

24 January 2017

Planning and Licensing Committee

**Response to Essex County Council and Southend-on-Sea
Borough Council Replacement Waste Local Plan
Schedule of Modifications**

Report of: *Phil Drane – Planning Policy Team Leader*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Essex and Southend Replacement Waste Local Plan Pre-Submission Draft was submitted to the Secretary of State for an Examination in Public which took place between September and October 2016. Following the public hearing sessions Essex County Council and Southend-on-Sea Borough Council made a request to the Inspector to make several modifications to make the document sound/legally compliant and appropriate for adoption. The modifications are subject to a public consultation, responses to this will be considered by the Inspector before a formal report is issued.
- 1.2 Brentwood Borough Council previously made comments on the Pre-Submission Draft version of the Plan regarding Areas of Search and Safeguarded Sites, concluding that the Plan was sound and legally compliant. The Main Modifications being proposed are considered to be reasonable and do not result in a change in this position. This report recommends that the Council makes a formal response to the Schedule of Modifications consultation to confirm that there is no comment.

2. Recommendation

- 2.1 To approve a response of ‘no comment’ to the Essex and Southend Replacement Waste Local Plan Schedule of Modifications (January 2017), as explained in this report.**

3. Introduction and Background

- 3.1 Essex County Council and Southend-on-Sea Borough Council (as waste planning authorities) are jointly preparing a Waste Local Plan. Once adopted the Plan will supersede the existing Essex and Southend Waste Local Plan 2001.
- 3.2 The Replacement Waste Local Plan will set a strategy for waste development up until 2032. Once adopted, the Plan will safeguard existing waste capacity, allocate sites considered suitable for waste facilities, and includes a range of land use-specific and generic policies to manage future waste development. This will form the Waste Plan for Essex and Southend, including Brentwood Borough (within the Essex County waste planning area).
- 3.3 Following an Examination in Public that took place between September and October 2016, Essex County Council and Southend-on-Sea Borough Council made a request to the Inspector to make several modifications (changes), which were deemed necessary to make the plan sound/legally compliant and appropriate for adoption.
- 3.4 The modifications are separated into two categories. Main modifications are changes required by the Inspector to ensure the Plan is sound and legally compliant, this includes any change to a policy or its interpretation. Minor modifications are identified by the Waste Planning Authorities which improve the readability and consistency of the Plan as a whole.
- 3.5 A six week public consultation on the Schedule of Modifications is taking place from 5 January to 16 February 2017.
- 3.6 Following the consultation and submission of representations to the Inspector in March 2017, the Waste Planning Authorities are expecting to receive the Inspectors report in April. Provided the Inspector finds the Plan sound the Waste Planning Authorities will formally adopt it in July 2017.
- 3.7 The Essex and Southend Replacement Waste Local Plan, once adopted, will form part of the Development Plan for Essex and will replace the Essex Waste Local Plan, which was adopted in 2001.

4. Issue, Options and Analysis of Options

- 4.1 The Council has previously made comments on the Areas of Search and Safeguarded Sites as part of representations to the Pre-Submission Draft

version of the Replacement Waste Local Plan (see item 428 Planning & Licensing Committee 24 April 2016). This was due to there being a number of Areas of Search and Safeguarded Sites within Brentwood Borough that could affect proposed sites in the Brentwood Draft Local Plan. However, the impacts of these designations were not considered to be in conflict with the aims of the emerging Brentwood Local Development Plan and a response was made which concluded the Replacement Waste Local Plan was sound and legally compliant.

- 4.2 In total there are 26 main modifications and 27 minor modifications that have been set out within the schedule produced and subject to public consultation. Full details of all the Main Modifications are set out in Appendix A. A summary of key Main Modifications is provided below.
- 4.3 Main Modification 3 updates the figures included within Policy 1, which set out the need for waste management facilities. This shows an increase in need of 1,000 tonnes per annum for biological treatment of non-hazardous organic waste, resulting in a total need of 218,000 tonnes per annum. In addition, the need for management of inert waste is raised from 1.5 to 1.95 million tonnes per annum. These changes are to reflect the most up to date information including that relating to cross boundary movements from London.
- 4.4 Main Modification 4, which amends Policy 2 and the supporting text regarding Waste Consultation Areas, recommends a specific area of 400 metres is applied to permitted Water Recycling Centres. This would be in addition to the standard 250m that is applied to all other permitted waste sites. This change is proposed based on evidence put forward by Anglia Water. There is also an additional paragraph proposed that clarifies the operation of the safeguarding policy. This explains that the Waste Planning Authorities are unlikely to object to development in close proximity to small scale, non-specialist facilities defined as those with a capacity of 10,000 tonnes per annum or less.
- 4.5 Main Modification 5 proposes changes to Policy, 3 which sets out the Strategic Site Allocations. This includes the addition of a new site for inert landfill, referred to as Dollymans Farm, Basildon/Rochford (L(i)16). This is considered to be necessary to demonstrate that the Plan has been positively prepared by meeting the inert landfill needs of the area. This new site is situated to the south east of Wickford adjoining the A130.
- 4.6 Main Modification 6 sets out a proposed change to the supporting text of Policy 4, which concerns Areas of Search. Amendments to the supporting text provide clarification on what would happen if the Local Planning

Authority were to reallocate land classed as an Area of Search to a use other than B2/B8 within their respective Local Plans. If land was reallocated the proposed new text confirms that the location would cease to be an Area of Search and Policy 4 would no longer apply.

- 4.7 There are two Areas of Search identified in the Replacement Waste Local Plan within Brentwood Borough, including Childerditch Industrial Estate and West Horndon Industrial Estate. Brentwood Borough Council raised in representations to the Pre-Submission Draft consultation that West Horndon Industrial Estate had been identified as a potential housing site in the Draft Local Plan (2016). Main Modification 6 means that subject to the Brentwood Local Plan being found sound and adopted with the West Horndon Industrial Estate allocated as a housing site, the Area of Search Policy in the Replacement Waste Local Plan would no longer apply. In the meantime the Council will continue to work with the Waste Planning Authorities as the Brentwood Local Plan advances.

5. Reasons for Recommendation

- 5.1 It is not considered necessary to make any formal comments to the Essex and Southend Replacement Waste Local Plan Schedule of Modifications as these do not result in any potential negative effect on development within Brentwood Borough. These changes are deemed necessary by the Planning Inspector in order to make the Plan sound and capable of adoption.
- 5.2 As outlined in representations made in previous consultations, the Council supports the main aim of the Replacement Waste Local Plan to continue to support better and more sustainable ways of dealing with waste, further reduce dependence on landfill and achieve net self-sufficiency for all waste streams.

6. Consultation

- 6.1 Essex County Council is currently undertaking a six week public consultation on the Schedule of Modifications from 5 January to 16 February 2017.

7. References to Vision for Brentwood 2016-19

- 7.1 The new Essex and Southend Waste Local Plan will have a close relationship with the emerging Brentwood Local Plan, the production of which is a key priority in the Council's Corporate Plan (Planning and Licensing).

8. Implications

Financial Implications

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- 8.1 None directly arising from this report.

Legal Implications

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- 8.2 The Essex and Southend-on-Sea Replacement Waste Local Plan has been examined by an independent inspector whose role was to assess whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 The Council's Street Scene & Environment Team has been made aware of the proposed strategy for waste management in Essex as once adopted (expected July 2017) this could have implications for refuse and recycling collection services.
- 8.4 The Council's Planning Development Management Team has been made aware of Waste Consultation Areas due to come into affect for safeguarded sites once the Plan is adopted as this will need to be considered for validation purposes as part of the decision-taking process.

9. Background Papers

- 9.1 Essex and Southend-on-Sea Replacement Waste Local Plan Schedule of Modifications (January 2017)
- 9.2 Essex and Southend-on-Sea Replacement Waste Local Plan Pre-Submission Draft (March 2016)
- 9.3 Brentwood Borough Council response to the Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan Pre-Submission Draft Consultation (March 2016)

10. Appendices to this report

- Appendix A: Essex and Southend-on-Sea Replacement Waste Local Plan Schedule of main modifications

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