broad Site Search Report : Initial Site Search study 2005
Built Facilities Site Search Methodology Preferred Options.pdf	Built facilities site search methodology report (Preferred Options Stage)
Built Facilities Site Search Methodology Preferred Options 2.pdf	Built facilities site search methodology report (Preferred Options 2 Stage)
ClimateChangeImpactsModelling.pdf	Study into Greenhouse Gas Emissions by waste facilities
Equality Impact Assessment.pdf	Equality Impact Assessment - Preferred Options report
European Sites With Border final May2010.pdf	Map of European sites designated under Habitats Regulations
Health effects of waste management.pdf	Health Impacts Assessment of waste facilities
List of Supporting Document.pdf	This listing
Merseyside Radioactive Waste Arisings.pdf	Radioactive Waste Survey for Merseyside
MerseysideWasteAA final 30Apr2010.pdf	Habitat Regulations Assessment Report
Needs Assessment and Planning Implications.pdf	Needs Assessment and Planning Implications : Main Report
North West ComInnd Survey Final Report.pdf	NW Regional Survey of Commercial & Industrial Wastes 2006/7
North West ConDemEx Survey Final Report.pdf	NW Regional Survey of Construction & Demolition wastes 2006/7
NW Regional Broad Locations Report Nov 08.pdf	NW Region Broad Locations Report : 2008
SA Environmental Statement Consultation Draft.pdf	Sustainability Appraisal for Preferred Options- Report
SA Environmental Statement NTS Consultation Draft.pdf	Sustainability Appraisal for Preferred Options - Non-Technical Summary
SA Scoping Report pre- PO revision July 2009. pdf	Sustainability Appraisal Scoping Report (07/09 update)
SFRA Merseyside Waste DPD. pdf	Strategic Flood Risk Assessment for Merseyside Waste DPD
Site Profiles Appendix.pdf	Detailed Site Profiles - Appendix to Publication Document
St Helens sub-regional sites assessment.pdf	Additional Assessments carried out on St Helens sub-regional sites
Survey for Landfill in Merseyside and Halton Report. Pdf	Landfill site search methodology report
Waste DPD Issues and Options Report.pdf	Waste DPD Issues and Options Report
Waste DPD Publication Document.pdf	Waste DPD Publication Document
WasteDPD Preferred Options Report.pdf	Preferred Options Report
WasteDPD Preferred Options 2 Report.pdf	Preferred Options 2 Report : New Sites Consultation
WasteDPD_ Spatial_ Strategy_ and_ Sites_ Report. Pdf	Spatial Strategy & Sites Report