

REPORT TO: Executive Board

DATE: 23rd May 2013

REPORTING OFFICER: Strategic Director – Policy & Resources

PORTFOLIO: Physical Environment

SUBJECT: Joint Merseyside and Halton Joint Waste Local Plan (WLP) - Adoption of Plan

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is four-fold:
- 1.2 To report back on the results of public consultation on the proposed modifications to the Merseyside and Halton Joint Waste Local Plan that was undertaken between November 2012 and January 2013.
- 1.3 For Members to receive the report from the Planning Inspector which concluded that, subject to the proposed modifications, the Plan “meets the criteria for soundness in the National Planning Policy Framework” and “provides an appropriate basis for waste planning for Merseyside and Halton over the next 15 years.”
- 1.4 For Members to agree that the Plan (Appendix 3) be formally adopted as part of the statutory “development plan” under planning legislation and that this should take place on a single date one working day after the last of the six Councils has approved the Plan for adoption.
- 1.5 For Members to note that from the date of adoption, several of the adopted Unitary Development Plan saved policies (listed in Table 1 of this Report) will be replaced by Waste Local Plan policies including the site allocations.

2.0 RECOMMENDATION: That the Council be recommended

- (1) To note the results of public consultation on the proposed modifications to the Merseyside and Halton Joint Waste Local Plan that was undertaken between November 2012 and January 2013 (Appendix 1).
- (2) To welcome the report from the Planning Inspector which concluded that, subject to the proposed modifications, the Plan “meets the criteria for soundness in the National Planning Policy Framework” and “provides an appropriate

basis for waste planning for Merseyside and Halton over the next 15 years” (Appendix 2).

- (3) To agree that the Waste Local Plan (Appendix 3) be adopted as part of the statutory development plan by each of the districts on a single date which shall be one working day after the final (sixth) Full Council resolution has been received.**
- (4) To note that several of the adopted Unitary Development Plan saved policies (listed in paragraph 4.11, Table 2 of this Report) will be replaced by Waste Local Plan policies including the site allocations.**
- (5) To grant delegated authority to the Operational Director Policy, Planning and Transportation in consultation with the Physical Environment Portfolio Holder to make minor typographical changes to the Waste Local Plan prior to its final publication.**

3.0 SUPPORTING INFORMATION

- 3.1 Government planning policy requires Local Plans to address sustainable waste management. Through Planning Policy Statement 10 (Planning for Sustainable Waste Management) and the National Planning Policy Framework, local authorities, either individually or as a group, are required to put in place a Local Plan that provides a policy framework and land allocations for new waste management infrastructure to meet the identified needs of each Council.
- 3.2 Following full Council resolutions Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral entered into a joint arrangement to prepare the joint Merseyside and Halton Waste Local Plan (WLP). Work commenced in 2006 and Merseyside Environmental Advisory Service (Merseyside EAS) has co-ordinated the plan preparation process including several public consultation stages.
- 3.3 The WLP 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. The scope of the WLP is to deal with all controlled waste including commercial and industrial, hazardous, construction, demolition, excavation and local authority collected waste and this amounts to several million tonnes of waste requiring collection, recycling, treatment and disposal each year.
- 3.4 The WLP aims to deliver significant improvements in waste management across the sub-region whilst also diverting waste from landfill. Specifically, the WLP will, through its land allocations and policies, provide Districts with a high degree of control to direct the waste sector

to the most appropriate locations primarily on allocated sites. It will also provide industry with much greater certainty in terms of bringing forward proposals that are more likely to be acceptable to the Districts and is supported by a robust and detailed evidence base.

3.5 The WLP principally contains:

- A Vision statement to guide future waste management decision taking over the next 15 years;
- Strategic objectives and a Spatial Strategy to guide delivery of the Vision;
- Controlling and enabling Development Management Policies designed to provide certainty in planning decisions;
- Site allocations for both local and sub-regional sites which are broadly distributed across all six Council areas;
- An Implementation and Monitoring Framework.

3.6 Following a total of five public consultations at the various stages of WLP preparation, the published WLP was submitted by the six Councils for Public Examination by an Independent Planning Inspector in February 2012. The hearing sessions for the Examination were held over a two-week period by the Planning Inspector, Elizabeth Ord, in June 2012.

4.0 POLICY IMPLICATIONS

4.1 Agreed Modifications to the Published Plan and Results of Consultation

4.2 As a result of the Public Examination process, a number of modifications were discussed between the representors, the Waste Planning Authorities and the Inspector. These were approved by Members between September and November 2012. The modifications were the subject of a further public consultation held between November 2012 and January 2013.

4.3 During the consultation, 23 representations were received in total from 15 organisations and two individuals. The representations were classified as “positive”, “negative” or “neutral” with respect to the modifications. “Neutral” responses were mainly those which stated that the representor had noted the contents of the consultation but had no comment to make in response. 11 representations were neutral, seven were positive and five were negative.

4.4 Following consideration of all of the representations received the Inspector decided to recommend no further changes to the Plan as a result of the consultation. The Inspector concluded that the Plan “meets the criteria for soundness in the National Planning Policy Framework”. The WLP itself can be viewed at Appendix 3 and also at <http://www.wasteplanningmerseyside.gov.uk>. The Inspector’s report is

provided at Appendix 2 whilst the full archive of supporting documents can be found at <http://merseysideeas-consult.limehouse.co.uk/portal>. A short report on the Consultation Responses is provided at Appendix 1.

4.5 **Adoption**

4.6 The WLP will need to be formally adopted, like all other statutory planning documents, by each of the six Districts to become part of the adopted statutory development plan. Each District should do this through a Full Council resolution. Because this is a joint plan a single adoption date must be agreed. Given that the Full Council dates vary between Districts it is recommended that adoption takes place on a single date one working day after the last of the six Councils has approved the Plan for adoption. On the basis of the current programme of Full Council meetings this is anticipated during July 2013 (see Table 1 below).

4.7 Table 1. Targets dates for adoption meetings

	Target Cabinet date		Target Council date
Halton*	23-May		17-Jul
Knowsley*	29-May		26-Jun
Liverpool*	05-Jul		17-Jul
Sefton	20-Jun		27-Jun
St.Helens	29-May		10-Jul
Wirral	13-Jun		15-Jul

*provisional dates

4.8 Following the Council's intention to adopt the WLP the process for adoption set out in statute will be followed. Members should note that under the Planning and Compulsory Purchase Act 2004 any person aggrieved by the local plan may make an application to the High Court under section 113 of the Act within six weeks of adoption on the grounds that (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with.

4.9 Following adoption, progress and compliance with the Plan will be monitored by Merseyside EAS staff and the Districts in accordance with the Implementation and Monitoring Plan.

4.10 **Replacement of Unitary Development Plan Policies (UDP)**

4.11 Table 2 shows which policies from existing District Unitary Development Plans will be replaced by new policies from the Waste Local Plan

Table 2. Existing UDP policies to be replaced

District	Waste Policies to be replaced	Date UDP
----------	-------------------------------	----------

		Adopted
Halton	MW3, MW7, MW8, MW9, MW10, MW11, MW12, MW13, MW14, MW15, MW16, MW17, S9	7th April 2005
Knowsley	MW4, MW5, MW6	June 2006
Liverpool	EP3, EP4, EP5, EP6, EP7, EP8	13 th Nov 2002
St.Helens	WD1, WD2 (Policies WD3, WD4 & S11 previously deleted)	2nd July 1998
Sefton	EMW6, EMW7, EMW8	29th June 2006
Wirral	WMT1, WMT2, WM1, WM2, WM3, WM4, WM5, WM6, WM7, WM8, WM9, WM10	February 2000

5.0 OTHER IMPLICATIONS

5.1 Previous Consultation

5.2 The Joint Merseyside and Halton Joint Waste Local Plan is the product of substantial public, business and stakeholder consultation. The table below lists the previous consultation periods.

Public Consultation	Date
Issues and Options Report.	March to April 2007 – 6 weeks
Sites and Spatial Strategy Report	November 2008 to January 2009 - 8 weeks
Preferred Options Report	24 May to 4 July 2010 – 6 weeks
Preferred Options 2 (New Sites) Report	9 May to 20 June 2011 – 6 weeks
Publication	25 November 2011 to 20 January 2012
Examination	18 June to 29 June 2012
Proposed Modifications	1 November 2012 to 10 January 2013

5.3 Financial Implications

5.4 Budgetary provision has already been made to complete the preparation of the WLP including Public Examination and printing costs. The joint preparation of the WLP has not only delivered significant financial savings to the Districts compared to preparing individual waste plans but has also been an effective example of how the Districts have fulfilled their new Duty to Co-operate.

5.5 Financial implications of implementation and monitoring of the WLP have also already been agreed with each District through the existing planning services and via the joint core service provided by Merseyside Environmental Advisory Service. There is a commitment to regular monitoring and review of the Plan and any financial implications arising will be reported at the appropriate time.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton**

6.2 This report has no direct implications for children and young people in Halton. Indirectly, the Waste Local Plan places sustainability at its very core, protecting valuable resources for future generations and promoting the most sustainable methods of waste handling and treatment.

6.3 Employment, Learning and Skills in Halton

6.4 Each developed site will generate employment benefits for the surrounding area. The estimated total number of direct jobs to be created as a result of development of the Waste Local Plan's allocated sites is 500-700 with additional indirect jobs estimated at up to twice this number. Temporary jobs related to construction of facilities are expected to total 25-400 per site, depending on the scale of the facility being built.

6.5 A Healthy Halton

6.6 There are concerns about environmental nuisance, odours, emissions and the effects that waste facilities may or may not have on the health of residents. The Waste Local Plan has been supported by an independent review of this matter. Scientific and medical consensus is that there are no direct health issues arising from the normal and proper operation of modern waste facilities. The Waste Local Plan encourages the use of more efficient and precautionary technologies.

6.7 A Safer Halton

6.8 The main implication, aside from the health aspects noted above, is the consideration of increased traffic movements in the vicinity of any developed site. The inclusion of design policies helps to ensure new facilities are safe and secure in operation.

6.9 Halton's Urban Renewal

6.10 A great deal of effort has been directed by the Council into changing perceptions about Halton that stem from its industrial legacy. A prime concern is the impact on inward investment in the Borough. Waste facilities must be designed to a high standard of quality and mitigate against all environmental nuisance that is associated with waste facilities.

7.0 RISK ANALYSIS

7.1 Due to the increasing number of private sector planning applications for waste treatment facilities and the pressing need for Merseyside and Halton to secure new infrastructure for sustainable waste management it is vital that rapid progress is maintained with the Waste Local Plan. Adopting the Waste Local Plan will allow the policies to be used in determining planning decisions will therefore greatly assist the Districts in making those decisions.

7.2 Delay to the Waste Local Plan will:

- Increase costs to the Districts in the future through the cost of landfill disposal and financial penalties.

- Have a knock on effect of Waste Local Plan project timescales with resultant increases in costs of plan preparation.
- Have very serious implications for the soundness of each of the District's emerging Core Strategy documents.
- Result in a continuation of an industry-led approach to the location of new waste facilities rather than the pro-active plan-led approach proposed within the Waste Local Plan.
- Reduce the Council's ability to resist applications of the wrong type and in the wrong places

7.3 These risks are mitigated by a monthly review of all significant risk factors highlighted by the project's risk assessment.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 An Equality Impact Assessment has been prepared for this project and is available at www.wasteplanningmerseyside.gov.uk. Where appropriate, action has been taken on the findings of the Equality Impact Assessment.

9.0 REASON(S) FOR DECISION

9.1 Government policy (PPS10) requires that waste must be dealt with in a sustainable way. The Council is producing a Joint Waste Local Plan for the Merseyside sub-region. Drafting of the Plan has reached the stage where the policy framework contained in the Waste Local Plan needs to be subject to public scrutiny.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10.1 The Waste Local Plan has been prepared through a multi-stage process. Previous public consultation stages have been completed and these are detailed in section 5.2.

10.2 These reports document the evolution of the Plan and the options for policies and sites that have been considered and rejected. The results of the public consultation, engagement with stakeholders, industry and the Local Authorities and, detailed technical assessments have all been used to inform the preparation of the Local Plan. The Preferred Options stage reports set out the alternative options considered.

11.0 IMPLEMENTATION DATE

11.1 The Joint Merseyside Waste Local Plan is scheduled to be adopted by all the six partner Districts in the summer of 2013.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

All documents are available here: http://merseysideeas-consult.limehouse.co.uk/portal/public_docs/wdpc_docarchive

Document	Place of Inspection	Contact Officer
Broad Site Search Final Report (SLR Consulting September 2005)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Initial Needs Assessment (Land Use Consultants September 2005)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Agricultural Waste Survey (Merseyside EAS April 2007)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
North West Commercial and Industrial Waste Survey Final Report (Urban Mines May 2007)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
North West Construction, Demolition and Excavation Waste Final Report (Smith Gore July 2007)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Revised Needs Assessment Report (SLR Consulting December 2007) [Needs Assessment Version 2]	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Merseyside Radioactive Waste Arisings Review (Merseyside EAS December 2007)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Planning Implications Report (Merseyside EAS January 2008) [Needs Assessment Version 3]	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Review of Greenhouse Gas Emissions from Waste Management Facilities (RPS April 2008).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Review of Health Impacts from Waste Management Facilities (Richard Smith Consulting June 2008).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs

Equality Impact Assessment (Merseyside EAS July 2008).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
North West Regional Broad Locations Nov 08.	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Survey for Landfill Opportunities in Merseyside (Merseyside EAS - 2008).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
All Sites Scored.xls - Built Facilities sites long list prepared for Spatial Strategy & Sites report.	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
All sites to be assessed for Landfill.xls	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Built Facilities Site Search Methodology Preferred Options.	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Built Facilities Site Search Methodology Preferred Options 2.	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
St Helens sub-regional sites assessment	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Sustainability Appraisal – Phase 1 (Mouchel Parkman (2006-7).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Strategic Flood Risk Assessment (Capita Symonds 2008-9).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Habitats Regulations Assessment (Scott Wilson 2007-present).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Sustainability Appraisal – Phases 2 & 3 (Scott Wilson 2007-present).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs

Review of Relative Sustainability of Waste Management based on Mass-Burn or Two-Stage Recovery of Energy from Waste (Juniper Consulting 2009).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Risk Assessment for EfW Options for MSW in Merseyside & Halton November 2009	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Revised Needs Assessment (Merseyside EAS November 2009) [Needs Assessment version 4].	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Issues and Options Report (March 2007).	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
The Halton Council, Liverpool City Council, Knowsley Council, Sefton Council, St Helens Council and Wirral Council Joint Waste Development Plan Document Spatial Strategy and Sites Report. (Merseyside EAS November 2008)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Spatial Strategy and Sites Q and A Document	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
Spatial Strategy and Sites Summary Report	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
The Halton Council, Liverpool City Council, Knowsley Council, Sefton Council, St Helens Council and Wirral Council Joint Waste Development Plan Document Preferred Options Report (MEAS Dec 2009)	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs
WasteDPD Preferred Options 2 Report	www.wasteplanningmerseyside.gov.uk or Rutland House, Halton Lea, Runcorn.	Tim Gibbs

